



Office of the Ombudsman Annual Report

Foster Youth and Foster Parent Statements of Rights and Responsibilities Annual Status Report 2017

Submitted to the Council of the District of Columbia
February 28, 2018

D.C. Child and Family Services Agency

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Table of Contents

Letter from the Mayor Regarding the Ombudsman for the District of Columbia Child and Family Services Agency	2
Executive Summary	3
Introduction and Overview of Concerns Received in CY 2017	3
Role of the Ombudsman at CFSA.....	4
Mission.....	4
What Doesn't the Ombudsman Do?	4
Ombudsman Case Process	5
Accomplishments During CY 2017	6
Ombudsman's Office Data	7
Who We Serve	7
Complaint and Inquiry Resolution	8
Complaint and Inquiry Themes.....	9
Findings and Recommendations	10
Understanding of Child Welfare.....	10
Communication and Customer Service	11
Roles, Rights and Responsibilities	11
Financial.....	12
Placement.....	12
Conclusion – Looking Ahead	13

Letter from the Mayor Regarding the Ombudsman for the District of Columbia Child and Family Services Agency

It is with great excitement that I share this report on the activities of the Ombudsman at the D.C. Child and Family Services Agency (CFSA) for CY 2017. The Office of the Ombudsman experienced a productive year despite changes in staff and in the data collection process. The Ombudsman continues to identify and pursue opportunities for reinvention and is committed to continuous improvement. In 2017, the Ombudsman worked with the CFSA Child Information System Administration (CISA) to establish the Ombudsman Database. The new database establishes a record of the complaints and inquiries received and tracks the resolution process. In addition, it helps identify trends that will enhance the performance of the Office of the Ombudsman as well as overall Agency performance.

In CY 2018, The Office of the Ombudsman will focus on:

- Enhancing engagement and outreach through the utilization of social media aimed at informing a broader public;
- Strengthening internal data collection and reporting mechanisms; and
- Undertaking a rebranding initiative for the Ombudsman.

In this report, you will find a description of the work of the Ombudsman, a report of the number and types of concerns processed, office outcomes, and recommended changes moving forward.

Sincerely,

Executive Summary

Introduction and Overview of Concerns Received in CY 2017

The Foster Youth and Foster Parent Statements of Rights and Responsibilities Annual Status Report 2017 details the findings and resolution of complaints and inquiries (“concerns”) received by the Child and Family Services Agency’s (CFSA) Office of the Ombudsman (the “Ombudsman” or “the Office”) from youth in foster care, licensed foster parents and concerned parties (collectively, “constituents”).¹ The Office of the Ombudsman performs independent investigations and facilitates resolutions in response to complaints and inquiries relating to CFSA.

In CY 2017, the Ombudsman received 70 concerns from a range of constituents. This report will go into more detail on the types of issues addressed and who reported them to the Ombudsman. In addition, the Ombudsman has a number of recommendations to address observations made throughout CY 2017.



¹ The District’s *Foster Youth Statement of Rights and Responsibilities Act of 2012* (D.C. Law 19-276; D.C. Official Code § 4-1303.71 et seq.); and the *Foster Parents Statements of Rights and Responsibilities Amendment Act of 2016* (D.C. Law 21-217; D.C. Official Code § 4-1303.81 et seq.) requires the submission of this annual report, which must include concerns reported by youth and licensed foster parents in addition to the outcomes of the resulting investigations.

The Office of the Ombudsman for the D.C. Child and Family Services Agency (CFSA)

Role of the Ombudsman at CFSA

In the context of CFSA, the role of the Office of the Ombudsman is to provide conflict resolution for issues that affect CFSA families by supplementing – though not replacing – CFSA’s formal dispute and complaint resolution channels. The Office applies the characteristics and standards discussed above to create an accountability mechanism by conducting an investigation of the complaint or inquiry, identifying and evaluating options for resolution, encouraging effective communication between parties, offering referrals to other resources, and consulting with CFSA management about observed issues and trends.

Specifically, the Ombudsman is charged with fielding and reviewing concerns regarding the District’s child welfare system and making recommendations for improvements to clinical practice or interagency systemic change. Until summer 2017, the Office of the Ombudsman employed a Youth Ombudsman and a general Agency Ombudsman. CFSA initially established the Youth Ombudsman position in January 2013, recognizing that youth might not feel comfortable addressing concerns directly to social workers, or that they may not know where to go if they had questions or encountered problems concerning their foster caregiver. After a review of the volume of complaints and inquiries and staff departures, CFSA leadership decided it would be more efficient to employ one person in both roles.

Mission

- Address immediate concerns relating to CFSA constituents.
- Act as a mechanism for early detection of emerging agency-wide issues.
- Prevent reoccurring problems and improve existing processes by collaborating with CFSA teams and stakeholders to effect systemic changes.

What Doesn’t the Ombudsman Do?

Because of the informal, neutral, confidential, and independent positioning of the CFSA Ombudsman’s office, the Ombudsman does not engage in the following activities:

- Make decisions for constituents, agency staff, or other individuals.
- Offer legal advice.
- Offer psychological counseling.
- Participate in formal investigations or play any role in a formal judicial proceeding.
- Intervene in the decision-making process of clinicians.
- Address concerns that are outside of CFSA’s jurisdiction.

Ombudsman Case Process

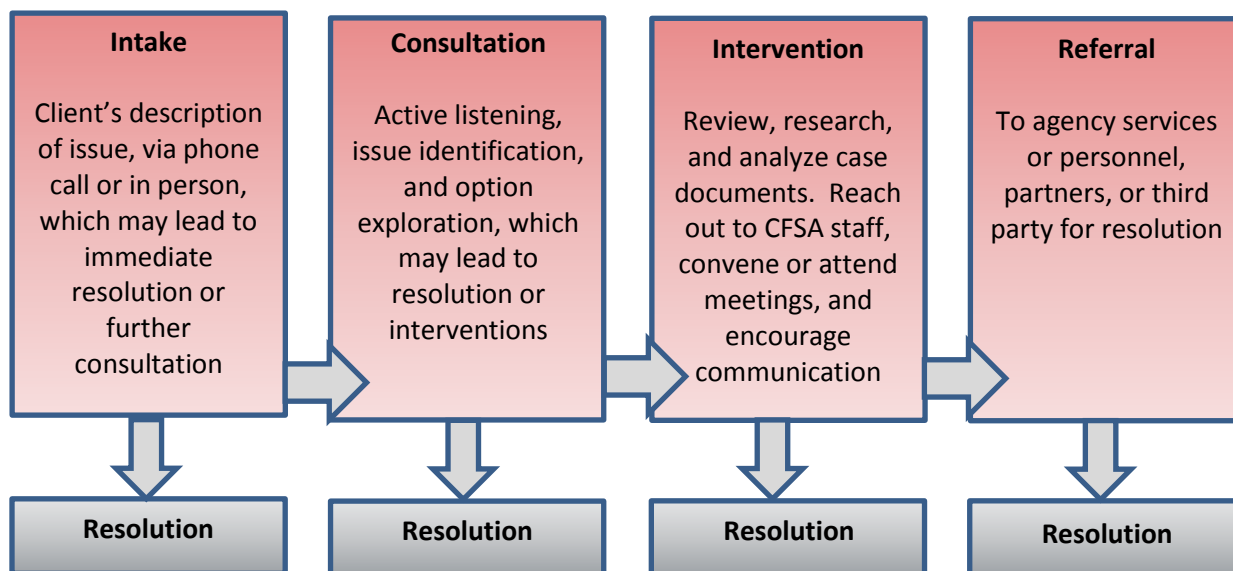
The Ombudsman's case process² has four (4) steps, though some may repeat and resolution can be reached during any step of the process:

1) Intake

2) Consultation

3) Intervention

4) Referral



All individuals with a complaint or inquiry are strongly encouraged to first address concerns with their assigned social worker as soon as the issue arises. If a concern has not been adequately addressed, the individual is encouraged to reach out to the social worker's managerial supervisory chain of command. If the individual still feels the concern has not been adequately addressed, then it is appropriate to seek help from the Ombudsman.

The Ombudsman receives youth complaints and inquiries regarding foster youth in care through the following pathways:

- Email: Yo.Bud@dc.gov
- Yo Bud Toll Free Hotline: (855) 874-3273
- Be Heard! Website: <http://cfsa.dc.gov/service/be-heard-for-youth> and <http://cfsa.dc.govservice/be-heard>
- Direct contact or a visit to the Ombudsman

² Adapted from Washington State Office of the Education Ombudsman. (2011). *Ombudsman resource manual*.

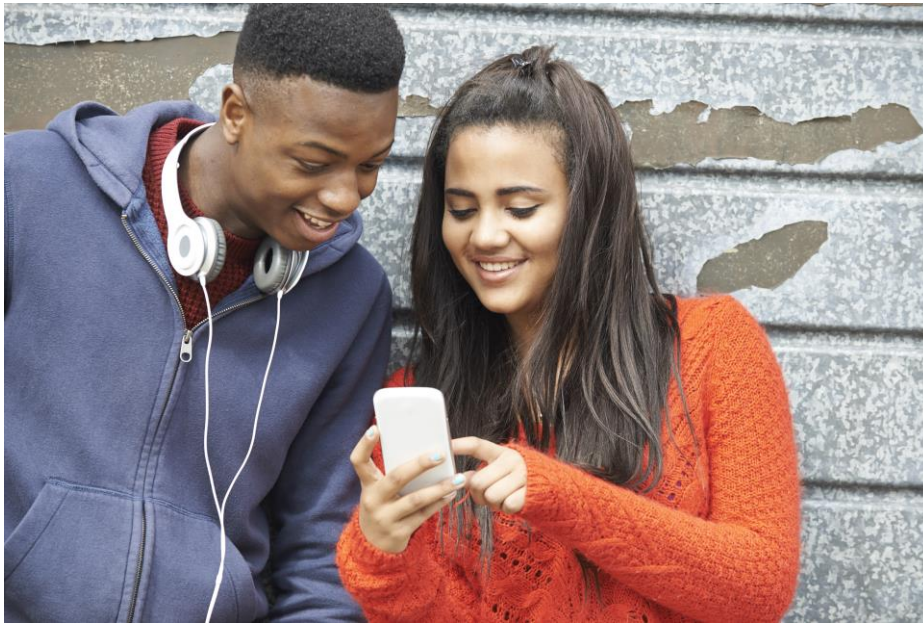
The Ombudsman receives complaints and inquiries from resource parents through the following pathways:

- Email: CFSA.Ombudsman@dc.gov
- Phone: (202) 722-2111
- Direct contact or a visit to the Ombudsman

Accomplishments During CY 2017

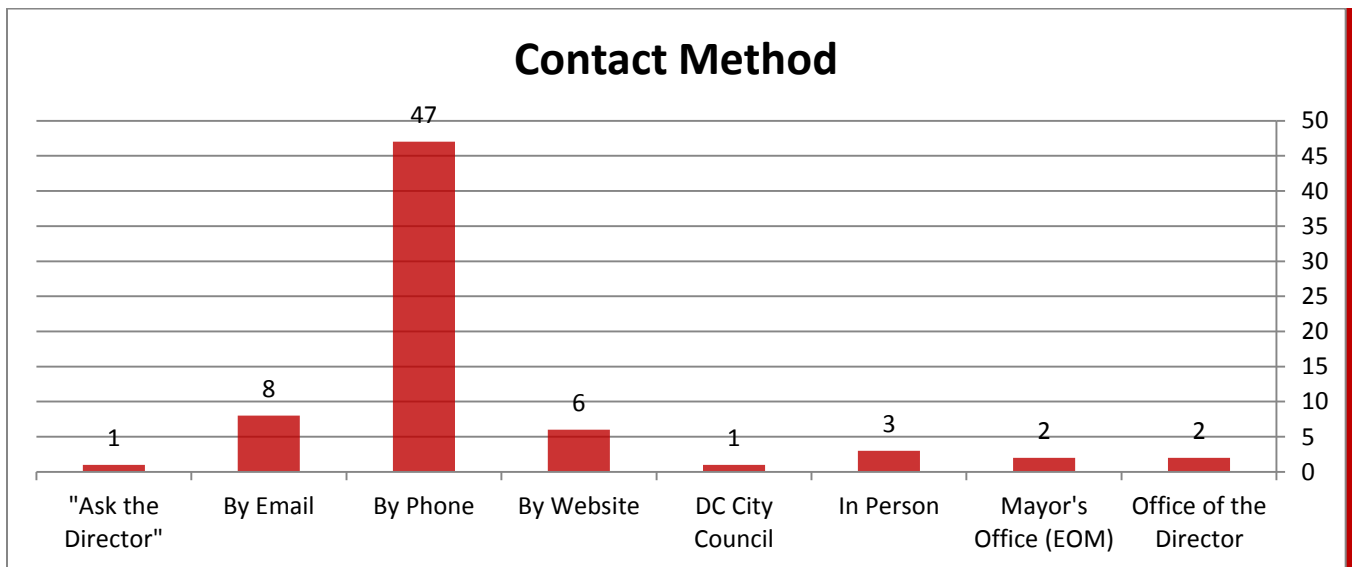
- Closed 63 of 70 concerns, received in CY 2017 regarding foster youth and resource parents' issues. Seven concerns are pending review.
- Drafted internal Agency policy on the Office of the Ombudsman's role and responsibilities.
- Worked to ensure constituents' awareness and understanding of the Foster Youth Statement of Rights and Responsibilities Amendment Act (Foster Youth Bill of Rights) by increasing distribution of the Bill of Rights, which includes information about the Youth Ombudsman.
- Established a Statements of Rights and Responsibilities for resource parents guaranteeing that each resource parent will receive a printed copy of the Statements of Rights and Responsibilities and the process for reporting rights violations to the Agency through the Office of the Ombudsman.
- Conducted a series of committee meetings with various stakeholder groups related to the resource parent experience. Based on needs identified during the meetings, CFSA and volunteering partners formed the "Accountability" subcommittee, which focused largely on mechanisms for resource parents to raise issues and achieve resolution within CFSA.
- Drafted "plain language" for dissemination to the resource parent community, using a variety of media. As of this report, CFSA is scheduling a February 2018 meeting with Committee members to review the draft materials.
- Consistently engaged with CFSA staff to build relationships across the Agency and spread awareness of the role of the Ombudsman and the Ombudsman case process.
- Partnered with the Department of Human Services' (DHS) Strengthening Teens Enriching Parents (STEP) Program to provide immediate outreach and assessment to youth reported missing. Provided Agency history and current contacts relating to missing youth to aide in interagency understanding of the reasons why youth appeared on the missing youth list and to develop individually tailored service plans to prevent similar occurrences in the future.

Ombudsman's Office Data

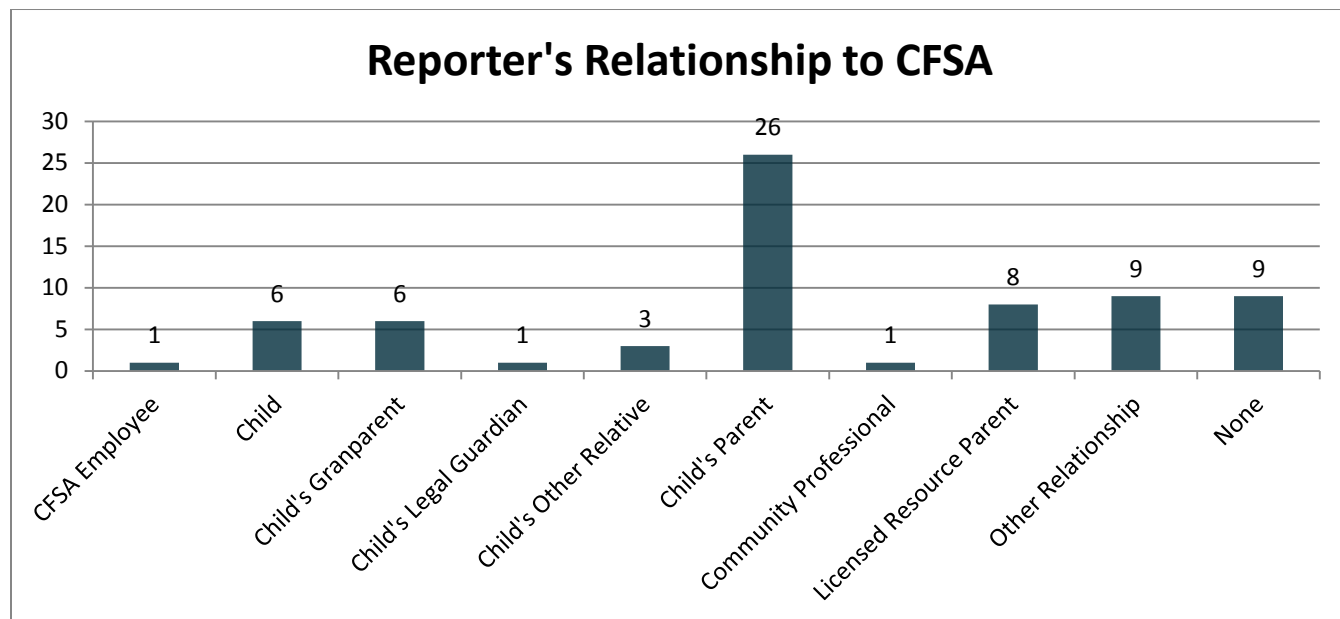


Who We Serve

The majority of cases (67%) began with a phone call to the Office of the Ombudsman. E-mail accounted for 11% of the issues the Office received, while the contact function of the CFSA Ombudsman website represented 9% of incoming issues. Other referral sources included the DC City Council, “Ask the Director” and referrals from the Executive Office of Mayor Muriel Bowser.

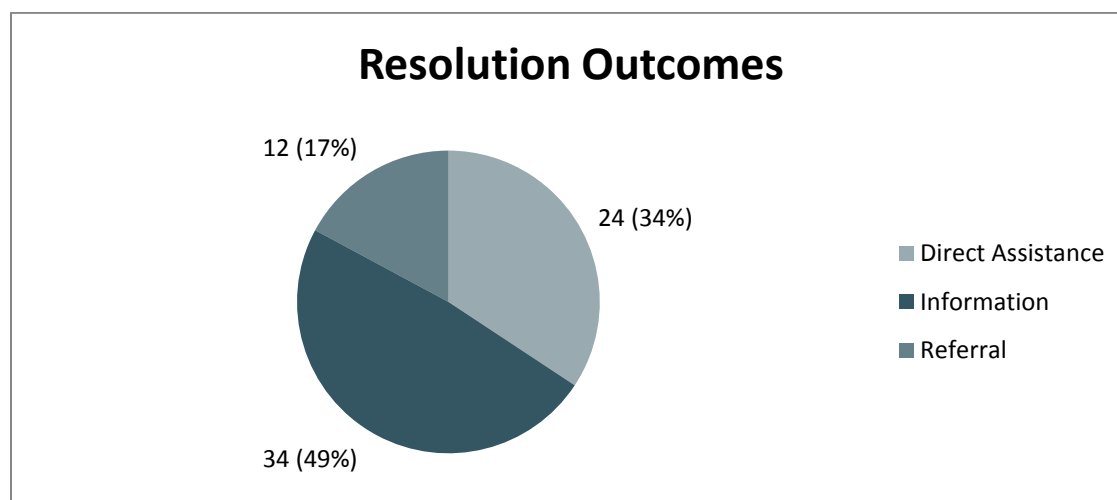


The majority of intake calls came from a child's parent (37%). A significant number of calls also came from licensed resource parents (11%), youth (9%), and concerned grandparents (9%).



Complaint and Inquiry Resolution

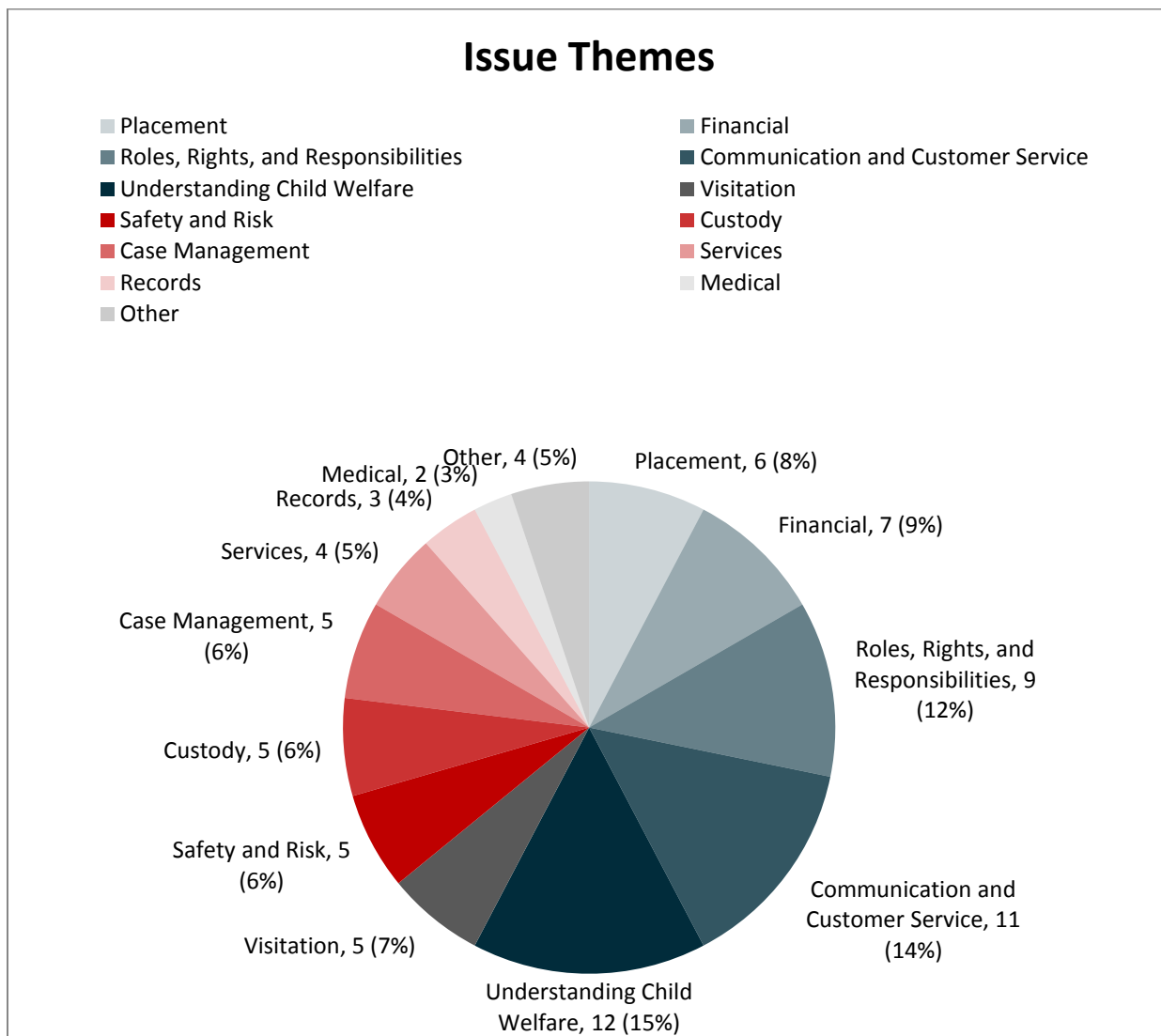
Of the 70 complaints and inquiries in CY 2017, 34 (49%) were resolved by educating the constituent, resource parent, or youth on CFSA policies or by providing information that would allow the individual to make an informed decision. The Ombudsman also received 24 (34%) concerns that required direct assistance or intervention through mediation, negotiation, or the facilitation of dialogue. The remaining 12 (17%) concerns resulted in referrals to internal or external parties.



Complaint and Inquiry Themes

There were 19 complaint and inquiry theme categories³ which the Ombudsman used to track issue trends. The majority of concerns fell into five categories:

1. Lack of understanding of the child welfare system.
2. Lack of understanding of the roles and responsibilities of Agency employees.
3. Concerns relating to communication or customer service.
4. Issues with financial matters.
5. Disputes about youth placement.



³ Complaint and Inquiry Themes:

Case management; Communication and customer service; Custody; Emancipation and transition from care; Fear of retaliatory behavior; Financial; Medical; Permanency or goal change; Placement; Physical care; Records; Removal; Roles, rights, and responsibilities; Safety and risk; Services; Teen parent; Understanding child welfare; Vetting of kin; and Visitation.

Findings and Recommendations



Based on each of these themes, the Ombudsman makes the below findings and recommendations.

Understanding of Child Welfare

Finding: CFSA's jurisdiction and authority is not always understood or communicated appropriately internally and externally.

A significant number of complaints and inquiries reported to the Ombudsman were due to a lack of understanding of child welfare, its limitations and parameters, and its various partnerships throughout the District of Columbia. The misunderstanding of child welfare was further complicated by inconsistent and inaccurate communication by external and internal parties to foster youth and constituents navigating the child welfare system.

Five concerns related to the constituent's legal role; the youth's legal status; the legal requirements of mandated reporters – individuals who frequently work with children, such as teachers and physicians, who are legally mandated to report child abuse and neglect; and CFSA's administrative role.

The issue regarding CFSA's administrative role appears to stem from the fact that Agency representatives who are highly specialized in areas of practice sometimes lacked universal knowledge of CFSA's jurisdiction and authority. To resolve those concerns, the Ombudsman researched policies and educated parties in an effort to enhance their global knowledge of Agency policies, procedures, and operations. The Ombudsman also coordinated with the CFSA Hotline – the telephone number that the public can call (202) 671-SAFE (7233) to report child abuse or neglect – to ensure that all instances of child neglect or abuse reported to the Ombudsman were processed by the Hotline.

Recommendations:

- Increase distribution of information internally and externally regarding CFSA's child welfare jurisdiction, authority and limitations so that there is a clear universal knowledge of child welfare.
- Embed an introduction about CFSA's jurisdiction, authority and limitations into its mandated reporter training.

Communication and Customer Service

Finding: CFSA workers sometimes have difficulty maintaining positive family engagement.

Eleven constituents raised concerns about their belief that CFSA did not adhere to the District-wide customer service standards concerning responsiveness and communication generally. On the whole, constituents expressed that they did not feel the Agency viewed them as active team members nor did the Agency provide timely, clear, concise and consistent communication regarding case management and clinical decisions affecting youth. The Ombudsman worked towards resolving those concerns by facilitating enhanced communication between constituents and the clinical team and serving as an intermediary between constituents and CFSA staff.

Recommendations:

- Encourage clinical teams to work with the Agency chain of command to contact constituents directly to discuss case management and clinical decisions.
- Provide opportunities for refresher trainings to reinforce District customer service standards as necessary.

Roles, Rights and Responsibilities

Finding: The roles, rights, and responsibilities of stakeholders were not always clearly defined or understood.

At times, the roles, rights, and responsibilities of various parties such as the foster parents, biological parents, foster youth and CFSA overlap with respect to consent, confidentiality, records, decision and actions. As a result, parties in the process did not always understand their respective roles, rights and responsibilities. For example, a recurring complaint in investigations of child abuse or neglect involved caregivers' and guardians' lack of understanding that the Agency's clinical teams have the authority to interview youth without the caregiver or guardians' presence, knowledge, or express consent. As a result, the Ombudsman received numerous complaints and inquiries concerning clinicians meeting with youth and making decisions based on statements made outside of the parents' presence. The Ombudsman was able to resolve many of those concerns by educating parties on District of Columbia law and CFSA's policy.

Recommendations:

- Review policies and training protocols to determine if there is a need for more guidance with respect to the parties' roles, rights, responsibilities and role limitations.
- Acknowledge caregivers' and guardians' lack of understanding of CFSA's processes and, where possible, be prepared to provide a broad outline of the investigative process earlier in the life cycle of an investigation.

Financial

Finding: CFSA policies relating to reimbursements, payments, and allowance were not always understood or communicated in a timely manner.

The Ombudsman resolved four concerns about payments to resource parents. The concerns generally relayed that clinical teams were not always consistent when providing next steps with respect to financial matters, which resulted in delays in the payment process. For example, in one instance where a resource parent's home was damaged by a youth in care, the placing agency (a CFSA partner) was unaware of CFSA's policy relating to resource parent reimbursement, so no action was taken until the resource parent contacted the Office of the Ombudsman weeks after the incident. The Ombudsman was able to resolve many of these kinds of concerns through education, which helped to ensure that the parties had an understanding of Agency financial policies.

In addition, there were three complaints or inquiries made by foster youth relating to resource providers withholding personal allowances to youth in their care. Many of those concerns were the result of differing understandings of Agency policies, which give resource providers the right to withhold allowance when a given youth's eligibility criteria are not satisfied on a monthly basis. The Ombudsman counseled several youth on CFSA's policy, reviewed foster youth case files, and also counseled resource providers on the importance of clear and regular communications with youth regarding personal allowance, withholdings, and the reasons for withholdings.

Recommendations:

- Review financial policies with clinical staff so they are prepared to answer questions relating to regular payments and reimbursements.
- Review policies and processes with resource providers so they understand their role in the distribution of allowance and the need for communication when withholding youth allowance.
- Utilize the Agency's social media accounts in communicating its financial policies.

Placement

Finding: Numerous complaints or inquiries concerning placement derived from biological parents and resource parents' desire to be more involved with decisions relating to youth placement, regardless of Agency policies concerning child placement.

The Ombudsman received three complaints or inquiries from biological parents and grandparents who were dissatisfied with the specific placement of youth in care. The biological family often wanted to provide recommendations as to where youth should be placed and were displeased when CFSA made

clinical based decisions that differed from the recommendations they provided. Similarly, resource parents contacted the Ombudsman in two instances where placements were disrupted without the resource parent's consent. Despite the dissatisfaction expressed by biological parents, grandparents, and resource parents, the Ombudsman's review confirmed that the placements at issue were made according to Agency policy, which requires that such determinations be made based on the clinician's evaluation of the outcome that is in the youth's best interest. In order to resolve placement-related concerns, the Office of the Ombudsman worked with clinicians to better communicate the Agency's policies and the manner in which the policies affected the clinicians' placement decisions.

Recommendations:

- Make efforts to communicate changes to youth placement or other incidents that result in a placement disruption in a timely manner.
- Discuss opportunities for kinship placement in early stages of a CFSA involved case.

Conclusion – Looking Ahead

In CY 2017, the Office of the Ombudsman was honored to help CFSA families and constituents reach resolution through collaboration and partnership with CFSA administrators and staff. In CY 2018, the Office of the Ombudsman will continue to increase outreach to meet its goal for CFSA youth and resource parents to be aware of the Office and how to access services.

