A close-up photograph of a young child's face, looking slightly to the right. The child's hand is near their mouth, with fingers partially visible. The background is a plain, light-colored wall.

State of Missouri
Office of
Child Advocate for
Children's Protection
and Services

2012
Annual Report

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Office of
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Protection and Services
Annual Report 2012

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State of Missouri
**Office of Child Advocate
for Children's Protection and Services**

Jeremiah W. (Jay) Nixon
Governor

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Kelly Schultz
Child Advocate

October 31, 2013

The Honorable Jeremiah W. (Jay) Nixon
Governor of the State of Missouri

The Honorable Mary R. Russell
Chief Justice of the Missouri Supreme Court

Dear Honorable Governor Nixon and Honorable Chief Justice Russell:

I am pleased to present the 2012 Annual Report of the Office of Child Advocate. The report covers the time frame of January 1, 2012 through December 31, 2012.

I am honored to be appointed the Child Advocate. I truly appreciate this opportunity to serve the children and families of Missouri. Our office remains committed to our charge to review complaints, advocate for abused and neglected children, mediate between school districts and parents when allegations of child abuse arise in a school setting, and to recommend changes with the goal of improving the system for Missouri's children.

Thank you for your commitment to the children and families of Missouri.

Respectfully submitted by:

A handwritten signature in blue ink, appearing to be 'KS' or similar initials, written in a cursive style.

Kelly Schultz

Table of Contents

History	5
Operation of the Office	5
Staff	5
Budget	5
Role of the Office	5
Receiving, Investigating and Concluding Complaints	6
Promoting the Office	8
Complaint Types and Sources—New Cases	8
Types of New Complaints	8
Sources of New Complaints	9
Location of Children Referred	10
Effectiveness Measurements	11
Recommendation for Systematic Improvements	11
Acknowledgements	13
Appendix A	14
Policy/Procedure Concerns, Practice Issues, and Recommendations	
Appendix B — Missouri Revised Statutes, Chapter 37 & 160	23

History

The Office of Child Welfare Ombudsman was established by Governor Bob Holden's Executive Order in 2002 to act as an agent of accountability regarding Children's Protection Services. In 2004, the 92nd General Assembly passed Speaker Catherine Hanaway's House Bill 1453. The legislation changed the office name to the Office of Child Advocate for Children's Protection and Services and strengthened the role of the office. Governor Jay Nixon signed Senator Jane Cunningham's Senate Bill 54 into law in 2011 authorizing the Office of Child Advocate to coordinate mediation efforts between school districts and students when allegations of child abuse arise in a school setting. (See Appendix B for statute language.) Since its inception, the office has served a total of 4,667 children.

Operation of the Office

Staff

The Office of Child Advocate is directed by the Missouri Child Advocate who is appointed by the Governor and Chief Justice of the Supreme Court, with the advice and consent of the Senate. Other staff positions include a Deputy Director and an Office Manager.

OCA staff:
Kelly Schultz, Missouri Child Advocate
Liz Beasley, Deputy Director
Carolyn Swanigan, Office Manager

Budget

The Office of Child Advocate is funded through state general revenue funds and federal funds distributed through the Department of Social Services. The original budget appropriation for 2012-2013 was \$316,028. This amount was adjusted during the 2012 Fiscal Year to a budget appropriation figure of \$216,028 including an adjustment in fulltime employees from 3.0 to 5.0.

Role of the Office

The Office of Child Advocate operates under the Office of Administration and is, therefore, independent of the Department of Social Services, Children's Division, the Department of Mental Health, and the Juvenile Court. The office provides citizens an avenue to obtain an independent and impartial review of disputed decisions, actions and inactions regarding any child at risk of abuse, neglect or other harm.

The Office of Child Advocate offers five primary services to concerned citizens:

- ◆ foster care case management review
- ◆ unsubstantiated hotline investigation reviews
- ◆ mediation between parents and schools regarding abuse allegations
- ◆ child fatality review of children with Children's Division involvement
- ◆ information and referrals for families needing resources

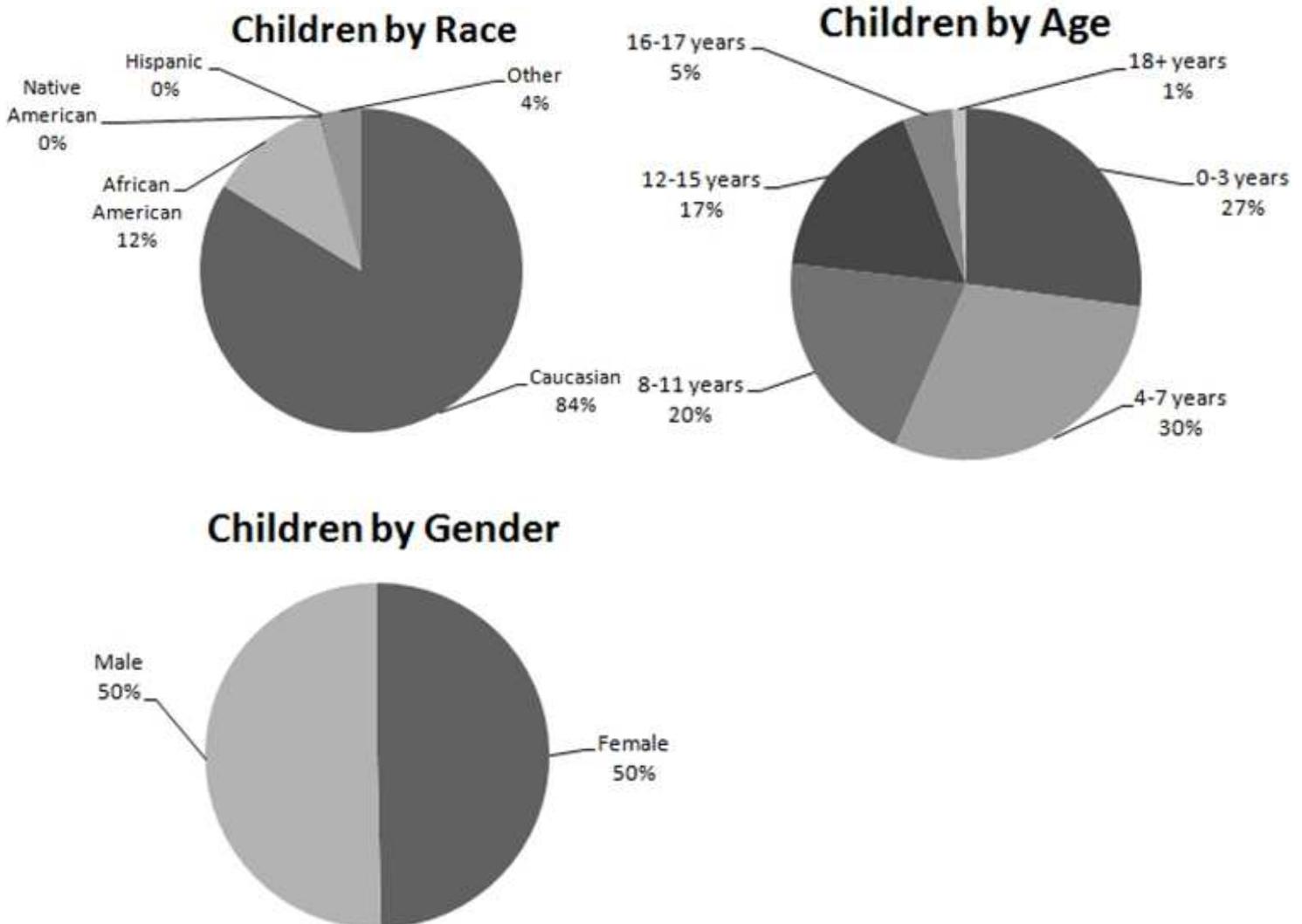
Additional responsibilities include:

- ♦ offering case specific and systemic recommendations when appropriate
- ♦ improve family services by examining laws, policies and procedures
- ♦ provide an annual report to the Governor and Chief Justice
- ♦ educate the public regarding the child welfare process in Missouri while increasing public awareness of the Office of Child Advocate

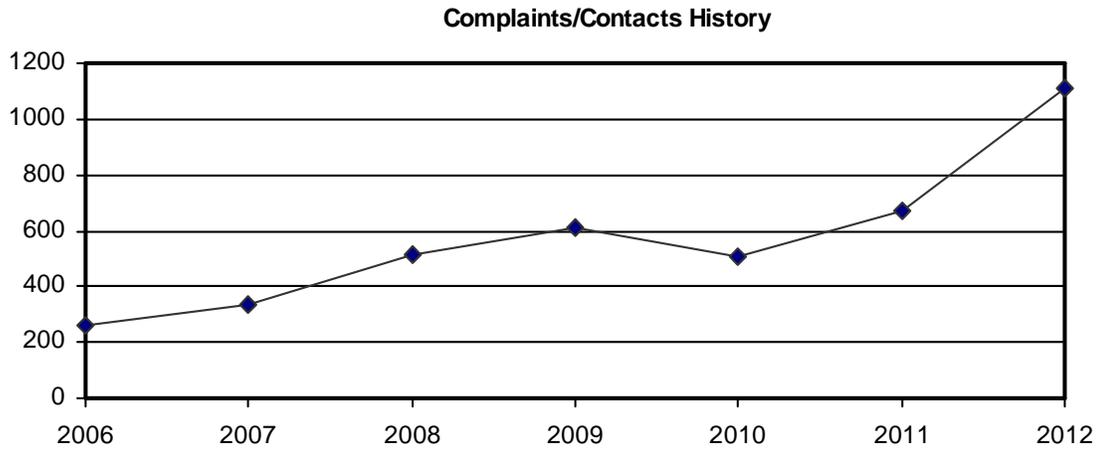
Receiving, Investigating and Concluding Complaints

Receiving Complaints

From January 1 through December 31, 2012, the Office of Child Advocate received 1,107 complaints/contacts including registered concerns from 359 new complainants, 271 unsubstantiated, 1 mediation and 18 fatality reviews involving 865 children.



In 2012, the Office of Child Advocate saw a little over 64% growth in case load from 674 to 1,107*.



The composite number of complaints/contacts received by the Office of Child Advocate and is categorized according to (1) New Cases, (2) Reopened Cases, (3) Unsubstantiated Reviews, (4) Information and Referrals, (5) Fatalities*, (6) Mediation and (7) Unable to Contact (due to phone numbers no longer in service, etc.)

*Beginning in 2012, fatalities were included.

2012 Contacts Received	
359	New Cases
25	Reopened Cases
271	Unsubstantiated Reviews
403	Information and Referrals
18	Fatalities*
1	Mediation
30	Unable to Contact
1,107	Total Number of Contacts

Investigating Complaints

Upon the receipt of a complaint, the Office of Child Advocate notifies the appropriate Children's Division Circuit Manager, Division Director, and Juvenile Office that our office has been requested to review a case. The identity of the complainant is kept confidential unless our office is given permission to share the information with the appropriate parties. The Office of Child Advocate proceeds to determine the appropriate level of investigation. Possible levels of investigation include:

- 1) No investigation needed
- 2) Gather information and interact as necessary with involved parties
- 3) Request and review the Children's Division case file
- 4) Conduct on-site review

Concluding Complaints

Reviews and investigations are concluded within 30 business days. Extenuating circumstances may occasionally extend the investigation in certain instances, such as continued court dates, ongoing concerns or new allegations. The Office of Child

Advocate will issue a letter of conclusion to the appropriate Children's Division Circuit Manager, Regional Manager, Division Director, Juvenile Office and the complainant. In cases where confidential information cannot be shared with the complainant, a separate letter will be issued to the complainant. Possible conclusions may involve:

- 1) No policy/procedure error(s) noted
- 2) Policy/procedure error(s) noted
- 3) Practice issue(s) identified
- 4) Identification of best practices by Children's Division
- 5) Case recommendation(s) offered for improving services to the child, children or families.

Promoting the Office

Per section 37.710.1 RSMo, The Office of Child Advocate is authorized, "to take whatever steps are appropriate to see that persons are made aware of the services of the Child Advocate's office, its purpose and how it can be contacted." Between January 1 and December 31, 2012, awareness and visibility of the office was increased as a result of speaking, participation or exhibiting at the following conference and trainings:

- ◆ Coordinated School Health Conference
- ◆ Missouri School Counselor Association Conference
- ◆ Missouri State Fair, Family Fun Center
- ◆ Missouri's Child Advocacy Day
- ◆ All Together Now Conference
- ◆ Missouri Juvenile Justice Association Conference
- ◆ Forensic Investigations Conference
- ◆ Trauma and Loss Program
- ◆ Girls State
- ◆ Foster Parent Support Group, Branson
- ◆ Nurses Association Conference
- ◆ Foster Parent Support Group, St. Peters
- ◆ Kansas City Child Abuse Roundtable
- ◆ Missouri Task Force on Children's Justice Association
- ◆ Recruitment, Licensure, and Retention of Foster Care and Adopt Homes Committee
- ◆ State Foster Care Board
- ◆ Child Fatality State Review Panel
- ◆ Foster Parent Support Group, Greene County

Complaint Types and Sources—New Cases

Types of New Complaints

Complaints to the Office of Child Advocate for Children's Protection and Services generally fall into one of three main categories: 1) child safety 2) family separation and reunification, and 3) dependent child health, well-being, and permanency. These categories involve the following issues:

Child Safety _____	199 calls
Unsubstantiated Findings _____	271 calls
<ul style="list-style-type: none"> ◆ Failure to protect child from parental abuse ◆ Failure to address safety concerns involving child in foster care or other substitute care ◆ Failure to address safety concerns involving child being returned to parental care ◆ Failure to provide appropriate services to child at risk of harming self or others 	
Family Separation and Reunification _____	120 calls
<ul style="list-style-type: none"> ◆ Unnecessary removal of child from parental care ◆ Failure to provide appropriate contact between child and family ◆ Failure to reunite families despite parental compliance with court-ordered services ◆ Failure to place child with relatives ◆ Inappropriate termination of parental rights 	
Dependent Child Health, Well-Being, Permanency _____	33 calls
<ul style="list-style-type: none"> ◆ Inappropriate change of child's foster or other substitute placement ◆ Inadequate development or implementation of plan to transition child to new placement ◆ Failure to provide child with appropriate services ◆ Unreasonable delay or opposition to adoption 	
Other _____	7 calls

Sources of New Complaints

Most of the complaints received by the Office of Child Advocate are from biological parents of children in state care or custody. The majority of parents call to express dissatisfaction over policy, procedure, or certain practices with which they disagree. Specific concerns may revolve around placement, visitation, safety, communication and other related matters. Grandparents are the second highest source of

Caller Relationship	No.	Caller Relationship	No.
Anonymous	1	Grandparent	73
Attorney	1	Law Enforcement	1
Biological Parent	152	Legal Guardian	2
CASA	2	Other Relationship	29
Child	1	Other Relative	42
Community Professional or Service Provider	26	Step-Parent	1
Foster Parent	28	Total:	359

complaints and other relatives are the third highest. These calls usually involve family wanting placement of children that have been removed from the parent's home or family who are concerned about the safety of the children living with a parent or other caretaker.

Effectiveness Measurements

The Office of Child Advocate has established measurement gauges to help ensure effectiveness in serving Missouri children and families. These include initial response time, time frame for completing new investigations, and time allotment for completing unsubstantiated reviews.

A timely initial response is of fundamental importance. A 90% goal has been set to contact the complainant within three business days of any new complaint.

The goal of the Office of Child Advocate is to complete more than 80% of the investigations and unsubstantiated reviews within thirty business days of receipt of the complaint. However, many factors may cause a case to remain open, out of timeframes. For example, cases involving the court system may be kept open beyond thirty days to sufficiently monitor the court process. In other instances, conducting a complete and thorough investigation may require an extended period of time due to ongoing concerns.

Measurement	Goal	Met
Contact complainant within 3 business days after complaint received	90%	96.8%
Complete investigation within 30 business days of receiving complaint	80%	94.6%
July 1, 2011—June 30, 2012		

Timely case reviews will remain a challenge in light of a 64% increase in case numbers.

Recommendations for Systematic Improvements

Direct Mandated Reporting

The Task Force on the Prevention of Sexual Abuse of Children issued many recommendations to policymakers, educators and child welfare professionals to address and prevent sexual abuse. The Office of Child Advocate strongly supports Recommendation #17 – Modify 210.115 RSMo to require mandatory reporters to directly report suspected child abuse and neglect to Children' Division. Designated reporting or causing a report to be made allows the opportunity for an institution's chain of command to discourage a report from being made, a child to recant prior to a hotline call being made, or for multiple people to interview a child prior to an investigation being initiated.

*Addendum The Missouri General Assembly passed and Governor Jay Nixon signed into law HB 505 in 2013. A special thanks to the legislative sponsors Representative Marsha Haefner and Senator Bob Dixon, Missouri KidsFirst, and the members of the Task Force as well as many advocacy groups that worked to address this issue.

Use of Psychotropic Medication for Children in Foster Care

Addressing the use of psychotropic medication for children in foster care has been part of a national discussion for the last several years. The Office of Child Advocate appreciates the Department of Social Services and the Department of Mental Health's efforts to ensure the safe, appropriate, and effective use of psychotropic medications among children in foster care. Monitoring, comprehensive treatment plans that include interventions such as therapy when appropriate, access to medical and therapeutic providers, and medication reviews can help ensure that children in foster care receive high-quality, coordinated medical services, even if their placements change. Continued collaboration, communication, and training with families, medical providers, placement providers, and members of the Family Support Team are crucial to the success of these efforts.

Addressing Juvenile Sexual Perpetration

The response to juvenile sexual perpetration varies greatly among the multidisciplinary professionals of child welfare. This results in differences in how cases involving juvenile perpetration are handled, investigated, prosecuted, and the type of therapeutic treatment both the victim and the juvenile perpetrator receive throughout different regions of the State. The variances are often the result of the definition of the role of the members of the team, assignment of responsibility among professionals, practice differences among regions of the state, and the ages of the perpetrator and the victim. Unfortunately, at times the variances result in two juveniles being failed. The Office of Child Advocate does not have a specific recommendation to address juvenile sexual perpetration. However, we recommend child welfare professionals including Children's Division, Juvenile Officers, Law Enforcement, Child Advocacy Centers, Prosecutors, Therapists, etc. actively define their roles and responsibilities when there are concerns that a juvenile, that does not have care, custody and control, sexually abuses another child.



Acknowledgements

The Office of Child Advocate wishes to thank Governor Jeremiah W. (Jay) Nixon and the General Assembly for their support.

Appreciation is also expressed to the Office of Administration, including Commissioner Doug Nelson.

The Office of Child Advocate expresses appreciation to the Children's Division, Juvenile Offices, and other agencies that work to help ensure the safety and well-being of children.

Appendix A

Policy/Procedure Concerns, Practice Issues and Recommendations

In many referred cases, no violations of policy, practice or state statues were noted. Likewise the majority of reviews did not require a case specific or systemic recommendation. The Office of Child Advocate noted no policy violations, practice concerns, and had no recommendations in 289 cases. Office of Child Advocate was in agreement with an unsubstantiated finding in 248 hotline investigations, did not agree in 11 cases, and were inconclusive in 9 typically due to incomplete investigations. The Office of Child Advocate issued the following concerns and recommendations in 2012:

Policy Concerns and Practice Issues

- ◆ Documentation not updated, missing, incorrect, or lacking (36)
- ◆ Investigation/assessment closed out of time frames (31)
- ◆ Did not see or interview child, all children in home, or ensure safety timely (19)
- ◆ Should have been Preponderance of Evidence (11)
- ◆ Did not interview alleged perpetrator/Did not interview the alleged perpetrator timely (11)
- ◆ Did not have home visits or visits not timely (9)
- ◆ Not all concerns addressed in investigation/assessment (8)
- ◆ No collaterals interviewed/did not interview indicated collaterals/witnesses (8)
- ◆ No worker/child visits (7)
- ◆ Did not search for family (5)
- ◆ Did not ask follow-up questions (5)
- ◆ Reporter not contacted (5)
- ◆ Did not send file or file sent to Office of Child Advocate incomplete (4)
- ◆ Interviewed children in front of parents/family members (4)
- ◆ Did not interview non-offending parent (4)
- ◆ Referrals remain open without action (3)
- ◆ Did not interview all adults with care, custody and control (3)
- ◆ Delay in supervisor approving conclusion (3)
- ◆ Did not address domestic violence concerns (3)
- ◆ School not contacted/delay in contacting school (3)
- ◆ Needs identified not addressed (3)
- ◆ Did not contact Law Enforcement/request Law Enforcement records (3)
- ◆ Case lacked direction/progress (2)
- ◆ Assigned as assessment rather than investigation (2)
- ◆ Service plan not implemented or followed (2)
- ◆ Reunified without compliance with written service agreement (2)
- ◆ Did not address level of supervision or concerns of children with reported sexualized behavior sharing a bedroom (2)

- ◆ Juvenile Officer and Guardian ad Litem not alerted (2)
- ◆ Medical concerns/Services not passed on to placements (2)
- ◆ Interviewed alleged perpetrator over the phone (2)
- ◆ Interviewed siblings together (2)
- ◆ Did not request medical records (2)
- ◆ Interviewed child in front of school staff member (2)
- ◆ Separated siblings (2)
- ◆ Delay in making courtesy request of other county/state for a home visit (2)
- ◆ Revealed child disclosure putting child at risk
- ◆ Poor case transfer
- ◆ No notice sent to child's attorney
- ◆ School for child in foster care has not been started despite Individualized Educational Plan being sent
- ◆ Child attempted suicide after Office of Child Advocate advised against placement change
- ◆ Did not address juvenile perpetration
- ◆ Closed Family Centered Services the day mom was kicked out of home with child, without employment, early in her recovery
- ◆ Conclusion letter revealed information that endangered child
- ◆ Did not contact reporter timely
- ◆ Did not share with Law Enforcement disclosure of second perpetrator
- ◆ Did not contact medical provider to confirm mechanics of the injury
- ◆ Father should have been treated as alleged perpetrator instead of collateral contact including home visit with interview
- ◆ Unsupervised visits continued and/or reinstated after numerous safety concerns reported
- ◆ Service County did not provide services
- ◆ No Family Support Team meeting documented
- ◆ No attempts to engage parents in services during first three months of Alternative Care case
- ◆ Only initial interview with child conducted then nothing documented for over four months
- ◆ Indian Child Welfare Act not checked into regarding Native American ancestry
- ◆ Sharing conversations between spouses
- ◆ Length of time it took to follow-up on dental needs
- ◆ Disruption for strength of case not in child's best interest
- ◆ Both parents violate court orders and team recommendations without consequence
- ◆ No visits for over a year
- ◆ Foster family struck child
- ◆ Previous Children's Division history in other state not reflected in risk assessment
- ◆ Despite repeated concerns and hotlines regarding foster home, foster parent continued to be licensed
- ◆ First contact with mom instead of child
- ◆ Safety assessment not filled out properly
- ◆ Eleven day delay in removal
- ◆ Twenty-three different caseworkers visited child in five years

- ◆ Worker/child visits frequently held at school causing child to miss instruction time
- ◆ One sibling managed by Children's Division with one sibling managed by private vendor resulting in different goals, timelines and expectations
- ◆ Bare minimum efforts toward reunification
- ◆ Did not treat fracture in infant as critical incident
- ◆ Conclusion of "Located out of State" may not have been appropriate
- ◆ Sent invites to wrong team members for adoption staffing
- ◆ Worker/supervisor informed judge they did not agree with grievance decision or fact they were removed from case
- ◆ Poor transition ended communication with former placement unnecessarily
- ◆ Switching school and two disruptions for child when children came into care
- ◆ Delay implementing counseling
- ◆ Spotty attempts at communication
- ◆ Delay in transferring case to correct county
- ◆ Hotline did not open assessment when mom's ability to meet children's needs unknown due to mental instability, suicide attempt left children without adequate supervision, open bottles of medication accessible to children
- ◆ Children's Division should not have left child in placement with caretaker who had Preponderance of Evidence finding for unrelated incident
- ◆ Inappropriate bias noted in email
- ◆ Team members focusing inappropriately on who called our office
- ◆ Closing Family Centered Services case without an in person visit after mom acknowledged the needs for outside accountability and support
- ◆ Information in conclusion gathered after conclusion date
- ◆ Delay in establishing paternity
- ◆ No consistent sibling visits
- ◆ Interviewed child in front of dad and allowed dad to correct answers
- ◆ Delay setting up psychological evaluation
- ◆ Did not directly address the mother's and foster mother's concerns
- ◆ Scheduled the home visit and gave multiple days notice rather than showing up unannounced
- ◆ Twice moved forward with placements despite numerous documented concerns leading to two disruptions and additional losses for child
- ◆ Children's Division needs to continue services for both parents if they determine they want to remain together
- ◆ Communication issues between Missouri and Kansas caseworkers as well as Interstate Compact on the Placement of Children
- ◆ Hotline missed pathway for lack of supervision
- ◆ Did not return to ensure running water had been restored
- ◆ Allowed therapeutic visit two weeks after positive for meth and lack of stability
- ◆ Questioned motives for communicating concerns
- ◆ Closed Family Centered Services same day as Intensive In-Home Services should have monitored for consistency and stability
- ◆ Did not consider history of Termination of Parental Right
- ◆ Did not offer Family Centered Services when Preponderance of Evidence—unknown perpetrator
- ◆ Children not placed in previous foster home when they were bonded

- ◆ Interviewed alleged sexually abused child over the phone
- ◆ Lack of cooperation between two counties' Juvenile Officers
- ◆ Told mom she could be charged with neglect despite her history at cooperation and accepting many services
- ◆ Closed unsubstantiated due to lack of evidence of physical abuse when allegations were emotional abuse
- ◆ Indicated not abuse prior to interviewing child
- ◆ Child should have been referred to Child Advocacy Center
- ◆ Notes taken by Children's Division, summary by the forensic interviewer and handwritten notes by the interviewer were quite different
- ◆ Law Enforcement or Children's Division did not talk to the church regarding the incident
- ◆ Conclusion letter not sent until months after closed
- ◆ Did not ask for timeline of when children were in whose care
- ◆ Allowed the Superintendent to sit in on interviews of staff's children
- ◆ Allowed the Superintendent, school attorney and Director to sit in on staff interviews
- ◆ Removed children unnecessarily
- ◆ Children interviewed in presence of alleged perpetrator
- ◆ Safety plan not signed timely so kids wouldn't be around alleged perpetrators
- ◆ Child remained in placement during investigation
- ◆ Investigation could have been left opened pending Out of Home Investigation on placement provider, which resulted in Preponderance of Evidence. Child remained in this home via safety plan for another month and a half
- ◆ Law Enforcement wasn't contacted until ten days into the investigation
- ◆ Students questioned about contact from other students but not about any contact with the teacher
- ◆ Did not interview paramour separately from mom
- ◆ Did not clarify what child had disclosed at school
- ◆ Child not assigned DCN (Departmental Client Number)
- ◆ Encouraged parent to take pictures before and after each visit—traumatic to child
- ◆ Minimal attempts to locate child
- ◆ Risk assessment not accurate
- ◆ When unable to contact schools by phone or in person, did not verify contact information with parents
- ◆ No communication with current Family Centered Service worker

Recommendations

- ◆ Offer or continue Family Centered Services/Intensive In-Home Services/Family Reunion Services/Preventative Services (41)
- ◆ Start therapy (23)
- ◆ Resume/start/increase supervised, unsupervised or therapeutic visits (16)
- ◆ Move to permanency (13)
- ◆ Increase or continue efforts toward reunification (13)
- ◆ Consider relative/kinship placement (12)
- ◆ Clarify diagnosis or concerns with medical professional (10)

- ◆ Extended family contact/visitation (9)
- ◆ Interview additional collateral contact/witness (8)
- ◆ Put safety plan in place (8)
- ◆ Order Urine Analysis/order supervised Urine Analysis (8)
- ◆ Child Advocacy Center interview/extended interview (8)
- ◆ Address domestic violence concerns (7)
- ◆ Frequent home visits/unannounced home visits/closely monitor family (7)
- ◆ Interview children outside of home without parent present (6)
- ◆ Place siblings together (5)
- ◆ Background checks for household members (4)
- ◆ Refer to Child Advocacy Center to help parents identify safety issues and to guide therapeutic decisions (4)
- ◆ Begin sibling only visits (4)
- ◆ Work with medical professionals and Department of Mental Health regarding medication management (3)
- ◆ Provide referrals for education advocacy/assist placement in working with school (3)
- ◆ Provide support, services, training to maintain kinship placement (3)
- ◆ Gather additional information from school (3)
- ◆ Discuss safe sleep when unsafe sleep practices are noted during home visit (3)
- ◆ Follow-up visit to ensure compliance with services linked (2)
- ◆ Remove if parent fails to comply with safety plan (2)
- ◆ Psycho/sexual evaluation (2)
- ◆ Review Law Enforcement reports (2)
- ◆ Review case transfer policy (2)
- ◆ Review Children's Division/Law Enforcement history in other state (2)
- ◆ Focus on life skills such as driver's license, HS diploma and employment (2)
- ◆ Connect family with Juvenile Office for orders of protection when allegations of dating violence and/or non-caretaker abuse/stalking
- ◆ Locate a secure placement for child who runs
- ◆ Even if child is believed to be safe, call worker from another state/county to verify
- ◆ Move child back into traditional foster home. Child does not need residential treatment
- ◆ Move visits to a more structured environment. If blow-ups continue, make visits therapeutic and provide family with de-escalation training
- ◆ Foster placement to adopt instead of Another Planned Permanent Living Arrangement
- ◆ Cooperation with probation and parole added to dad's service plan
- ◆ Final home visit to link to services preferable to sending a letter
- ◆ Request law enforcement look at non-caretaker referral
- ◆ Document all conversations in all assessments/investigations that are open simultaneously
- ◆ Transfer separate cases of siblings together
- ◆ Try to locate placements without changing schools when possible
- ◆ Team needs to be creative in case planning in order to move toward permanency, i.e. parent aid, Parents as Teachers
- ◆ Transfer case since parents and child all live in different county

- ◆ Begin sibling visits only when determined appropriate by children's therapists
- ◆ Review licensing and revocation process
- ◆ Improve communication between child welfare professionals when concerns are raised with a foster home
- ◆ Only take redacted reports in the field
- ◆ Make second home visit/interview if documentation is missing
- ◆ Assist child and placement in seeking a resolution
- ◆ Additional efforts before Termination of Parental Rights
- ◆ Interview/contact school when case extends into the beginning of the school year
- ◆ Increase communications between counties
- ◆ Discuss appropriate boundaries and supervision of teenage girls with adult man even if the allegation does not rise to meet the definition of abuse
- ◆ No weekly laboratory drug tests
- ◆ Make effort to assess child's injury on a Friday at school rather than waiting
- ◆ Provide parental resources to mom on alternate discipline
- ◆ Wait to reunite with mom until further progress
- ◆ Encourage relationship with fathers by including them in Family Support Team meetings and therapy over phone
- ◆ Investigate new allegations and ensure safety
- ◆ Monitor mom's positive parental skills
- ◆ Ensure appropriate caregivers supervising in mom's absence
- ◆ Consider current attachment/bond of current placement and do not disrupt unless there are concerns with current placement
- ◆ Report child missing, continue Family Centered Services despite child running from care
- ◆ Document that concerns of sexualized behaviors are shared with placement providers
- ◆ Did not address concerns that foster child was taken to bail a residential staff member out of jail
- ◆ Family Centered Services worker contact family more promptly
- ◆ Review case management and supervision of case
- ◆ Both parents and provider attend doctors appointment
- ◆ Placement should be considered a professional member of team
- ◆ Not discuss case with children
- ◆ Do not allow contact unless specifically approved by team
- ◆ Reestablish communication with former placement
- ◆ Need to remain in foster care until family gets to healthy place
- ◆ New caseworker
- ◆ Avoid delays in implementing services
- ◆ Need monthly Family Support Team Meetings
- ◆ Better explain guardianship implications prior to signing
- ◆ Open assessment to assess mom's ability to meet children's needs
- ◆ Explore education services/support from local homeschool community, church or local school district
- ◆ Children attend Family Support Team meetings and Court
- ◆ Support and training for new caseworker
- ◆ Form clinical team

- ◆ Kinship rather than guardianship
- ◆ Dad out of house prior to closing case
- ◆ Licensing worker work closely with family and ensure dad's consistency is maintained for a period of time prior to reunification
- ◆ More aggressive in addressing concerns
- ◆ Better communication all around
- ◆ Make plan for appropriate child care
- ◆ More aggressive in addressing behavioral concerns
- ◆ Review requiring or asking couples no longer together to share visits especially if it is in the children's best interest that the couple is not together
- ◆ Parents sign visitation expectation form
- ◆ California worker do home visits
- ◆ Ensure dad is monitoring child's health concerns
- ◆ Team makes efforts to inform parent of court date, Family Support Team meetings, doctor appointments, etc.
- ◆ Address allegations regarding former neighbor boys
- ◆ Don't overburden with extensive, unnecessary services
- ◆ Address retaliation of licensing worker
- ◆ Re-assign pathway so investigation isn't duplicated
- ◆ Noted concerns with two placements - recommend taking a look at multiple licenses
- ◆ Need to document reasonable efforts
- ◆ Make effort to contact father and provide services
- ◆ Parent Aide in place prior to beginning overnights
- ◆ Would have liked to see mom asked about the bruises origin and the child asked to clarify if the bruise happened today or a different time
- ◆ Send copy of Medicaid article to caseworkers so they know children in foster care receive family therapy regardless of how many others in same home are receiving family therapy
- ◆ Closely monitor boys' emotional, physical and developmental concerns
- ◆ Make notes about bath tub and beds
- ◆ Visit last known address to verify safety prior to concluding case when phone numbers are no longer active
- ◆ Attempt in person to interview neighbor and landlord
- ◆ Speak with school teacher rather than secretary
- ◆ Address issue of no lock on door
- ◆ Current Family Reunion Services worker review past assessments to address inconsistencies with mom
- ◆ Parent Aide in place sooner
- ◆ More sensitivity to child during transitions
- ◆ Include licensed family known to child in adoption staffing
- ◆ More thoroughly address concerns during therapy
- ◆ Continue to contact parents regularly to encourage treatment plan
- ◆ Be proactive in contacting other states licensing worker on Interstate Compact on the Placement of Children
- ◆ Provide clear guidelines for visitations sooner
- ◆ Continue mailing mom absent parent letters
- ◆ Monitor well-being of siblings in home

- ◆ Change concurrent goal to adoption
- ◆ Monitor child's weight gain
- ◆ Close communication with special education coordinator
- ◆ Would have preferred child brought into care so background check and walk through of maternal grandma could occur prior to potential guardianship
- ◆ Place with father if legal issues are resolved and housing is secured
- ◆ Document placement options/efforts at beginning of case
- ◆ Keep in foster placement child thrived in
- ◆ Residential placement should clarify to staff that only medical staff make medical decisions
- ◆ Encourage placement to review children's files prior to adoption
- ◆ Contact Juvenile Office with concerns regarding the juvenile
- ◆ Systematic review of how files were misplaced
- ◆ Newly assigned workers should read past monthly summaries, contacts and past investigations and assessments
- ◆ Clear goals for Family Centered Services
- ◆ Co-investigate with law enforcement at the start
- ◆ Attempt to contact family members during non-work hours
- ◆ School District should provide Children's Division with full statements by staff involved, student involved and all witnesses
- ◆ Send personnel concerns to Unit Manager
- ◆ Should have contacted neighbor who allegedly provided information to reporter
- ◆ Would have liked to see the investigator discuss how throwing a glass of water, slapping the mouth and placing a child in a headlock was not appropriate and only served to escalate
- ◆ Gun safety issues
- ◆ Update alleged perpetrators address since letter was address to "unknown" address
- ◆ Show dad print off regarding registered sex offender
- ◆ Try to send same investigator for each hotline to build rapport with family
- ◆ Contact school early in the case to address concerns
- ◆ Review and address past probable cause findings
- ◆ Mom seek full custody
- ◆ Remain in communication with Juvenile Office during non caretaker referral and finish adult portion of the investigation
- ◆ Document evidence of homeschooling
- ◆ Interview preschool as collateral contact
- ◆ Interview sibling during initial home visit
- ◆ Advise boyfriend against bathing children
- ◆ Discuss allegations of sexual activity with teens with alleged perpetrator
- ◆ Alert Juvenile Office and Guardian ad Litem of investigations in process
- ◆ Ask responding Law Enforcement to arrest when drugs are present during co-investigation
- ◆ Contact military with new information
- ◆ Refer to cyber crimes
- ◆ Request lie detector of both mom and dad
- ◆ Ask grandma to call hotline as soon as she sees bruises
- ◆ Get skeletal scan if future hotlines with atypical bruising

- ◆ Send Child Advocacy Center notes and Law Enforcement reports to Office of Child Advocate in the future
- ◆ In cases where there is split custody and parents each have expressed concern about the other's paramours, verify safety and conduct an interview in each home
- ◆ Remind mandated reporters they must hotline any concerns of violence or unsafe conditions at home
- ◆ Offer resources for parenting teens, healthy discipline and protecting from abuse
- ◆ Ensure chemicals stored properly
- ◆ Complete home visit at alleged perpetrator's current house even if incident took place at former address
- ◆ Address concerns of parent's suicide attempt in front of children, unmet mental needs and substance abuse even if not subject of original hotline
- ◆ Schedule an additional visit after several weeks due to reports of mom typically having concerns two weeks after delivering a child
- ◆ Put Protective Custody order in front of judge due to safety
- ◆ Provide a translator to mom
- ◆ Investigator be more persistent regarding contacts with children's service providers
- ◆ Follow-up with father after court date
- ◆ Review medical records of older children when youngest has bucket handles, corner and spiral fractures inconsistent with explanation of injuries
- ◆ School review with all staff policies regarding contact with students including clothing and taking students into classrooms without other students or staff present
- ◆ System in place when absent from office
- ◆ Warn dad that repeated contact with mom against Family Support Team decision can jeopardize his son's placement
- ◆ Take child into Children's Division custody when Preponderance of Evidence is against custodial parent
- ◆ Keep teen mom/child in placement together
- ◆ Ensure current doctor has all medical records from other state
- ◆ Have follow-up conversation regarding custody
- ◆ Utilizing phone conference when parent is unable to attend Family Support Team meetings
- ◆ Return to last known address to inquire of location and contact information
- ◆ Leave Family Centered Services open to ensure successful transition to living on her own

Appendix B
Missouri Revised Statutes
Chapter 37
Office of Administration

Definitions.

37.700. As used in sections 37.700 to 37.730, the following terms mean:

- (1) "Office", the office of the child advocate for children's protection and services within the office of administration, which shall include the child advocate and staff;
- (2) "Recipient", any child who is receiving child welfare services from the department of social services or its contractors, or services from the department of mental health.

Office established--appointment of child advocate.

37.705. 1. There is hereby established within the office of administration the "Office of Child Advocate for Children's Protection and Services", for the purpose of assuring that children receive adequate protection and care from services, programs offered by the department of social services, or the department of mental health, or the juvenile court. The child advocate shall report directly to the commissioner of the office of administration.

2. The office shall be administered by the child advocate, who shall be appointed jointly by the governor and the chief justice of the Missouri supreme court with the advice and consent of the senate. The child advocate shall hold office for a term of six years and shall continue to hold office until a successor has been duly appointed. The advocate shall act independently of the department of social services, the department of mental health, and the juvenile court in the performance of his or her duties. The office of administration shall provide administrative support and staff as deemed necessary.

Access to information--authority of office--confidentiality of information.

37.710. 1. The office shall have access to the following information:

- (1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem;

(4) To file any findings or reports of the child advocate regarding the parent or child with the court, and issue recommendations regarding the disposition of an investigation, which may be provided to the court and to the investigating agency;

(5) To file amicus curiae briefs on behalf of the interests of the parent or child;

(6) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;

(7) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;

(8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest;

(9) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner; and

(10) To mediate between alleged victims of sexual misconduct and school districts or charter schools as provided in subsection 1 of section 160.262.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity

providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report.

Complaint procedures--annual report, contents.

37.715. 1. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of children who are recipients of the services of the departments of social services and mental health, and the juvenile court. Such procedures shall address complaints relating to the actions, inactions, or decisions of providers or their representatives, public or private child welfare agencies, social service agencies, or the courts which may adversely affect the health, safety, welfare, or rights of such recipient.

2. The office shall establish and implement procedures for the handling and, whenever possible, the resolution of complaints.

3. The office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary.

4. The office may recommend to any state or local agency changes in the rules adopted or proposed by such state or local agency which adversely affect or may adversely affect the health, safety, welfare, or civil or human rights of any recipient. The office shall make recommendations on changes to any current policies and procedures. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to services in the state and shall recommend to the department, courts, general assembly, and governor changes in such laws, regulations and policies deemed by the office to be appropriate.

5. The office shall inform recipients, their guardians or their families of their rights and entitlements under state and federal laws and regulations through the distribution of educational materials.

6. The office shall annually submit to the governor, the general assembly, and the Missouri supreme court a detailed report on the work of the office of the child advocate for children's protection and services. Such report shall include, but not be limited to, the number of complaints received by the office, the disposition of such complaints, the number of recipients involved in complaints, the state entities named in complaints and whether such complaints were found to be substantiated, and any recommendations for improving the delivery of services to reduce complaints or improving the function of the office of the child advocate for children's protection and services.

Files may be disclosed at discretion of child advocate, exceptions--privileged information --penalty for disclosure of confidential material.

37.725. 1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:

- (1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; or
- (2) Such disclosure is required by court order.

2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.

3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor. However, the office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections 37.700 to 37.730, or where otherwise required by court order.

Immunity from liability, when.

37.730. 1. Any employee or an unpaid volunteer of the office shall be treated as a representative of the office. No representative of the office shall be held liable for good faith performance of his or her official duties under the provisions of sections 37.700 to 37.730 and such representative shall be immune from suit for the good faith performance of such duties. Every representative of the office shall be considered a state employee under section 105.711.

2. No reprisal or retaliatory action shall be taken against any recipient or employee of the departments or courts for any communication made or information given to the office. Any person who knowingly or willfully violates the provisions of this subsection is guilty of a class A misdemeanor.

Chapter 160
Schools--General Provisions
Section 160.262

Mediation, office of the child advocate to coordinate, when--procedures--binding agreement, when.

160.262. 1. The office of the child advocate as created in section 37.705 shall be authorized to coordinate mediation efforts between school districts and students and charter schools and students when requested by both parties when allegations of child abuse arise in a school setting. The office of the child advocate shall maintain a list of individuals who are qualified mediators. The child advocate shall be available as one of the mediators on the list from which parents can choose.

2. Mediation procedures shall meet the following requirements:

(1) The mediation process shall not be used to deny or delay any other complaint process available to the parties; and

(2) The mediation process shall be conducted by a qualified and impartial mediator trained in effective mediation techniques who is not affiliated with schools or school professional associations, is not a mandated reporter of child abuse under state law or regulation, and who is available as a public service.

3. No student, parent of a student, school employee, charter school, or school district shall be required to participate in mediation under this section. If either the school district or charter school or the student or student's parent does not wish to enter into mediation, mediation shall not occur.

4. Each session in the mediation process shall be scheduled in a timely manner and be held in a location that is convenient to the parties in dispute.

5. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent administrative proceeding, administrative hearing, nor in any civil or criminal proceeding of any state or federal court.

6. If the parties resolve a dispute through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and:

(1) States that all discussions that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent administrative proceeding, administrative hearing, or civil proceeding of any federal or state court; and

(2) Is signed by a representative of each party who has authority to bind the party.

