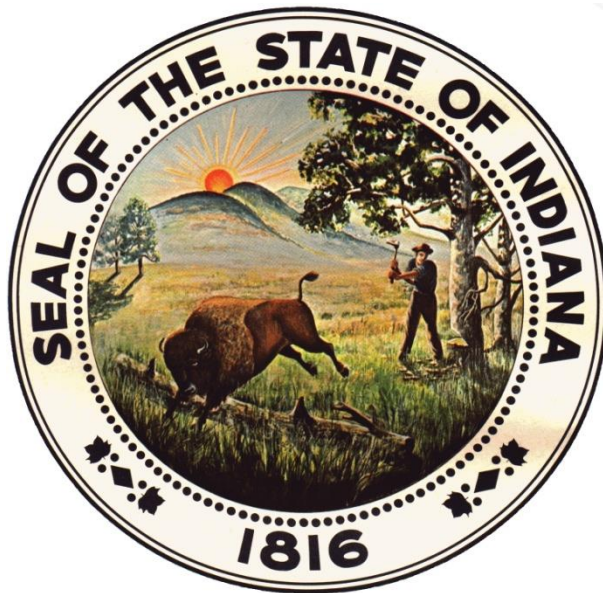


*State of Indiana*

**Department of Child Services  
Ombudsman Bureau**



**2018 Annual Report**

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## **Mission**

The DCS Ombudsman Bureau effectively responds to complaints concerning DCS actions or omissions by providing problem resolution services and independent case reviews. The Bureau also provides recommendations to improve DCS service delivery and promote public confidence.

## **Guiding Principles**

- A healthy family and supportive community serve the best interest of every child.
- Independence and impartiality characterize all Bureau practices and procedures.
- All Bureau operations reflect respect for parents' interest in being good parents and DCS professional's interest in implementing best practice.

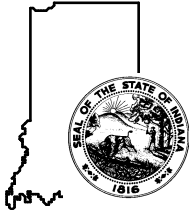


*Report Prepared by: Alfreda Singleton-Smith, Director, DCS Ombudsman Bureau*

*Contributors:*

*Jessica Stier, Assistant Ombudsman - Data Analysis, Graphics*

*Jamie Anderson, Assistant Ombudsman - Editing*



# STATE OF INDIANA

Eric J. Holcomb, Governor

**DEPARTMENT OF ADMINISTRATION**  
Department of Child Services Ombudsman Bureau

402 West Washington St. Rm 479  
Indianapolis, IN 46204  
317-234-7361

The Honorable Eric J. Holcomb, Governor  
The Honorable Speaker and President Pro Tempore  
Terry Stigdon, Director, Indiana Department of Child Services  
Lesley A. Crane, Commissioner, Indiana Department of Administration

In accordance with my statutory responsibility as the Department of Child Services Ombudsman, I am pleased to submit the 2018 Annual Report for the Indiana Department of Child Services Ombudsman Bureau.

This report provides an overview of the activities of the office from January 1, 2018 to December 31, 2018 and includes information regarding program administration, case activity and outcomes. Included as well is an analysis of the complaints received, recommendations provided to the Department of Child Services and the agencies responses to the Department of Child Services Ombudsman Bureau.

I would like to express my appreciation for the leadership and support of Governor Holcomb, Director Stigdon, Commissioner Crane and the Indiana State Legislature. Appreciation is also extended to the staff of the Department of Child Services and their diligent efforts to support the mission of the Department of Child Services Ombudsman Bureau in 2018. Their commitment to Indiana's families and children and their willingness to work to strengthen the delivery of child welfare services in the State of Indiana is acknowledged and appreciated! It is such support that has enabled the DCS Ombudsman Bureau to grow and improve since its inception. I am truly honored to serve the citizens of Indiana as the Department of Child Services Ombudsman.

Respectfully,

A handwritten signature in cursive script that reads "Alfreda D. Singleton-Smith".

Alfreda D. Singleton-Smith, MSW LSW

Director, DCS Ombudsman Bureau

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# Executive Summary

## **Introduction**

The DCS Ombudsman Bureau continued to experience substantial program growth in 2018. The agency's efforts focused on ensuring the continued stability of the agency's goals of:

- effectively responding to constituent complaints in a timely manner;
- enhancing and developing program practices and guidelines;
- increasing the number of constituent responses;
- and, expanding outreach initiatives.

## **Authority**

The Department of Child Services (DCS) Ombudsman Bureau was established in 2009 by the Indiana Legislature to provide DCS oversight. IC 4-13-19 gives the Department of Child Services Ombudsman the authority "to receive, investigate, and attempt to resolve a complaint alleging that the Department of Child Services, by an action or omission occurring on or after January 11, 2005, failed to protect the physical or mental health or safety of any child or failed to follow specific laws, rules, or written policies." The law also provides the DCS Ombudsman Bureau the authority to evaluate the effectiveness of policies and procedures in general and provide recommendations.

## **Activity Overview**

During 2018, the primary activity of the office was to respond to complaints, determine findings, provide case specific and systemic recommendations, and monitor DCS responses. When case findings were determined to have systemic implications, policies and procedures were reviewed and general recommendations were provided. This year the DCS Ombudsman Bureau responded to 930 Information and Referral (I & R) inquiries, conducted 220 Assists, opened 280 Cases and closed 285 Cases. A total number of 303 cases were reviewed during 2018. Two investigations were completed in 2018.

## **Administration**

**Location:** The DCS Ombudsman Bureau is an independent state agency housed in the Indiana Department of Administration (IDOA). IDOA provides office space, furnishings, equipment and utilities.

**Staff/Resources:** The DCS Ombudsman Bureau consists of the Director and two full-time Assistant Ombudsmen. (Attachment A – Staff Biographies) Legal consultation is provided as needed by IDOA General Counsel and/or Deputy Attorney General. Technical assistance is provided by the IDOA MIS Director. The DCS Ombudsman Bureau experienced no staff turnover in 2018.

**Budget:** The DCS Ombudsman Bureau was appropriated \$304,295 in the 2018 - 2019 fiscal year which is allocated from the general fund. The majority of the expenditures are for personnel, with the remainder devoted to supportive services, outreach, and supplies.

In late 2016, the DCS Ombudsman Bureau took steps to increase the Assistant Ombudsman's job title and salary in an effort to attract and retain skilled talent to the DCS Ombudsman Bureau, while enhancing current program service delivery. As a result of this endeavor, the Assistant Ombudsman's class title of Administrative Assistant was adjusted in the first quarter of 2017 to Program Director 2. This change also included a four percent annual salary increase.

Continued program growth in 2018 presented opportunities for the growth of service delivery to those constituents impacted by DCS involvement. In preparation for the 2019 budget year, the DCS Ombudsman Bureau worked with Indiana Department of Administration staff to submit a budget justification in the fall of 2018 proposing a staffing increase of one Full Time Equivalent (FTE) Assistant Ombudsman. The position is necessary to support the DCS Ombudsman Bureau's goal of timely response to ever increasing constituent needs. Responses to the proposed increase will be determined during the 2019 Legislative Session.

## **Program Development**

**Policies and Procedures:** The *Procedures and Practices Guidelines* for the DCS Ombudsman Bureau is posted on the agency's website. The manual continues to be a viable resource for sharing information regarding the policies and practices of the DCS Ombudsman Bureau. The manual serves as an important mechanism for guiding the operations of the bureau pursuant to statute (Indiana Code (IC) 4-13-19) and informing constituents of the agency's policies and practices.

**Website Enhancements:** The DCS Ombudsman Bureau continues to monitor the website to ensure that it is functioning properly and that information provided remains relevant to meet the needs of Indiana constituents. The DCS Ombudsman Bureau's information is also linked to the Indiana DCS website ([www.dcs.in.gov](http://www.dcs.in.gov)). An Ombudsman website launched in 2016 by the State of Indiana provided an additional opportunity for constituents to access ombudsman services and support across the state ([www.Ombudsman.in.gov](http://www.Ombudsman.in.gov)). Information regarding the DCS Ombudsman Bureau can be found on this page.

**Tracking and Reporting:** This office continues to compile quarterly reports to document complaint/case activity each quarter and to track responses to recommendations. The information from the quarterly reports is used to compile basic information for the Annual Report.

**Outreach:** In an effort to increase public awareness of the office pursuant to IC 4-13-19-5 (a) (5), the DCS Ombudsman Bureau developed several strategies. Educational presentations continue to be available to the public and can be requested via the website, DCS Ombudsman Bureau email, or staff. In an effort to develop public awareness among individuals and agencies working directly with children and families impacted by DCS, the DCS Ombudsman Bureau staff

presented workshops, and provided information regarding the 2018 Annual Report and DCS practices to the Indiana University School of Social Work, the DCS Resource and Adoptive Parent Training Conference, Warrick County Child Advocates, and informational interviews and shadowing opportunities with students and employees from various colleges, agencies, and community stakeholders. Additionally, the DCS Ombudsman Bureau participated in national ombudsman best practices member sponsored surveys/queries from the United States Ombudsman Association.

DCS Ombudsman Bureau brochures and posters are available to all local DCS offices, and the public. The DCS Ombudsman Bureau Director serves as a statutory member of Indiana’s Statewide Child Fatality Review Team, a multidisciplinary team charged with reviewing child fatalities. The DCS Ombudsman Bureau will continue to develop strategies designed to reach constituents, specifically those individuals that are least likely to access DCS Ombudsman Bureau services. These include but are not limited to parents, grandparents and other relatives and service providers.

**Training:** The DCS Ombudsman Bureau continues to participate in educational programs specific to the ombudsman role and child welfare practice. The agency is a member of the United States Ombudsman Association (USOA). The USOA provides opportunity for consultation, support and education to all members. The DCS Ombudsman Bureau staff also participates in trainings at conferences hosted by DCS, Indiana Youth Institute, Indiana Association of Resources and Child Advocacy (IARCA), Indiana Statewide Child Fatality Review Committee, Kids Count Indiana, Resource and Adoptive Parent Training (RAPT) Conferences, Marion County DCS Trauma Informed Care Symposium, and a variety of webinars, books, and articles with information of interest to the agency.

**Metrics:** The DCS Ombudsman Bureau continues to track the turnaround time for responses to complaints, completions of reviews, and investigations. The metrics indicate that the DCS Ombudsman Bureau continues to exceed the goals established for best practice related to response to constituents in 2018 as defined below.

<b>Identified Task</b>	<b>Goal</b>	<b>2016 Metric (Average)</b>	<b>2017 Metric (Average)</b>	<b>2018 Metric (Average)</b>
<b>Days From Inquiry to Response</b>	1 day	.44 day	.26 day	.75 day
<b>Days Case Remains Open</b>	30-60 days	34 days	45.86 days	33.25 days
<b>Days Investigation Open</b>	60-90 days	43 days	131.65 days	79.67 days

## Collaboration with DCS

**Communication:** The Director of the DCS Ombudsman Bureau meets with DCS leadership to discuss individual complaints, investigations, agency policies, programs, practice and recommendations, as needed. All specific case reviews and/or investigations are initiated by contacting the Local Office Director, and Regional Manager who assists the agency by ensuring that the DCS Ombudsman Bureau is provided all requested information and/or facilitates staff interviews.

**Information Access:** DCS has provided the DCS Ombudsman Bureau with access to all records on the MaGIK Casebook and MaGIK Intake systems, in addition to the DCS reports available on the DCS intranet. The DCS Ombudsman Bureau also has the opportunity to review case files and interview DCS staff as necessary.

**Fatalities/Near Fatalities:** To ensure this office is aware of child fatalities/near fatalities with DCS history the DCS Hotline forwards all such reports to the DCS Ombudsman Bureau to track and/or assess for further review. In addition, the DCS Ombudsman Bureau participates in the Peer Review process on the cases that meet the criteria. The DCS Ombudsman Bureau participated in a number of Peer Reviews during 2018 and was able to provide feedback regarding system strengths and opportunities.

**Other:** The DCS Ombudsman Bureau is unable to draw any conclusions about the general status of children in Indiana pursuant to IC 4-13-19-10(b) (2), as the focus of the bureau has been on the complaint process. It is noted, however, that the Indiana Youth Institute annually publishes [Kids Count in Indiana](#), a profile in child well-being data book, which provides data on the general status of children in Indiana. The current *Kids Count in Indiana Data Book Executive Summary* is available in the office of the DCS Ombudsman Bureau and the full Indiana Data Book is available at no cost at [www.iyi.org/databook](http://www.iyi.org/databook).

## Complaints

### The Process Overview

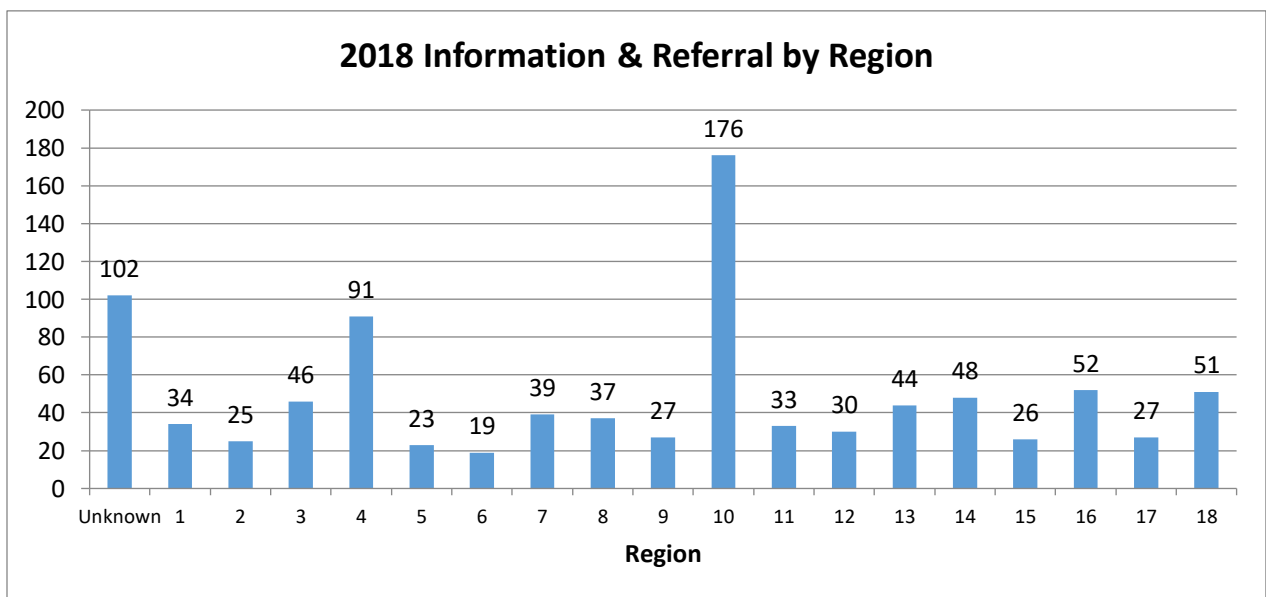
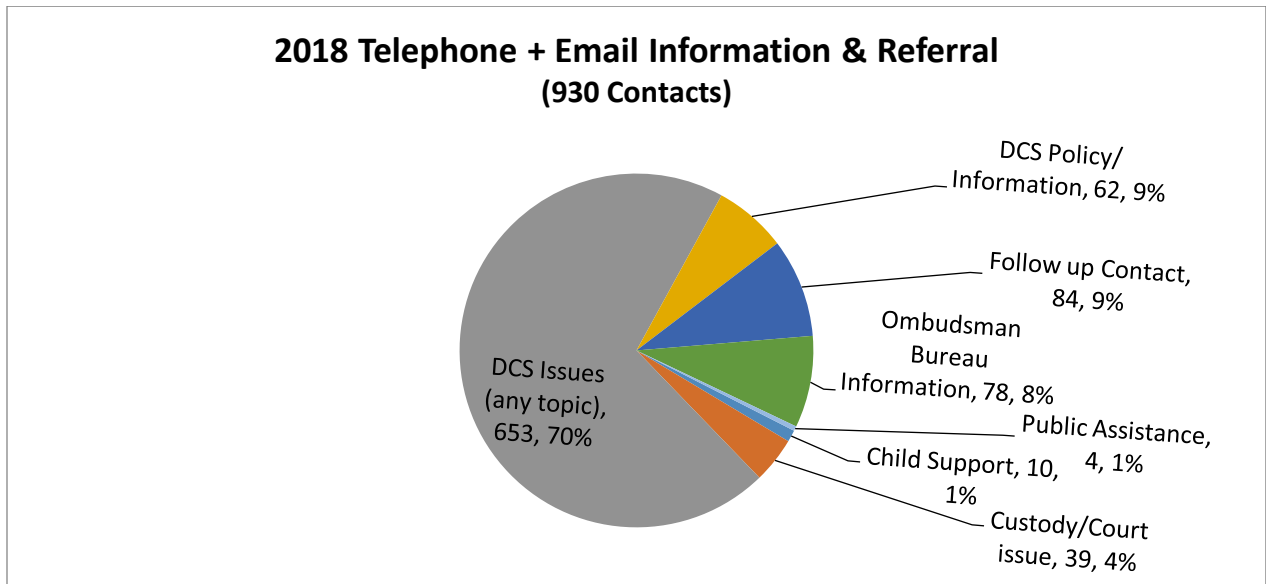
The DCS Ombudsman Bureau receives many telephone and email inquiries that do not result in an open case, but require an information and/or referral response. To track this service, pertinent information about the contact is recorded in the Information and Referral (I & R) contact log database. Some inquiries require assistance with a resolution, but do not necessitate opening a case file. This level of response is referred to as an Assist; the pertinent information about the Assist is tracked and recorded in the Assist database. A case is opened when a complaint form is received. The complainant is notified of the receipt of the complaint and an intake process is initiated to determine the appropriate response. DCS is notified of the complaint following the intake assessment, after which a variety of responses are possible. The DCS Ombudsman Bureau may initiate an investigation, resolve and/or refer after a thorough review, refer the case back to DCS, refer to Child Protection Team (CPT), file a Child Abuse/Neglect Report, decline to take further action, or close the case if the complainant requests to withdraw the complaint. Following a review the complainant and DCS are informed



in writing as to the outcome. If a case is investigated, a detailed report is completed and forwarded to DCS and the complainant if they are a parent, guardian, custodian, Court or Court Appointed Special Advocate (CASA)/Guardian ad Litem (GAL). Other complainants receive a general summary of the findings. If a complaint is determined to have merit, recommendations are provided to address the issue, and DCS provides a response to the recommendations within 60 days. The flowchart in Attachment C illustrates this process.

### Information and Referral Inquiries (I & R)

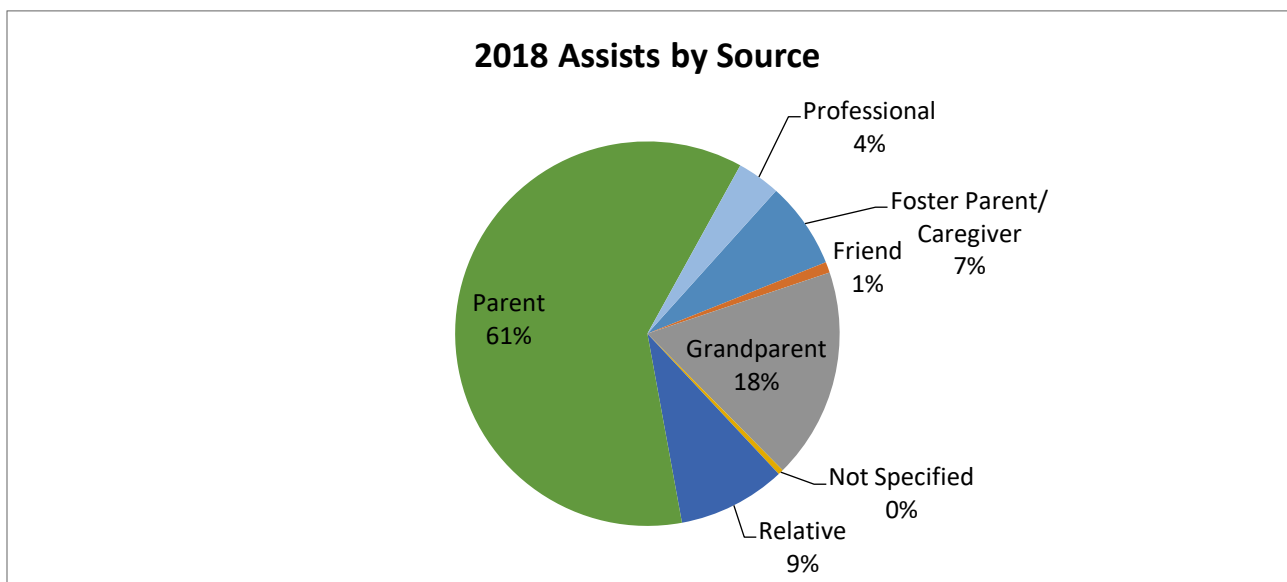
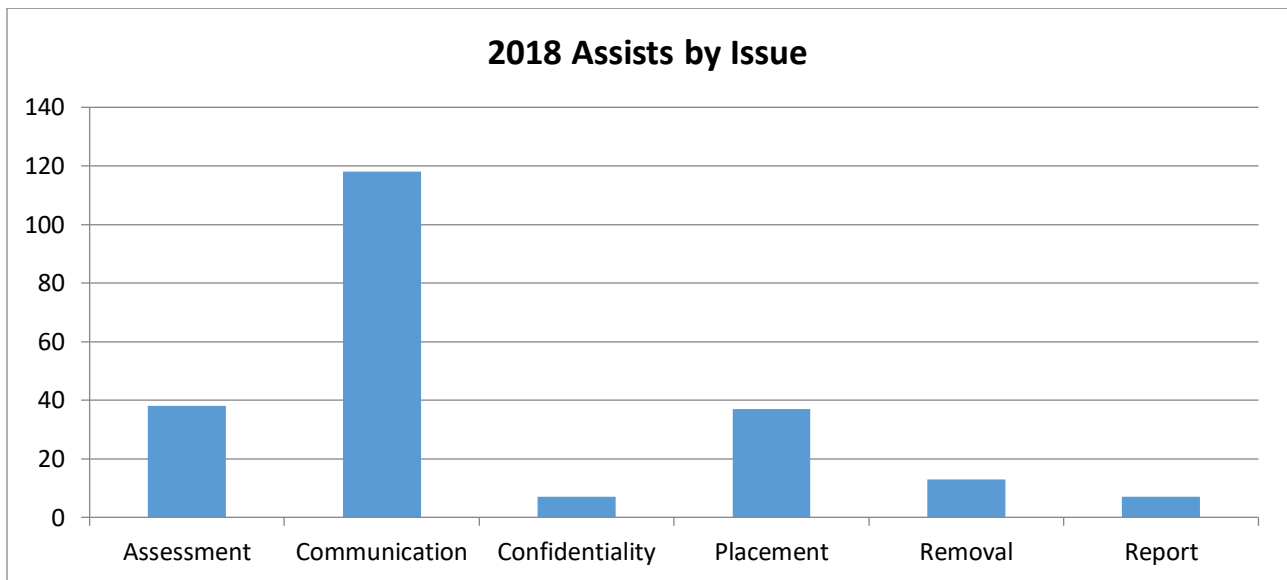
The office received 929 I & R Inquiries during 2018 which is a 10% increase over the 885 I & R Inquiries received by the DCS Ombudsman Bureau in 2017. The graphs below illustrate the topics of inquiry and the origin by DCS Region of origin.



The I & R function has proven to be a valued service for constituents. Providing potential complainants with education regarding the DCS process and/or contact information for DCS staff is often the first step to a successful resolution. (See Attachment D for a Regional map.)

### Assists

Assists occur when a formal complaint is not necessary, but a higher level of involvement is required than an I & R response. Assists are appropriate when communication and/or clarity of specific aspects of a case are the main concerns. The DCS Ombudsman Bureau completed 220 Assists in 2018. The use of the Assist category continues to demonstrate that communication between complainants and DCS is key to resolving differences between stakeholders. The following graphs illustrate additional details about the Assists:

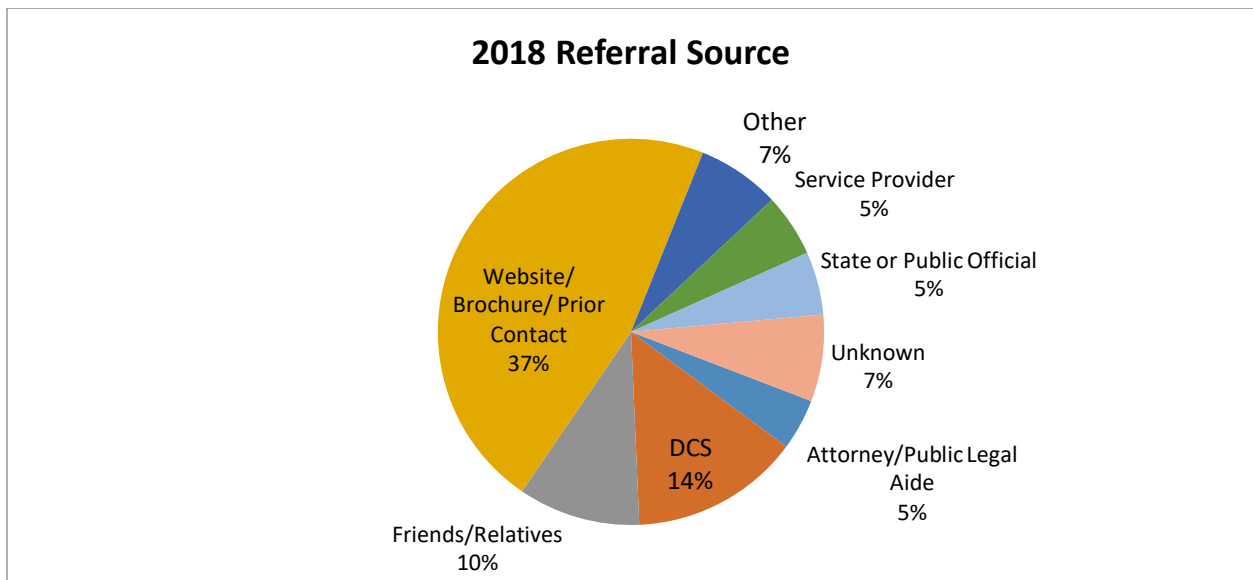


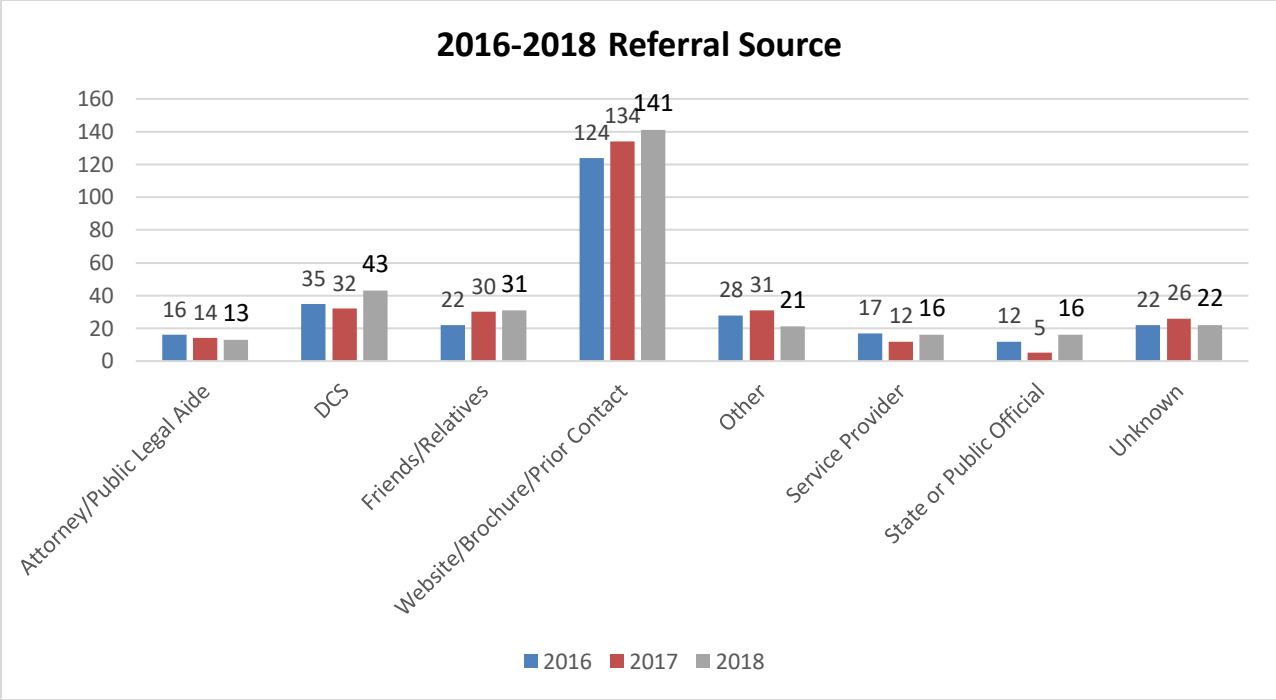
## Cases

During 2018, 280 cases were opened and 285 cases were closed during the course of the year. The cases were generated following the receipt of a formal complaint. A total of 303 active total cases were reviewed during 2018 which included cases carried over from the last quarter of 2017. Three investigations were completed in 2018. The significant number of Assists (220) suggests that the DCS Ombudsman Bureau was able to foster greater problem resolution by actively encouraging communication between the DCS Local Offices and DCS Ombudsman Bureau complainants at the onset of the inquiries. As a result, DCS Ombudsman Bureau staff was able to actively focus on case reviews and investigations that were more complex in nature.

## Referral Source

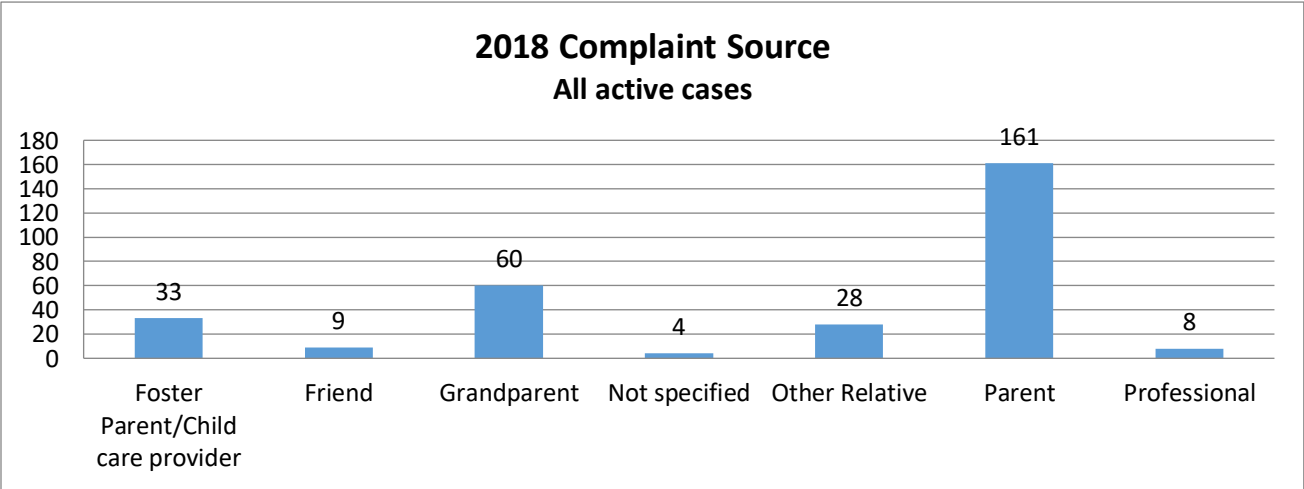
Comparison of 2016 - 2018 data suggests that Website/Brochure/Prior Contact continues to be the largest source of referrals. Other referral sources have remained constant within one to ten points. The Unknown category reflects those individuals that chose not to identify a referral source during intake discussions with the DCS Ombudsman Bureau or on complaint forms.





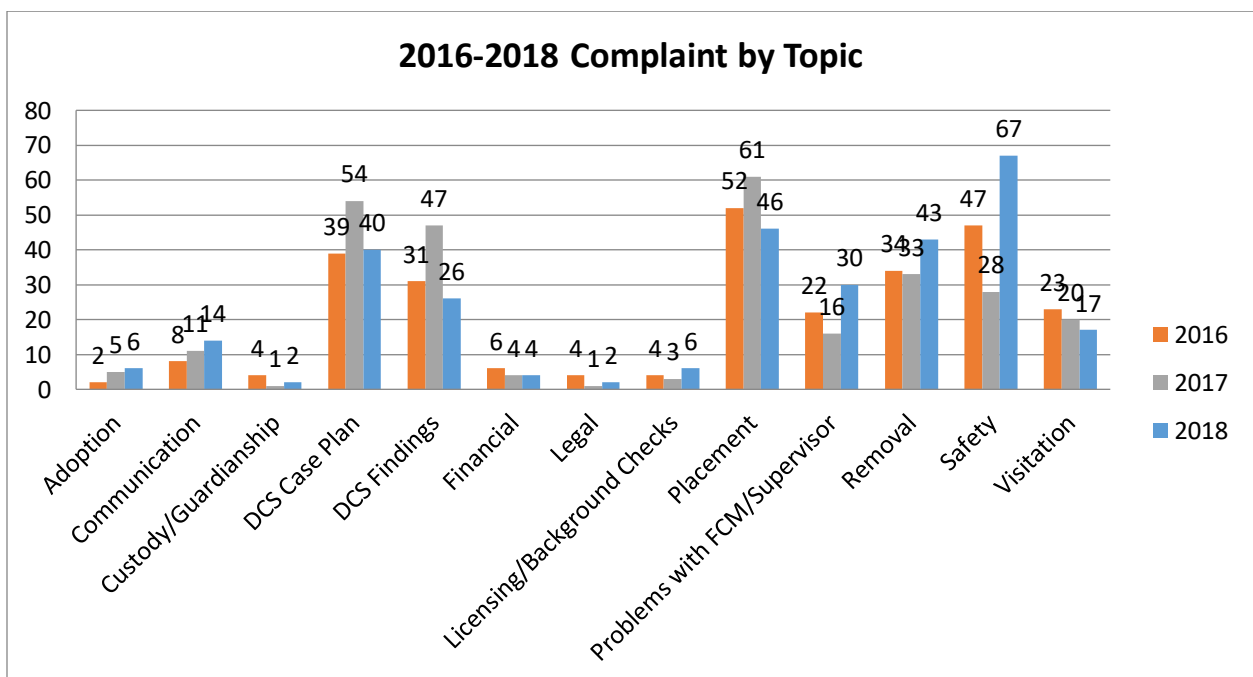
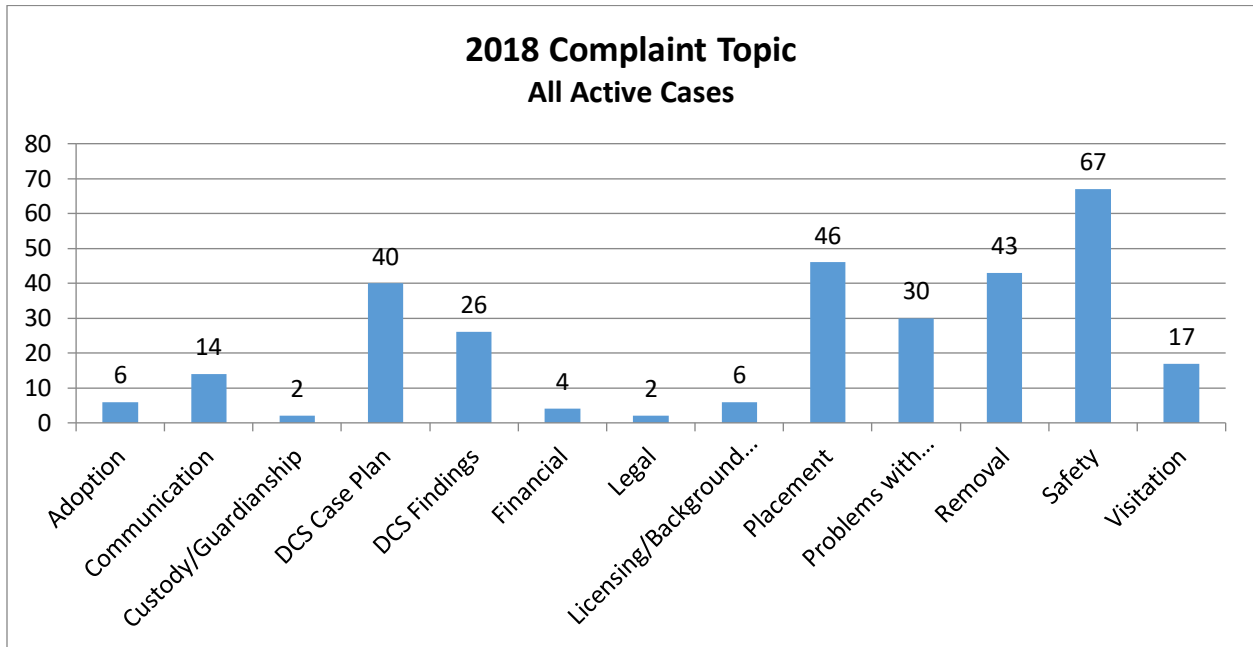
**Complaint Source**

Except as necessary to investigate and resolve a complaint, the complainant’s identity is confidential without the complainant’s written consent. The complainant is given the opportunity to provide written consent on the complaint form. During 2018, parents continued to make up the greatest share of complainants followed by grandparents, foster/adoptive parents, and other relatives.



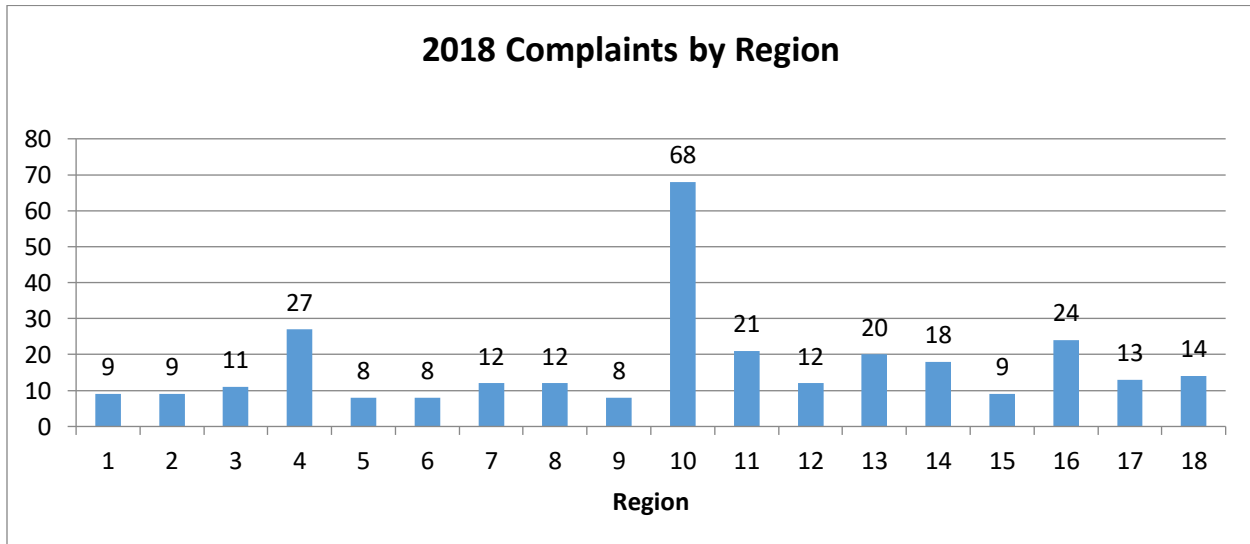
## Complaint Topics

During 2018, the three major complaint topics included *Child Safety, Placement, and Removal*. There is a continued trend of changes in complaint topics from previous years, as illustrated in the 2016-2018 graph comparison below.



## Complaints by Region

As DCS is organized in Regions, the DCS Ombudsman Bureau tracks contacts and cases accordingly. The graph below illustrates the complaint activity in each of the eighteen regions for 2018.



## Response Categories

When a complaint is filed with the office, a case is opened and a preliminary review is completed to determine the appropriate response. A variety of responses are possible depending on case specifics. Following is a description of each type of response:

**Review/Refer or Resolve:** This type of response involves a comprehensive review of the case file and documentation provided by the complainant. The local office provides additional documentation requested and responds to questions from the DCS Ombudsman Bureau. Other professionals are contacted for information as needed. While the review is thorough, the focus is on providing a resolution or a strategy that can assist with a resolution. Depending on the circumstances in each case, some cases that are reviewed receive a validity determination and others do not. In either case, the complainant and DCS are notified of the findings in writing. A major portion of the complaints received fall into this category.

**Investigate:** An investigation also involves a review of the case files and documentation provided by the complainant. As needed, DCS staff involved with the case, in addition to the CASA/GAL and service providers, are interviewed. Case specific laws, rules and written policies are researched. Experts are consulted if needed. Complaints that result in an investigation tend to have multiple allegations with little indication that a resolution is likely. Upon the completion of an investigation, an investigation report is submitted describing in detail the findings of fact regarding each allegation and a determination of the merit of each allegation in the complaint. The report is provided to DCS and the complainant if they are a parent,

guardian, custodian, GAL/CASA, or Court. If the complainant is not one of the above, they are provided a summary of the findings in general terms.

**Refer Back to the Local DCS:** Pursuant to statute, the DCS Ombudsman Bureau requires that complainants attempt to resolve their issues with the local DCS office through the DCS internal complaint process prior to filing a complaint with the DCS Ombudsman Bureau. On occasion, it is discovered during the intake assessment that the complainant overlooked this step and failed to address his/her concerns with the local office before filing the complaint. These cases are referred back to the local office. Appropriate contact information is provided. The complainant may reactivate the complaint if a resolution is not reached.

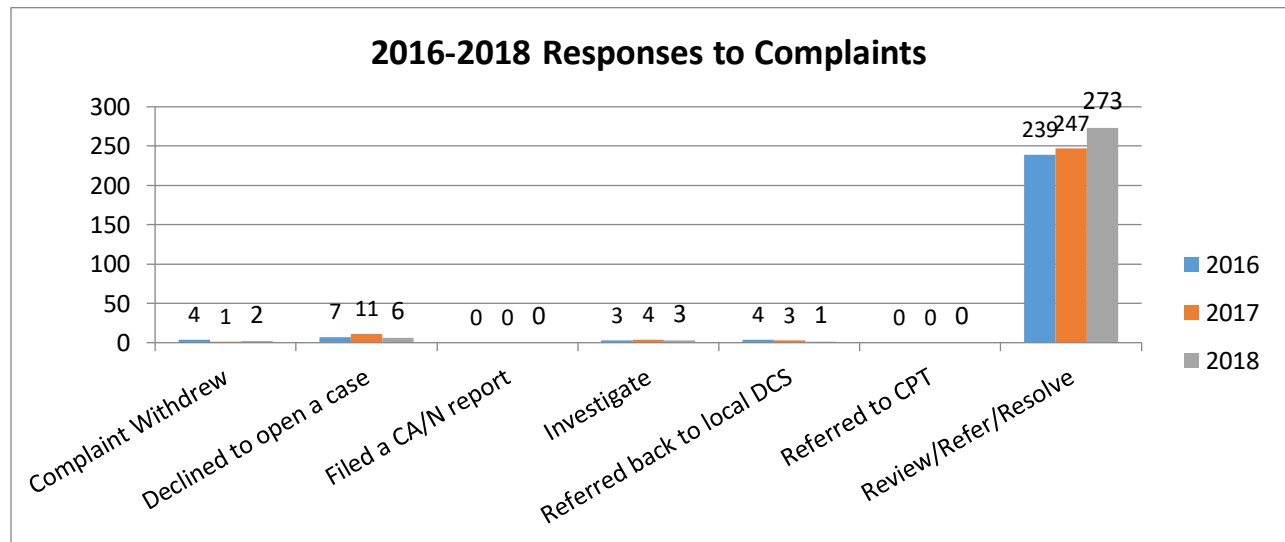
**Close due to Complainant Withdrawal:** Some cases have been closed prior to completion because the complainant decides to withdraw the complaint during the process.

**Decline:** Cases that are not within the Ombudsman’s jurisdiction or otherwise meet the criteria established in the procedural manual for screening out will be declined.

**Refer to Child Protection Team:** The Ombudsman has the option of seeking assistance from the local Child Protection Team (CPT), and may refer cases to the team for review.

**File a Child Abuse Neglect (CA/N) Report:** In the event the information disclosed in the complaint to the Ombudsman contains unreported CA/N, a report is made to the child abuse hotline. This is not a frequent occurrence.

The following graph illustrates the frequency of each type of response from 2016 -2018. The steady increase in complaint responses during the past three years is noted (2016-257, 2017-266, and 2018 – 285).



## Complaint Validity

The standard for determining the validity of the complaint is outlined in the statute. If it is determined DCS failed “to protect the physical or mental health or safety of any child or failed to follow specific, laws, rules, or written policies”, a complaint is considered valid. All investigations generate a validity finding, but all reviewed cases do not, depending on the specific case circumstances. When determining the merit of a complaint, the following designations are applied.

**Merit:** When the primary allegation in the complaint is determined to be valid following a review or an investigation, the complaint is said to have merit.

**Non-Merit:** When the primary allegation in the complaint is determined not to be valid following a review or investigation, the complaint is said not to have merit.

**Both Merit and Non-Merit:** When there are multiple allegations, each allegation is given a separate finding. This designation is applied when some allegations have merit and others do not.

**Not Applicable (NA):** Some cases that are opened for a review reach closure without receiving a validity determination. In these instances the findings fall into one of the categories below:

- NA/Complainant Withdrew
- NA/Case Declined
- NA/Reviewed & Referred
- NA/Reviewed & Resolved

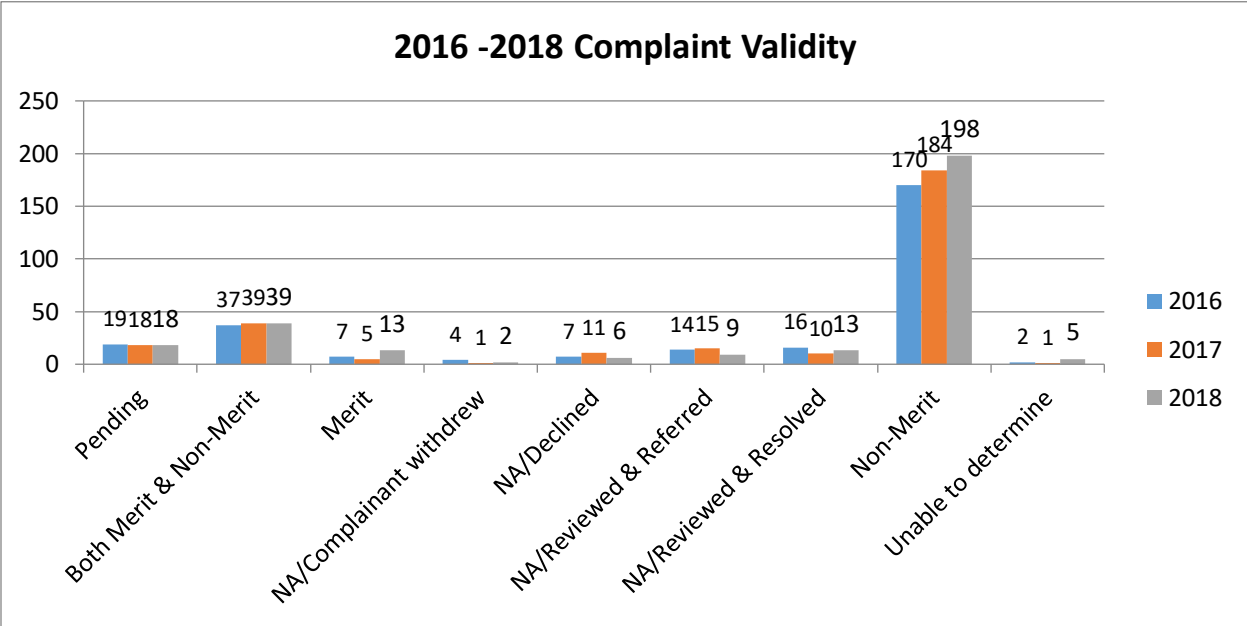
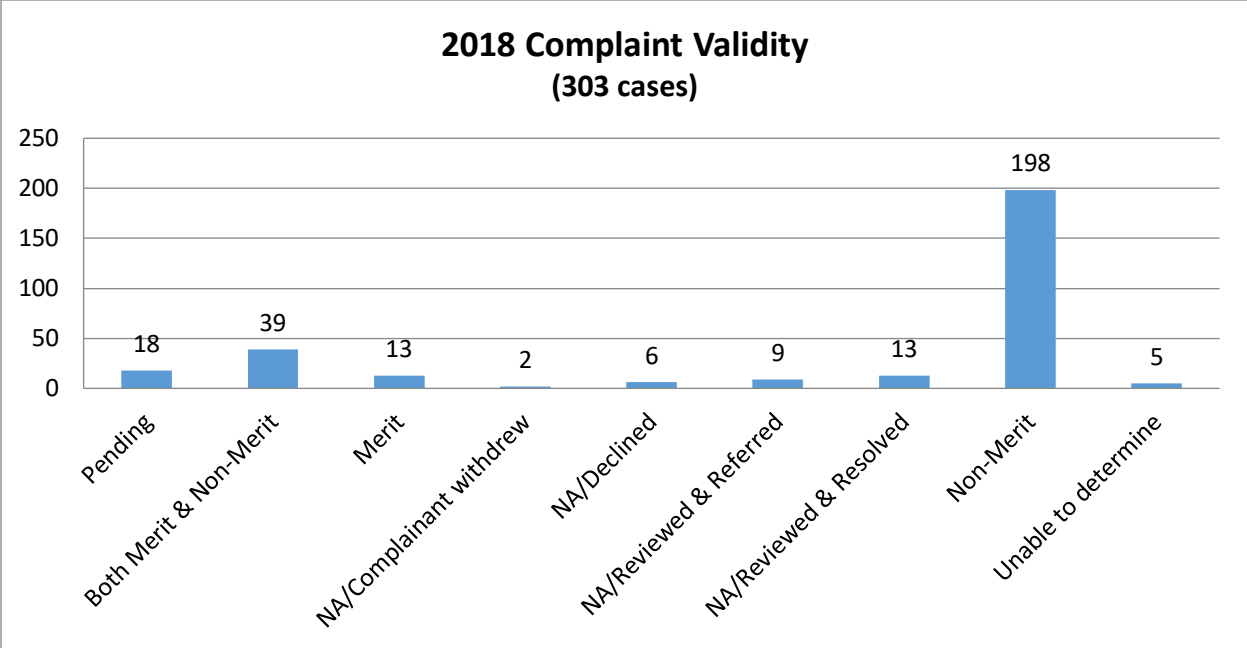
**Unable to Determine:** Occasionally the information uncovered is so conflicting and/or the unavailability of significant documentation renders it impossible to determine a finding.

**Peer Review:** When the Ombudsman participates in a collaborative review with DCS a case is opened to reflect that a review is occurring. However, the peer reviews do not receive a validity determination, and the results of the review are internal and deliberative.

## Outcomes

During 2018, validity designations were determined in 303 cases. Of these 303 cases, 13 were determined to have merit, 39 had allegations that were both merit and non-merit, and 198 were determined not to have merit. The remaining 53 cases fell into other categories. Based on this information, it can be generalized that most of the cases (non-merit) that come to the attention of the DCS Ombudsman Bureau are most appropriately managed by completing a thorough review for the purposes of facilitating a resolution or providing a resolution strategy. For these reasons it would be counterproductive to issue a finding. On the other hand, some reviews and all investigations, involve the depth of analysis that result in detailed findings that generate case specific and at times systemic recommendations (merit). The following graphs provide an illustration of the validity outcomes for 2018 as well as a comparison with prior years:





# DCS Ombudsman Bureau Recommendations and DCS Responses

During 2018 the Ombudsman offered case specific recommendations on 44 cases following a review or an investigation and six (6) general recommendations with systemic implications.

## **CASE SPECIFIC RECOMMENDATIONS**

Pursuant to IC 4-13-19-5 (f), "If after reviewing a complaint or conducting an investigation and considering the response of an agency, facility, or program and any other pertinent material, the office of the Department of Child Services Ombudsman determines that the complaint has merit or the investigation reveals a problem, the Ombudsman may recommend that the agency, facility, or program:

- (1) consider the matter further;
- (2) modify or cancel its actions;
- (3) alter a rule, order, or internal policy; or
- (4) explain more fully the action in question."

DCS is required to respond to the recommendations within a reasonable time, and the DCS Ombudsman Bureau has established 60 days for the response time frame. The following case examples include a sample of case reviews and investigations completed in 2018 in which the allegations were determined to have merit or both merit and non-merit, DCS Ombudsman recommendations, and DCS responses.

These examples are provided to depict the wide range of issues that are brought to the attention of the DCS Ombudsman Bureau and the types of recommendations offered. ***The DCS Ombudsman Bureau affirms the actions of DCS in the majority of cases reviewed and it is important to maintain this perspective when reviewing cases in which concerns are identified.***

### **Case Review Example #1 – Notification to Birth Parent / Family Engagement**

The complainant alleged that DCS failed to notify the birth father of five assessments regarding his child pursuant to policy, and DCS's failure to accept evidence that the child remained at risk.

#### Findings:

The DCS Ombudsman Bureau found merit to the allegations that the birth father was not notified of all reports of abuse and/or neglect regarding the children, and DCS failed to complete and/or document good faith efforts to contact the birth father in the same assessments. No merit was found to the concern that DCS allowed the abuse to continue by failing to consider evidence that was presented.

#### Recommendations:

The DCS Ombudsman Bureau recommended the Local Office staff review *Chapters 4.10: Interviewing the Parent, Guardian, and Custodian*, and *4.20: Good Faith Efforts* of the *Indiana Child Welfare Manual* to ensure understanding of the policies and the importance of contacting non-custodial parents during the assessment.

DCS Response:

Training on the aforementioned policies were provided to Local Office staff. Additionally, the Local Office updated the “Assessment Checklist” to include directions to locate absent parents and to upload the information into the electronic case file to ensure Family Case Managers, and Family Case Manager Supervisors are making good faith efforts to locate absent parents and relatives and documenting these efforts accordingly.

**Case Review Example #2 – Notification to Relatives**

In this case the complainant voiced concerns that DCS failed to notify relatives of the children’s removal from their birth mother’s home. There were also concerns that once relatives were notified, DCS refused them placement.

Findings:

Following an exhaustive review of all complaints, the DCS Ombudsman Bureau found merit to the allegation that the paternal grandparents were not notified of the children’s removal. While it is clear that the birth mother did not identify paternal grandparents as a potential placement for the children, DCS still had the obligation to complete a diligent search for certain individuals. The Preliminary Inquiry presented to the court listed the birth father by name as being deceased. Through this, it is clear that DCS was aware of who the father was at or around the time of the removal. With this information, DCS could have searched for paternal grandparent’s contact information by pursuing a diligent search. Merit it also found to allegation that DCS failed to notify relatives of the removal. While it is understood the children had no significant relationship with their paternal relatives, there is concern that the relatives were not contacted earlier in the case to establish a relationship with them through visits and placement. There is no merit to concerns that, once found, DCS decided not to pursue relative placements. DCS did offer visits to the paternal grandparents, but the court denied visits and placement with them.

Recommendations:

The Local Office proactively provided training to staff regarding *Indiana Child Welfare Policy 4.0/2.26: Diligent Search* during the DCS Ombudsman Bureau’s case review. Subsequent to the case review, the Local Office was also recommended to provide staff training on *Indiana Child Welfare Policy 4.28: Involuntary Removals* to ensure the staff’s understanding of the importance of completing a diligent search and notifying relatives of removal even if the parents do not or are unable to disclose that appropriate relatives are available.

DCS Response:

The Local Office provided documentation verifying that all staff received training as recommended.

**Case Review Example #3 – Relative Placement**

This case review centered on complaints that DCS failed to consider the child’s relatives for placement following their removal.

Findings:

The DCS Ombudsman Bureau’s case review found merit to the allegation that DCS failed to complete the necessary steps to determine whether or not a relative would be appropriate for placement of the child. While DCS did have valid concerns regarding the relative’s home, DCS did not provide the relative the opportunity to remedy the concerns before dismissing the

relative as a possible placement, did not allow the relative to explain their health issues, and also failed to complete background checks and a home study as ordered by the court.

Recommendation:

The DCS Ombudsman Bureau recommended that the Local DCS Office provide training regarding *Indiana Child Welfare Policy 8.48: Relative Placements* and adhere to the court's order by completing background checks and a home study of the relative's home as soon as possible.

DCS Response:

The Local Office advised that policy training was provided to staff. DCS completed a background check, and determined the home and the relative to be appropriate. The child was placed in the relative home pursuant to the court's order.

**Case Review Example #4 – Foster Parent's Confidentiality**

The complainant in this case review alleged that DCS breached the foster parent's confidentiality by providing the foster parent's contact information to the birth parents. Additionally the complainant alleged DCS is failing to protect the child by initiating a plan to begin overnight visits between the birth mother and the child.

Findings:

The DCS Ombudsman Bureau found no merit to the concerns regarding DCS allowing the birth mother to begin overnight visits as they had been approved by the court and DCS continued to monitor the case closely. Merit was found to the allegation that DCS provided the foster parent's contact information to the biological mother without the foster mother's permission. Further as foster parents' information is confidential, DCS is responsible for developing a visitation schedule pursuant to policy.

Recommendations:

The DCS Ombudsman Bureau recommended the Local Office review *Chapters 2.6: Sharing Confidential Information, and 8.13: Implementing the Visitation Plan* of the *Indiana Child Welfare Manual* to ensure case management alignment with DCS policy.

DCS Response:

The Local Office Director advised of the completion of staff training.

**Case Review Example #5 – Assessment**

The complaint alleged that DCS failed to ensure the safety of the children by failing to ensure the children were in a drug-free environment prior to closing the case. The complainant alleged that DCS closed the case prior to fact finding due to having lost all of the evidence.

Findings:

Following an intensive case review the DCS Ombudsman Bureau determined that DCS failed to complete the Initial Safety Assessments timely pursuant to DCS policy which requires completion within 24 hours of DCS initiating a case. Documentation shows that the Initial Safety Assessment was completed two days after the case was initiated. Additionally, there was merit to the concerns because DCS failed to complete the Risk Assessment timely prior to the closure of the case, thus not adequately ensuring the children's safety in their home environment. According to policy, DCS will review the results of a current Risk Assessment completed less than 30 days prior to the anticipated closure of the case. The Risk Assessment for this case was

completed after the case closed. The case review also found that the home was not assessed prior to closure though part of the concerns at the time alleged the family had no permanent housing.

Recommendations:

The DCS Ombudsman Bureau advised the Local Office to develop a plan to ensure Initial Safety Assessments are completed timely in accordance with *Chapter 4.18: Initial Safety Assessment*. Training was also recommended for the staff regarding the policy as well as *Chapter 5.12: Closing a CHINS Case* to ensure understanding of the importance in completing Risk Assessments within 30 days of anticipated case closure.

DCS Response:

The Local Office advised that the policies were discussed with staff per the DCS Ombudsman Bureau's recommendation. Additionally, the Local Office proactively developed a plan to address the DCS Ombudsman Bureau's concerns and provided additional policy training specific to Safety and Risk.

**Case Review Example #6 – Contacting Non - Custodial Parent / Initiating Services**

The complainant in this case alleged DCS failed to contact the birth father during the assessment phase. According to the complainant, DCS did not contact the birth father until DCS sought the coercive intervention of the court. Further allegations indicated DCS failed to advise the birth father of court requirements, DCS failed to stop child support payments on the birth father's behalf, DCS delayed visitation, and did not make referrals for diagnostic and evaluation services in a timely manner.

Findings:

No merit was found to allegations specific to court requirements, child support payments, and delayed visitation. Court orders were distributed to the birth father's attorney to discuss the court's requirements with the birth father. DCS submitted the appropriate information to the Child Support Bureau in a timely manner. However, DCS has no control over child support concerns. Visitations were court ordered not to begin until the birth father demonstrated full compliance with services.

Merit was found to the concern that a referral for diagnostic and evaluation services was not completed timely. According to policy, referrals for services are to be made within ten business days of identifying the need. The DCS Ombudsman Bureau also found merit to the concern that DCS failed to contact the birth father pursuant to policy. DCS failed to document attempts to interview the birth father during the assessment phase.

Recommendation:

The DCS Ombudsman Bureau recommended DCS staff review *Chapter 4.3: Conducting the Assessment – Overview*, and *Chapter 5.10 Family Services* of the *Indiana Child Welfare Manual* to address concerns specific to notifying non-custodial parents and timely referrals.

DCS Response:

The Local Office Director advised that training was provided to DCS staff per the DCS Ombudsman Bureau's recommendation.

### **Case Review Example #7 – Missing Children**

The complainant in this case raised concerns that the children were detained though the birth mother screened negative on oral and hair follicle drug screens. The oldest child was placed with the birth father, and there was concern that they were both missing. The complainant voiced concerns that the DCS planned to close the case without ensuring the child's safety.

#### Findings:

The DCS Ombudsman Bureau found no merit to the concern that the children were detained though the birth mother screened negative for substance abuse. The birth mother admitted drug use to Law Enforcement, and there were concerns of drugs and domestic violence in the home. One of the children reported not feeling safe in the home. The court upheld the detention of the children. However, following an extensive review process, merit was found in that DCS failed to file a timely missing person's report. DCS also failed to ensure the National Center for Missing and Exploited Children (NCMEC) was contacted pursuant to policy. Additionally, DCS failed to verify the child was entered into the National Crime Information Center (NCIC). While there is concern that DCS recommended the case be closed though the child was still missing, DCS did have phone contact with the child who was able to verbalize safety. Ultimately, the court agreed to close the case at DCS's request.

#### Recommendations:

The DCS Ombudsman Bureau recommended a review of *Indiana Child Welfare Manual Chapter 2.24: Missing and Runaway Children* with Local Office staff to ensure understanding of the policy.

#### DCS Response:

The Local Office reported staff training in the defined area which included review, and discussion of policy.

### **Case Review Example #8 – Notification, Placement, Child and Family Team Meetings, and Case Plans**

The complainant in this case alleged DCS was investigating the birth mother though the birth father was the alleged perpetrator, the birth mother's signature was forged on documents that waived her rights to a hearing, and DCS did not complete unannounced visits to the birth father's home where the children were placed.

#### Findings:

Following an extensive case review, the DCS Ombudsman Bureau found no merit to the allegations that DCS was investigating the birth mother for abuse and/or neglect. No recent allegations were found against the birth mother at the time of the complaint, and DCS confirmed no open allegations against the birth mother. While the DCS Ombudsman Bureau was ultimately unable to determine whether or not the birth mother's signature was forged on the Informal Adjustment Agreement, it was noted that the birth mother's signature on other case documents were strikingly similar to the signature on the document in question. Additionally, the case record indicates the documentation was discussed at length in the presence of the birth mother during a Child and Family Team Meeting.

While no merit was found to the concern that DCS did not visit the father's home unannounced, the DCS Ombudsman Bureau noted that the children were not seen one month, or the face to face visit was not documented properly for that month.

Recommendations:

The DCS Ombudsman Bureau recommended a staff review of *Chapter 7.3: Minimum Contact* in the *Indiana Child Welfare Manual* to ensure monthly visits and accompanying documentation. Specific to this case, the DCS Ombudsman Bureau suggested the benefits of visiting the children at both parent's homes at random times throughout the case.

DCS Response:

DCS advised the documentation of the missed visit was discussed with both ongoing and assessment Family Case Managers and Family Case Manager Supervisors as there appeared to be a miscommunication between the two departments during the case transition. Both departments agreed to be more diligent in the future to assure timely visits and documentation pursuant to the policy. Additionally, DCS acknowledged the benefits of random visits with both parents.

**Case Review Example #9 – Thorough Assessment**

The DCS Ombudsman Bureau's case review was in response to allegations that DCS failed to complete a thorough assessment prior to allowing the child to remain in a harmful situation. The complainant further stated DCS failed to check the birth father's home where the alleged abuse occurred.

Findings:

The DCS Ombudsman Bureau found no merit to the complainant's concerns specific to DCS's failure to complete a thorough assessment prior to allowing the child to remain in a harmful situation. DCS completed an assessment of the birth mother's home prior to placing the child there, and no evidence was provided to indicate the home was unsafe for the child following the placement. DCS completed Safety and Risk Reassessments at case closure. While there is some concern that one of the questions on the Safety Reassessment may have been incorrectly answered, the ultimate result of the assessments was that the child was safe in the home of the birth mother, and there was only a moderate risk level (even with the potentially incorrectly answered question).

Merit was found to the concern that DCS failed to complete an assessment of the birth father's home during the assessment. While it is understood that DCS had already removed the child from the home, *Indiana Child Welfare Manual Chapter 4.13: Assessing Home Conditions* indicates DCS will conduct an assessment of the home if the Child Abuse/Neglect occurred in the home by examining each room and documenting the condition in writing.

Recommendations:

The DCS Ombudsman Bureau recommended DCS staff review the aforementioned policy to ensure understanding, and the importance of assessing the conditions when alleged Child Abuse/Neglect has occurred in the home.

DCS Response:

The Local Office Director advised that the Leadership provided training and discussion to the staff per the recommendations.

### **Case Review Example #10 – Case Management Decisions and Documentation**

In this complaint, the DCS Ombudsman Bureau reviewed allegations that DCS had failed to protect the child by failing to follow laws, rules, and written policies in case management decisions. Specifically, the complainant had concerns that DCS was rushing the case to reunification despite concerns that the birth parents were not able to provide a safe and stable placement for the child due to the birth mother's mental health concerns; marital problems; failed reunification efforts; DCS's failure to notify team members of placement change; parents canceling or ending visits early with no consequences; and, minimal communication between the Family Case Manager and service providers.

#### Findings:

The DCS Ombudsman Bureau advised DCS that a case review was difficult due to a significant lack of documentation by the Family Case Manager. Specifically, documentation of court hearings, service provider reports, Child and Family Team Meeting Notes, and day to day case management activities were not available at the onset of the DCS Ombudsman Bureau's case review. Based on the DCS Ombudsman Bureau's concerns, the Family Case Manager was directed to update the case file by the Local Office Director. After a second review of the case file, the DCS Ombudsman Bureau found no merit to the complainant's concerns. Information was provided to arrive at this decision. However, the case review revealed continued concerns regarding the Family Case Manager's understanding of documentation, follow-up with team members, and supervision by the Family Case Manager Supervisor. Thus, merit was found to concerns regarding documentation.

#### Recommendations:

Given the concerns of the case, the DCS Ombudsman Bureau recommended a meeting be held between the assigned Family Case Manager, Family Case Manager Supervisor, Division Manager, and Local Office Director to address safety and documentation concerns discovered by the DCS Ombudsman Bureau as well as supervision needs for the Family Case Manager. Additionally, training for the following policies were recommended for the identified staff: *Indiana Child Welfare Policies Chapter 5.2: Gathering Case Information, 5.7: Child and Family Team Meetings, 5.8 Case Plans, and 5.10: Family Services.*

#### DCS Response:

The Local Office Director advised that the policies and safety concerns were discussed with the identified staff.

### **Case Review Example #11 – Out of State Allegations of Child Abuse/Neglect**

The DCS Ombudsman Bureau received a complaint that DCS failed to investigate a report alleging sexual abuse that allegedly occurred in two other states.

#### Findings:

The DCS Ombudsman Bureau's case review revealed that two reports alleging sexual abuse of a child were made to the Indiana Child Welfare Hotline. When it was determined that the abuse occurred in two other states, both reports were screened out. The reports indicated a Hotline supervisor would forward a copy of the reports to the appropriate child welfare agency in the other states. This action is determined to be in alignment with policy. Pursuant to policy, forwarding reports of Child Abuse and/or Neglect occurring in another state are to be



forwarded to the appropriate child welfare agency in that state by Hotline staff. The DCS Ombudsman Bureau found merit to the complainant's concerns because neither report nor their corresponding screening tools indicated that either report was forwarded to the other states by the Hotline staff. The Hotline staff misinterpreted policy and assumed the Local Office had the responsibility to forward the reports. The Local Office correctly did not take action pursuant to the policy.

Recommendations:

The DCS Ombudsman Bureau recommended the Hotline forward the reports to the appropriate child welfare agencies in the other states. Further, the Hotline staff was advised to review *Chapter 3.1: Reviewing Calls* of the *Indiana Child Welfare Manual* to ensure understanding of the policy.

DCS Response:

In response to the DCS Ombudsman Bureau's response, the Child Abuse Hotline Director forwarded the report to the state in question. The Child Abuse Hotline Director further advised the DCS Ombudsman Bureau that DCS would be updating the aforementioned policy to align with agency policy/practice that all reports of abuse and neglect would be routed to the Local Office for final disposition and completion. The DCS Ombudsman Bureau was in agreement with the change in policy.

**Case Review Example #12 – Assessment**

The complainant in this case review alleged DCS failed to complete a thorough assessment on allegations of sexual abuse of three children. Additionally, there were concerns that the DCS Assessment Report was inconsistent, DCS failed to redact the Assessment Report properly as redacted portions of the Assessment Report could be read.

Findings:

After careful consideration, the DCS Ombudsman Bureau found both merit and non-merit in the case review. Concern regarding DCS's failure to complete a thorough assessment were without merit as all evidence was taken into account in the DCS's finding. The DCS Ombudsman Bureau did find merit specific to *Child Welfare Policy 4.4: Required Interviews* as DCS failed to interview all of the parties. Despite DCS's failure to complete the interviews, there was no indication that the interviews would have altered the outcome of the assessment. Merit was also found regarding the confidentiality concerns specific to the redacted documents. The DCS Ombudsman Bureau was provided a copy of the documents in question during the course of the case review. While not immediately apparent, some confidential information could be distinguished on the document.

Recommendations:

The Local Office ensured that staff received training specific to *Child Welfare Policy 4.4: Required Interviews* during the course of the DCS Ombudsman Bureau's case review. Thus no recommendation was made regarding this concern. It was recommended that the Local Office put a check system in place to ensure redacted documents do not reveal confidential information.

DCS Recommendations:

The Local Office developed a redaction procedure and provided the same to the DCS Ombudsman Bureau for review.

### **Case Review Example #13 – Notification and Placement of Children in Relative Care**

The DCS Ombudsman Bureau was contacted by a complainant who alleged relatives were not contacted for placement of three siblings. The complainant also voiced concerns that the children were placed in separate homes and DCS only provided one two-hour visit per week between the children and their birth mother.

#### Findings:

The DCS Ombudsman Bureau found no merit to complaints regarding the placement of the siblings in the same foster home and the number and length of visits between the children and their birth mother. The DCS case record indicates DCS efforts to secure one placement for all three children were unsuccessful due to the excessive needs of the children. DCS followed the parenting time guidelines ordered by the court.

Regarding the contact of relatives, the DCS case record indicated the children's birth mother identified no living relatives other than the children's maternal grandmother. The birth mother advised DCS that she had no contact with the relative at the onset of the case and she continued with the same response each time she was asked thereafter. DCS was able to secure the name of the maternal grandmother by utilizing investigative tools at their disposal. However, once DCS received the maternal grandmother's contact information, DCS failed to attempt contact with the maternal grandmother for four additional months. DCS asserts that the maternal grandmother resided in another state and because of the contentious relationship between the birth mother and the maternal grandmother, DCS was waiting to contact her in hopes that the birth mother would begin services which would make placement with the grandmother a less desirable alternative. While DCS concerns may be valid, *Child Welfare Policy 4.28: Involuntary Removals* requires DCS to notify adult relatives (grandparents) within 30 days of a child being removed from his or her parent, guardian, or custodian. While DCS did not have the contact information at the onset of the case, DCS was required by policy to notify the relative within 30 days of the information becoming available. The case record indicates DCS contacted the relative some four months after receiving contact information. Thus, there is merit to the complainant's allegations regarding DCS's failure to notify the relative of the children's removal within the 30 days outlined in policy.

#### DCS Recommendations:

With regards to timely contact of relatives, it was recommended that the DCS Local Office staff review the aforementioned policy to ensure understanding that relatives should be notified of removal timely.

#### DCS Response:

The Local Office Director advised that training had been provided to all staff specific to the policy and other policies regarding working with relatives.

### **Case Review Example #14– Family Engagement**

The DCS Ombudsman Bureau received a complaint alleging DCS failed to place the children in a relative placement, DCS's failure to: maintain the child's school placement; ensure the child's safety by allowing the child to reside in the home with someone having sexual molest history; share information with service providers; and, provide family visitation.

Findings:

Following an extensive case review, the DCS Ombudsman Bureau found no merit to allegations regarding relative placement, school enrollment, placement with an individual having sexual abuse history, and DCS's failure to share information with service providers. The DCS case record indicated that the relative in question had significant CPS history that prevented the placement of the children in the relative's home. DCS was unable to maintain the children in their school of record during the child's foster care placement, however, the children were able to return to the school of record subsequent to placement in the home of an approved relative. Regarding the placement in the home of an individual with sexual abuse history, the court records indicate that the court authorized placement in a relative's home with the understanding that the individual with sexual abuse history would have no unsupervised contact with the child. Neither DCS nor the DCS Ombudsman Bureau has jurisdiction over the court's order. Emails, letters, and texts in the case file reflect frequent communication between DCS and all service providers working with the family. One service provider was asked to leave a team meeting on one occasion due to the service provider's disruptive behavior.

The DCS Ombudsman Bureau found both merit and non-merit to allegations that DCS failed to provide family visitation. The case record indicates that visitation did take place between the children and their parents and visitation was eventually offered to the maternal grandmother. However, there is merit to the allegations that DCS failed to follow policy in planning and implementing visitation pursuant to policy for any of the children's placements. The DCS Ombudsman Bureau was provided with examples of parenting time and visitation guidelines written informally on family safety plans. This action is not in alignment with *Child Welfare Policies 8.12: Developing the Visitation Plan, 8.13: Implementing the Visitation Plan, and 8.11 Parental Interaction and Involvement*. These policies serve to outline the parameters of visitation, and to assist all parties in developing parenting time goals specific to the needs of the family.

Recommendations:

The DCS Ombudsman Bureau recommended the Local Office develop a written plan/procedure to ensure case management alignment with the aforementioned policies surrounding visitation plans.

DCS Response:

The Local Office Director advised that staff met to review the policies and to develop plans to support the same. The plans were shared with the DCS Ombudsman Bureau and included details specific to the plan.

**Investigation Example #1 – After Hours Placement of Child**

The complainant in this case alleged DCS case management actions failed to align with policy. Due to the significant concerns within the complaint, the DCS Ombudsman Bureau opened an investigation into the allegations.

Allegation 1:

DCS failed to follow specific laws, rules, or written policies by removing the child from school with an unsigned court order, despite the father having plans for the child care.

Finding:

After careful investigation, the DCS Ombudsman Bureau determined that the child's removal was due to the lack of a caregiver due to the arrest of the child's primary caregiver. No documentation or evidence confirmed or refuted the allegation that a No Contact Order played a role in the DCS decision to remove the child. Thus, no merit was found to the allegation.

Allegation 2:

DCS failed to protect the child's mental health by placing the child in shelter care overnight even after the grandparents became available to care for the child.

Finding:

The allegation was determined to have merit, as the actions of placing the child in overnight shelter care was not best practice specific to trauma informed care. DCS's role is to develop and implement case management decisions that reduce trauma. Leaving a child with strangers over the week-end when the child could have been picked up by the grandparents as soon as they arrived or early the next morning was counterproductive to reducing trauma.

Allegation 3:

DCS failed to follow specific laws rules, or written policies by reporting inaccurate information to the Indiana Child Abuse/Neglect Hotline.

Finding:

The DCS Ombudsman Bureau was unable to determine the validity of this allegation due to being unable to listen to or obtain a transcript of the audio recordings. The bureau was unable to determine if the report sources had misinformation or if the hotline misinterpreted the information provided.

Recommendation:

The DCS Ombudsman Bureau strongly recommended the Local Office develop a procedure or strategy to assess relative placements for children who are removed on Fridays, rather than leaving them in foster or shelter care unnecessarily.

DCS Response:

The Local Office presented a process to address the DCS Ombudsman Bureau's recommendation.

## **Investigation Example #2 – Relative Placement**

The complainant in this case alleged DCS case management actions failed to align with policy. Due to the significant concerns within the complaint, the DCS Ombudsman Bureau opened an investigation into the allegations that DCS failed to follow laws, rules, or written policies as outlined below.

Allegation 1:

DCS failed to conduct a thorough assessment of the allegations reported to DCS.

Finding:

This allegation was determined to have some merit due to the fact that *Child Welfare Policy 4.9: Interviewing Children* of the *Indiana Child Welfare Manual* requires DCS to interview all of the children living in the home on full and/or part time basis. The case review completed by the DCS Ombudsman Bureau revealed DCS failed to interview children visiting the home under a custody agreement on a part time basis. An interview with the children residing in the home part time could have provided helpful information with regard to the allegations of physical

abuse. As an issue of safety, there was a possibility that one of the stepsiblings might have also been a victim at one time or another.

Recommendation:

The DCS Ombudsman Bureau recommended a review of the aforementioned policy with staff and ensure their understanding that DCS is required to interview all children living in the home on a full time or part time basis.

Allegation 2:

DCS failed to follow specific laws rules and or written policies by failing to hold the Detention Hearing within the 48 hours of the removal pursuant to policy.

Finding:

The DCS Ombudsman Bureau found no merit to this allegation. A review of the case records indicates the children were not detained until the day of the Detention Hearing.

Allegation 3:

DCS failed to provide visitation services for almost four months. When visits were provided the complainant alleged the expectations for the parent were unreasonable.

Finding:

This allegation was determined to have no merit. Though the complainant was correct in that the children did not see one of the birth parents for four months that was not DCS's doing. A protective order was in place against the birth parent, and the court ordered DCS to abide by the order until/unless the protective order was modified. Once the court modified the protective order, DCS put therapeutic visits in place to "maintain communication, understanding, and to enhance the parent-child relationship bond," per the service referral. Requirements that the parent avoid mentioning the other parent, interrogating the children, calling anyone a liar, and asking leading questions of the children were found to be reasonable restrictions for a therapeutically supervised visit with the goal of building healthy bonds.

Allegation 4:

DCS suspended the parent's visitation without a court order.

Finding:

The DCS Ombudsman Bureau found no merit to the allegation. *Child Welfare Policy 8.13: Implementing the Visitation Plan of the Child Welfare Manual* states "DCS will seek a court order if changes need to be made to the approved visitation plan for the following reasons: Concerns for the child's safety and wellbeing..." It should be noted that the policy does not actually require DCS obtain a signed order to modify/suspend visitation; just that DCS seek a court order on the matter. DCS took the necessary steps to advise the court and all parties of the plan to suspend the visitation. The parent's attorney did not object to the DCS plan.

Allegation 5:

DCS failed to obtain a court order and notify the birth mother that the child would be undergoing surgery with anesthesia and leaving the state of Indiana with the placement.

Findings:

Due to a lack of consistent documentation, the DCS Ombudsman Bureau was unable to determine merit to the allegation. The assigned Family Case Manager could not be interviewed due to no longer working for DCS. This further highlights the need for clear and thorough documentation. There were also questions as to whether the parent having placement was made aware that DCS needed to obtain authorization from the court to allow the child to

receive general anesthesia and travel out of state. DCS provides packets of information and a list of policies to relative and foster care placements; however, this same information is not provided to non-custodial parents who are in essence relative placements and must abide by the same policies as other placements as long as the DCS case remains open.

Recommendation:

The DCS Ombudsman Bureau recommended that DCS supervisors in the Local Office work with the Family Case Managers on ensuring appropriate documentation is entered into the case file. Almost every policy in the DCS Child Welfare Manual includes “Practice Guidance,” which instructs Family Case Managers on what to document. For example, DCS *Child Welfare Policy 5.10: Family Services* guides Family Case Managers to: “Document the family’s progress, reasons for service type or intensity changes, and if applicable, reasons why services were not offered or stopped in the Management Gateway for Indiana’s Kids (MaGIK).” Additionally, provider reports should be uploaded into the case. The DCS Ombudsman Bureau had to contact the provider directly in order to obtain visitation reports, which should have already been in the file.

The DCS Ombudsman Bureau included a systemic recommendation in the conclusion of the investigation report regarding providing information to non-custodial parents. (*See Systemic Recommendations*)

DCS Response to Recommendations 1 and 5:

The Local Office convened unit staff meetings to review and discuss policies specific to interviewing children during assessments, Child and Family Team Meetings, Case Plans, Child and Adolescent Needs and Strength (CANS) Assessments, and documentation.

## **GENERAL RECOMMENDATIONS TO SYSTEMIC ISSUES**

Pursuant to IC 4-13-19-5(b) (2), (4), and (6), the DCS Ombudsman Bureau may also review relevant policies and procedures with a view toward the safety and welfare of children, recommend changes in procedures for investigating reports of abuse and neglect, make recommendations concerning the welfare of children under the jurisdiction of a juvenile court, examine policies and procedures, and evaluate the effectiveness of the child protection system. DCS responds to systemic recommendations made by the DCS Ombudsman Bureau. The recommendations are based on information derived from the volumes of information reviewed in the course of case reviews and investigations with systemic implications, in addition to information gleaned from various reports and discussions with stakeholders.

### **Systemic Recommendation #1 – Staffing and Caseload Size Barriers to Child Welfare Best Practice**

In 2016, 2017, and 2018 the DCS Ombudsman Bureau continued to identify DCS staffing needs and caseload size as impediments to policies specific to the provision of child welfare services including but not limited to the completion of assessments, holding Child and Family Team Meetings and case plan conferences, family engagement (specifically fathers), case record documentation, development and implementation of visitation plans, support to

relative/kinship caregivers, and services to resource parents. DCS Local Offices responded to recommendations to address these concerns while DCS leadership worked to identify solutions to remedy systemic challenges in these areas. In an effort to identify, develop and implement approaches to enhance existing child welfare practice, DCS also presented plans to address systemic concerns to the State Budget Committee in November 2014. One such effort included commissioning Deloitte Consulting, LLP *“to identify process and practice improvements that DCS could implement to ultimately enhance child safety”* (Bonaventura, March 18, 2015). The resulting ***Casework and Workload Analysis – Final Recommendations*** report completed by Deloitte Consulting, LLP during the first quarter of 2015 acknowledged DCS’s continued efforts to better protect children and identified steps to improve agency operations. DCS prioritized the study recommendations into four priorities:

1. Hiring additional field staff
2. Improving organizational efficiencies
3. Enhancing staff training of use of technologies
4. Improving data driven decision making

**The DCS Ombudsman Bureau is supportive of DCS efforts to address systemic challenges to the provision of quality services and support to families and requests an update on current DCS activities in the four identified priority areas.**

**DCS Response:**

DCS has made strong strides in all four areas. DCS has continued hiring more Family Case Managers and following recommendations from the CWG assessment, has hired more supervisor staff. As a result of these efforts, the FCM Supervisor-to-FCM ratio from December 2017 to December 2018 has improved from 1:7.33 to 1:6. It is DCS’s goal to get the FCM Supervisor-to-FCM ratio to 1:5. DCS’s efforts in hiring also shows in our FCM need. In December 2017, to meet the current caseload standard for FCMs statewide, factoring FCMs in training, DCS still needed an additional 444 FCMs. In December 2018, factoring FCMs in training, DCS was meeting the FCM need and better positioned to effectively handle the current caseload.

DCS has implemented major organizational changes both in structure and in operations. In structure, to better support field staff, DCS added an additional Assistant Deputy Director of Field Operations position. By adding this new position, it has allowed for more manageable regions to better support field staff across the state. DCS has also begun reforming our foster care services by housing it under a single chain of command. This will allow for a more streamlined provision of services. With this reformation, DCS has brought on a kinship navigator position as part of the division. This position will help DCS achieve the goal of meeting the needs of our kinship homes to strengthen those placements. DCS also created a decentralization workgroup. This workgroup is looking for opportunities to curb unnecessary red tape in our policy and processes to prevent cases from getting bogged down and ultimately, decreasing the time to permanency.

DCS has determined that the current MaGIK system was not meeting the needs of staff or the agency. Rather than continuing to devote time, effort, and resources to improving the system and subsequently providing even more additional training to staff on MaGIK, DCS is currently in the process of pursuing a new child welfare information system. The goal is the new information system will allow staff to operate more efficiently and help DCS achieve better outcomes for children.

DCS has often had tremendous amounts of data, but getting that data to provide useful information has not always been there. Through our Strategic Solutions and Agency Transformation (SSAT) division, we are getting more useful information with our data than ever before. The SSAT division has created new dashboards that provide our raw data in new ways that allow for DCS to better monitor our progress, identify areas for improvement, and make more informed decisions. The SSAT division is continuing to work towards creating more dashboards, and partnering with other organizations (i.e. Capacity Building Center for States, etc.) on projects to provide useful information for DCS in our efforts to continually improve.

## **Systemic Recommendation #2 – Documentation**

Thorough and consistent documentation is the cornerstone of DCS best practice efforts. The charge to document events and activities are included throughout DCS policy and specifically in *Child Welfare Policy 5.2: Gathering Case Information* which advises that documentation begins at assessment and continues throughout the life of the case. The DCS Ombudsman Bureau case reviews completed in 2017 continued to reveal a significant number of instances where the DCS Ombudsman Bureau experienced significant difficulty in reviewing complainant concerns due to the lack of sufficient documentation in the case file. This became particularly challenging in situations where DCS staff was no longer employed by the agency, or significant time had elapsed between the case action and the time of the complainant's concerns. While the DCS Ombudsman Bureau acknowledges that case load size and staffing needs greatly impact DCS's ability to consistently address practice issues, it is imperative that DCS actions align with DCS policy, laws and written rules. **The DCS Ombudsman Bureau recommends DCS respond regarding agency efforts to address documentation concerns.**

### **DCS Response:**

Quality documentation is a focus for the agency. Not unlike the Ombudsman's findings, DCS's Child and Family Services Reviews showed documentation to be lacking at times as well. Since then, the importance of documentation has been a learning moment through all levels of field operations. Additionally, some policies were updated to better call out the importance of certain documentation specifically in the assessment phase and the benefits of including such documentation. As aforementioned, DCS has increased our staff count and improved our FCM Supervisor-to-FCM ratio. By doing this, field staff are better able to ensure documentation meets the standards set forth by the agency.



### **Systemic Recommendation #3 – Family Engagement / Working with Birth Fathers and Relatives**

Several complaints brought to the DCS Ombudsman Bureau during 2018 raised concerns around DCS case actions specific to family engagement of birth fathers and relatives. *DCS Child Welfare Policy 5.3: Engaging the Family* states “*The Indiana Department of Child Services will build trust-based relationships with families by demonstrating sensitivity, empathy, and cultural competence. DCS will encourage parental involvement in all cases, including cases involving domestic violence. DCS will to the extent possible, engage both paternal and maternal members equally in the case planning process from the first point of intervention.*” The DCS Ombudsman Bureau’s case reviews in these matters supported complainant concerns that DCS failed in numerous instances to make diligent efforts to locate and engage noncustodial parents (typically birth fathers), and relatives of DCS involvement using available resources to conduct diligent searches pursuant to policy. While birth fathers were able to become connected to the case overtime, the DCS Ombudsman Bureau’s case reviews revealed instances where relatives were unable to become involved in the DCS case due to the child’s relationship with the foster parent. In several instances, the DCS actions were not in alignment with policies and resulted in adoption by the foster parent despite the consistent request for visitation and placement by the child(ren)’s relative. While the ultimate placement decision is a case management role. The DCS Ombudsman Bureau’s charge is to ensure that DCS case management actions/decisions are in alignment with policy. DCS missed important opportunities in these cases to engage birth fathers at the onset of the case and to assess the appropriateness of relatives by failing to provide them best practice access to the process. As a result there is a concern that DCS systemic practice specific to family engagement is often not in alignment with policy as follows:

*4.0: Diligent Search*

*4.7: Locating Subjects*

*4.10: Interviewing the Parent, Guardian, or Custodian*

*4.28: Involuntary Removals*

*5.2: Gathering Case Information*

*5.3: Engaging the Family*

*5.4: Noncustodial Parents*

*5.5: Genetic Testing for Alleged Fathers*

*5.6: Locating Absent Parents*

*5.7: Child and Family Team Meetings*

*5.8: Developing the Case Plan*

*5.10: Family Services*

*8.1: Selecting a Placement Option*

**The DCS Ombudsman Bureau recommends DCS respond regarding agency efforts to address vision alignment concerns in the area of family engagement.**

#### **DCS Response:**

In 2018, the DCS Executive team met to rollout the practice model relaunch. The agency goal is to reinvigorate the work force by focusing our efforts back to the practice principles and essential skills to allow DCS to effectively implement its vision, mission,

and values. DCS doubled its number of peer coach consultants (one for every region) to aid with this. DCS is also looking at hiring mentors to assist with practice as well. One of the expected benefits of the increase in FCMs, is FCMs will have the time to realistically implement the practice model within their work. Additionally, the increase in supervisors will allow for more opportunities for observation and increased clinical supervision to improve the practice in the agency's work. DCS is also working on increasing the amount of FCM/parent contacts that occur in the parents' home compared to more formal settings (DCS office, court, etc.).

#### **Recommendation #4 – Relative Placements**

During 2017, the DCS Ombudsman Bureau completed 76 case reviews, three investigations, and 52 problem resolution assists to relatives. The results of these interventions indicated a systemic concern specific to DCS's support of relative placements which are typically grandparents. These concerns continued into 2018. While notification to relatives of DCS involvement and placement was a an overarching concern as stated in **Recommendation #3 / Family Engagement**, the DCS Ombudsman Bureaus involvement also identified missed opportunities by DCS to assist relative resource parents in the area of identifying and accessing community resources, and referrals to family services to support kinship care placements. The DCS Ombudsman Bureau also identified a need for training for DCS staff and licensed foster homes in the area of family engagement with relative resource parents, as well on-going family engagement between relative resource parents and DCS Relative Support Specialists to support kinship placements. Communication between relative resource parents and DCS was also identified as a concern. Additionally, many relative complainants voiced dismay at being used as baby sitters rather than active members of the child's team. The DCS Ombudsman Bureau identified case incidents where a failure of DCS to provide support to the child and relative family contributed to a disruption in the relative placement due in part to a lack of communication, and DCS's failure to explain and clarify roles and the status of the case overtime. Many resource relative homes are unlicensed and as a result do not often receive the same level of support as their licensed foster home counterparts. Due to these and other concerns, relatives providing placement and a connection to family history for the children placed in their care by DCS often found themselves ill equipped to manage and meet the diverse needs of the children placed in their homes.

**The DCS Ombudsman Bureau recommends DCS respond regarding agency efforts to address and support the needs of relative caregivers through staffing, policy, and best practice changes or vision alignment.**

#### **DCS Response:**

While DCS has done well in placing children in kinship homes, we have seen opportunities to improve in supporting our kinship placements. One of the goals of DCS's reorganization of foster care is ensuring that kinship homes are receiving the support and resources they need to help sustain the placement. Within this division, DCS has hired a kinship navigator to help in ensuring that DCS is providing the information, referrals, and services for the kinship placement to feel supported and thrive. The new position is part of an awarded federal grant that will assist Indiana in

adopting a best practice model of relative support and engagement through our current relative support specialists and providers. During the program development, there will be practice tips provided to field staff to further the roles that relatives play beyond just placement. DCS is excited for the future benefits this division and position will provide to the children and families we serve.

#### **Systemic Recommendation #5 – Interstate Compact for the Placement of Children (ICPC)**

Pursuant to *DCS Child Welfare Policy 9.1: Request to Place an Indiana Child in Another State*, the Indiana Department of Child Services (DCS) requires the DCS local office wishing to place an Indiana Child in another state to submit a referral packet to the DCS Interstate Compact of the Placement of Children (ICPC) Office. The DCS Ombudsman Bureau responded to numerous complaints from individuals wishing to have their relative children placed with them in another state. While best practice dictates that sending a child to another state when the birth parent(s) continue to reside in Indiana would create barriers to supporting a permanency plan of reunification. The ICPC can be an appropriate response in instances where birth parents were unavailable or non-compliant with services or where the parent(s) have moved to another state. The DCS Ombudsman Bureau found an extreme departure from the policy in many of these complaints across the agency. Specifically, DCS failed in many instances to initiate the ICPC process timely despite indicating to involved parties that they would be considered for placement through an ICPC. While the ICPC is, by design, a lengthy process, the DCS Ombudsman Bureau identified concerns where the process took longer than necessary due to DCS's failure to complete the necessary applications and forward them through the proper channels. There were several instances where, once approved, DCS failed to act timely in notifying appropriate parties of the results and requesting court authorization for interstate placement. These delays caused children to remain in out of home placements longer than necessary. In some instances the delay further traumatized children who were waiting to be placed with relatives or parents residing out of state. In one specifically concerning case, DCS failed to initiate a timely ICPC, and upon receiving approval from the receiving state, DCS failed to act on the ICPC decision in a timely manner while the children in question grew more bonded to the Indiana foster family. As a result, the potential relative placement was unable to visit or form a bond with the children over a period of approximately two years which resulted in the court authorizing the adoption of the children by the Indiana foster family. This case drew particular concern from the DCS Ombudsman Bureau because the case actions were in complete contradiction of DCS policy to consider suitable, willing relative placements to support the permanency plan of placement and adoption, while maintaining family connections and history for children.

**The DCS Ombudsman Bureau recommends DCS respond regarding agency efforts to ensure DCS staff case management decisions in the area of interstate placements are in alignment with laws, rules, written practice and best practice approaches.**

#### **DCS Response:**

DCS is looking back to the practice model and reinvigorating staff with the practice principles and essential skills to effectively do the work required of the agency. This

goes back to the importance of engaging non-custodial parents and relatives, even when they may live out of state. Recognizing how important those connections are, and often times, making that out of state placement is in the best interest of the child. Even when placement out of state is not feasible or in the best interests of the child, DCS needs to do what we can to maintain those connections for the child. In conjunction with the practice model relaunch, the increase in FCM and FCMS staff will allow the agency to better meet the requisite timelines as it relates to out of state placement of children.

**Systemic Recommendation #6 – Informing Non-Custodial Parents**

**(See Investigation Example #2 – Relative Placement)**

The DCS Ombudsman Bureau has reviewed many instances where DCS has failed to provide non-custodial parents obtaining placement of DCS policies and procedures regarding the child(ren) placed in their home. They are unaware that they must update DCS on all parenting decisions including but not limited to visitation, child care, medical care, education, and travel. Often times, the non-custodial parent believes that having placement is the equivalent of having custody, when in fact, DCS is the child(ren)'s custodian.

**The DCS Ombudsman Bureau recommends create a statewide practice of informing non-custodial parents, who are given placement of their child(ren), of the policies by which they must abide, similar to the way in which DCS informs relative and kinship placements.**

**DCS Response is pending**

## **DCS Ombudsman Bureau Reflections and Future Initiatives**

### **Agency Response**

In 2018, the DCS Ombudsman Bureau continued with its mission of responding to complaints concerning DCS actions or omissions by providing problem resolution services, independent case reviews and recommendations to improve DCS service delivery thereby promoting public confidence. Services and supports have been delivered to DCS Ombudsman Bureau constituents in a timely, efficient, and effective manner. Open communication between the DCS Ombudsman Bureau and DCS at the state and local level has supported the resolution of challenges and strengthening of best practice policies, procedures and programs. The use of Assists as a viable tool to foster communication and resolve concerns between complainants and the Local Offices continues to allow DCS Ombudsman Bureau staff to focus on more complex case reviews and investigations. Significant staffing changes at all levels of the DCS system in the latter part of 2017, created new opportunities for systemic collaboration and support in 2018.

## **DCS Ombudsman Bureau Initiatives**

The responsibilities of the DCS Ombudsman Bureau require experienced staff proficient in the areas of child welfare and criminal justice issues; problem resolution; research; the ability to understand public policy and law; and, apply the same to constituent concerns. Additionally, the individuals must have above average oral and written communication skills, provide excellent customer service while engaging stakeholders with diverse needs and expectations.

The DCS Ombudsman Bureau currently employs two Assistants with the responsibility of responding to constituent concerns. In 2015, the DCS Ombudsman Bureau began discussions with the State Personnel Department to identify strategies to better align the Assistant Ombudsman job description with the actual tasks performed. The Director of the DCS Ombudsman Bureau initiated two strategies to support the staffing needs of the agency. First, a request to increase the DCS Ombudsman Bureau's budget for additional staff and/or an increase in staff salaries was made during the 2014 budgeting process. An additional Assistant Ombudsman would not only support the response to the steadily increasing numbers of calls but it would allow for the opportunity to restructure the agency to support better work flow. A request for funding to increase outreach efforts and staff development was also made. The budget requests were approved during the 2015 Legislative Session. The DCS Ombudsman Bureau was appropriated \$313,807 in 2015, which was an increase of \$98,132 from the previous fiscal year. Efforts to address staff retention and outreach efforts continued in 2016. Effective April 2017, the Assistant Ombudsman status classification was changed from an Administrative Assistant 2 to a Program Director 2 with a 4.5% increase in salary.

While funding efforts for outreach and training efforts increased, the DCS Ombudsman Bureau was able to hold the costs consistent with previous years by participating in opportunities at low to no cost.

The request for additional staff was not approved in 2016 or 2017. The DCS Ombudsman Bureau continued to pursue approval in 2018 for one additional Full Time Equivalent (FTE) Assistant Ombudsman Position to support the agency's ever increasing role.

## **Acknowledgements**

The DCS Ombudsman Bureau acknowledges the many individuals who submitted their concerns for resolution. The willingness of these stakeholders to align their efforts with the resources of the DCS Ombudsman Bureau to resolve concerns is greatly appreciated. Additionally, the efforts of the Department of Child Services at the state and local level do not go unnoticed. The agency's commitment to address identified concerns and participate in intentional dialogue around program strengths and challenges with the DCS Ombudsman Bureau does much to further the goals of best practice services and support to vulnerable families and children in Indiana.

As the 2017 calendar year drew to a close, DCS found itself facing new challenges with the departure of DCS Director Mary Beth Bonaventure. The DCS Ombudsman Bureau looked

forward to new opportunities for growth in the relationship between DCS and the bureau with the appointment of Terry Stigdon to the position of DCS Director. The DCS Ombudsman Bureau was encouraged by steps taken by the Director in 2018 to continue with efforts to develop a team of professionals at all levels of the agency dedicated to the well-being and safety of Indiana's most vulnerable children. Likewise, the DCS Ombudsman Bureau is pleased to have been included in trainings and discussions in 2018 specific to DCS policies and practices.

Particular appreciation is extended to Assistant Ombudsman Jessica Stier and Assistant Ombudsman Jamie Anderson. They are invaluable assets to the success of the DCS Ombudsman Bureau and the diligent efforts they bring to the agency are greatly appreciated.

# **ATTACHMENTS**

# Attachment A

## DCS Ombudsman Bureau Staff

### Director

Director **Alfreda Singleton-Smith** was appointed to the position of the DCS Ombudsman in June, 2013 by Governor Michael R. Pence. She brings over 30 years of child welfare experience in the public and private sector to her role. Director Singleton-Smith worked for DCS from 1986 – 1997 at the local level in Marion County, Indiana as a children services case worker, supervisor, trainer, assistant division manager and division manager. She was previously employed by The Villages of Indiana, Inc. where she served as Senior Director of Client Services, responsible for providing statewide support to agency stakeholders in the areas of program planning, foster care, adoption and kinship care. She holds a BS from Western Kentucky University and an MSW from Indiana University. Ms. Singleton-Smith has served on numerous local, state and national initiatives in support of children and families. She is a licensed social worker; a certified RAPT Trainer and Adoption Competency Trainer and a member of the United States Ombudsman Association.

### Assistant Ombudsman

**Jessica Stier** is native to the Indianapolis area. She graduated from Bishop Chatard High School and went on to earn a Bachelor's degree in Criminal Justice from IUPUI in 2011. She was hired as an Assistant Ombudsman in August 2011 and divided her time between the DCS Ombudsman and the DOC Ombudsman offices. She began working for the DCS Ombudsman full time in March 2012. In addition to conducting reviews and investigations, Jessica has taken on the role of managing the agency's data system and coaching new staff members.

**Jamie Anderson** grew up in Indianapolis, IN. She graduated from Indianapolis Public Schools and holds a Bachelor's degree in Psychology from Purdue University. Jamie worked as a Family Case Manager for the Department of Child Services from 2006 – 2009 where she enjoyed assisting children and families in reaching their goals. She has since completed ombudsman work for Indiana public assistance programs as well as served as a Care Coordinator in the mental health field. Jamie joined the DCS Ombudsman Bureau in January 2015.



# Attachment B

## Rules of Engagement

### DCS Ombudsman Guidelines

*Agency and Complainant Rights and Responsibilities  
in the DCS Ombudsman Bureau Complaint Process*

#### **Complainant Rights**

Complainants are entitled to:

- A timely response acknowledging receipt of the complaint.
- Professional and respectful communication from agency staff.
- An impartial review.
- A credible review process.
- Contact by the Bureau if additional information is required.
- Communication regarding the outcome of the review.



#### **Complainant Responsibilities**

Complainants shall:

- Attempt to resolve problems with the local office prior to filing a complaint.
- Complete the complaint form as directed.
- Ensure that the allegations in the complaint are pertinent to the role of the ombudsman.
- Ensure the accuracy and timeliness of requested information.
- Communicate respectfully with agency staff.

#### **DCS Ombudsman Bureau Rights**

The Bureau may:

- Decline to accept a complaint that does not fall within the jurisdiction of the Bureau.
- Determine the level of review, the documentation and interviews necessary for gathering the information required to determine findings.
- Expect the complainant to provide any additional information requested.
- Determine when a case requires no further action.

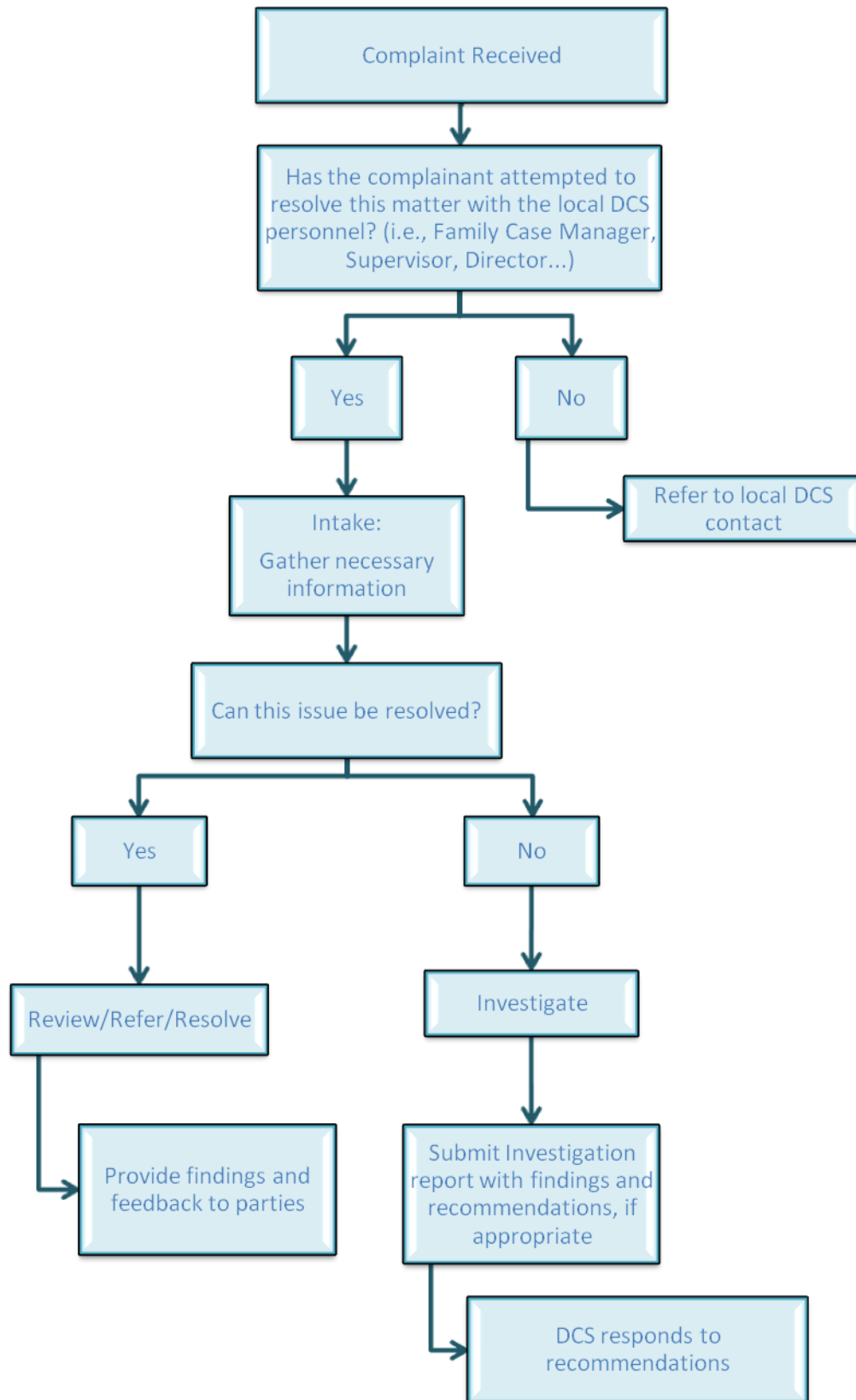
#### **DCS Ombudsman Bureau Responsibilities**

The Bureau shall:

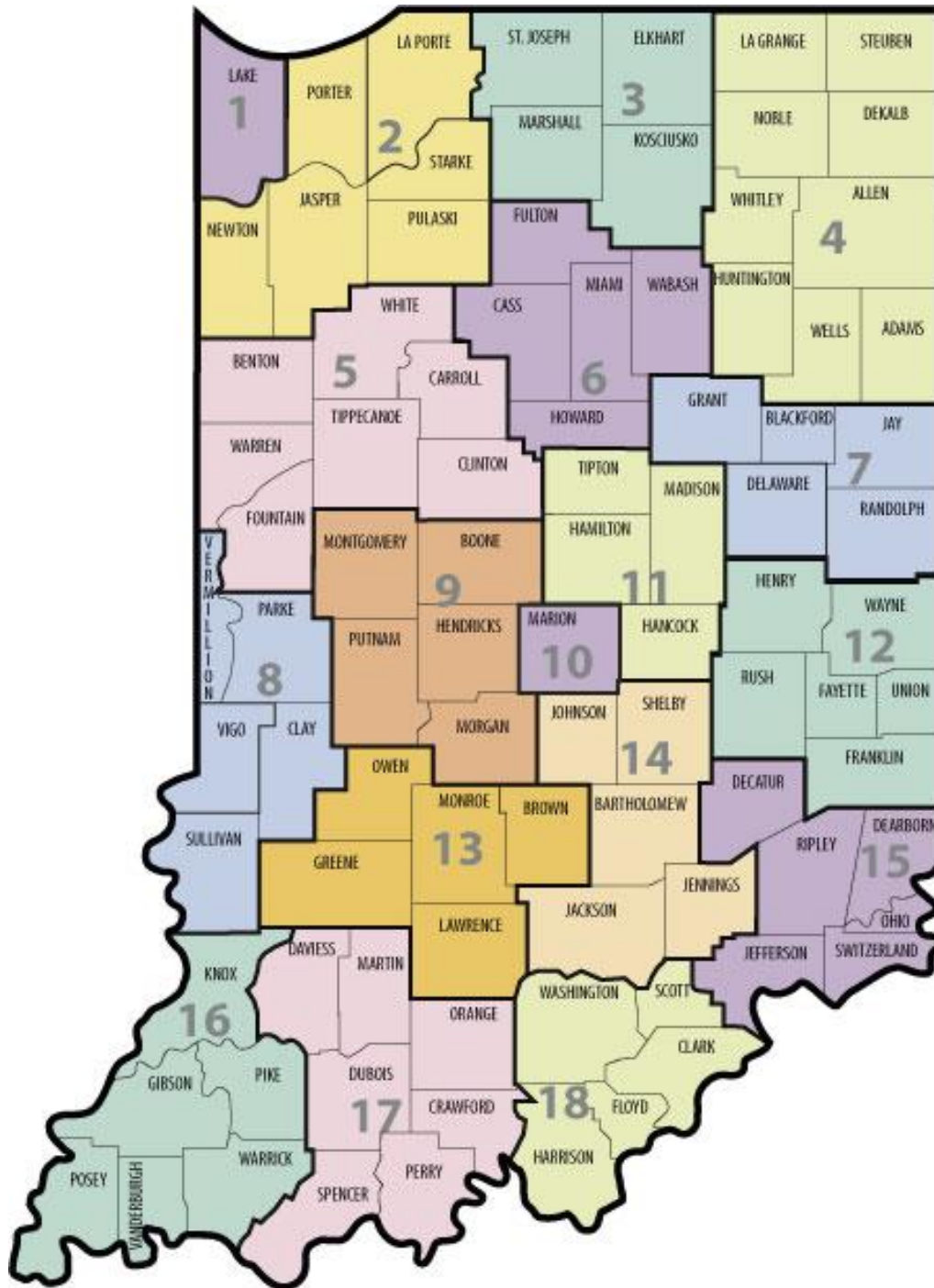
- Complete reviews in a timely manner.
- Complete a thorough and impartial review.
- Ensure professional and respectful communication.
- Provide the results of the review to the complainant in accordance with IC 4-13-19-5.

# Attachment C

## How We Work



# Attachment D Regional Map



## **DCS Ombudsman Bureau**

### **Office Hours**

8:00 am to 4:30 pm

### **Telephone Numbers**

Local: 317-234-7361

Toll Free: 877-682-0101

Fax: 317-232-3154

### **Ombudsman E-mail**

[DCSOmbudsman@idoa.in.gov](mailto:DCSOmbudsman@idoa.in.gov)

### **Ombudsman Website**

[www.in.gov/idoa/2610.htm](http://www.in.gov/idoa/2610.htm)

### **Mailing Address**

DCS Ombudsman Bureau  
Indiana Department of Administration  
402 W Washington Room 479  
Indianapolis, Indiana 46204

