



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

2010
Annual Report

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Office of
Child Advocate for Children's
Protection and Services
Annual Report 2010

Investigate Complaints

Advocate for Abused and Neglected Children

Recommend Changes

Improve the Child Welfare System

Mailing Address

P.O. Box 809
Jefferson City, MO 65102

Telephone: (866) 457-2302

Fax: (573) 522-6870

E-mail: oca@oca.mo.gov

TTY: Missouri Relay Center (800) 735-2966

Website: <http://www.oca.mo.gov/>



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

Jeremiah W. (Jay) Nixon
Governor

Post Office Box 809
Jefferson City 65102
(573) 522-8680
Toll-free: (866) 457-2302

Steve Morrow
Child Advocate

January 31, 2011

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

The Honorable William Ray Price, Jr.
Chief Justice of the Missouri Supreme Court

Dear Honorable Governor Nixon and Honorable Chief Justice Price:

I am pleased to present the 2010 Annual Report of the Office of Child Advocate for Children's Protection and Services. The report covers a timeframe beginning January 1, 2010 and continuing through December 31, 2010.

It has been a wonderful opportunity to have served the children and families of Missouri in the capacity of State Child Advocate. Please know of my continued best wishes for our state and the ongoing efforts to protect vulnerable children.

Respectfully submitted by:

A handwritten signature in black ink that reads "Steve Morrow".

Steve Morrow

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History

The Office of Child Welfare Ombudsman was established in 2002. The first Ombudsman for the office was appointed in 2003. In 2004, during the 92nd General Assembly, House Bill 1453 was passed and the Child Welfare Reform Bill was signed into law. The statute changed the name of the office to the Office of Child Advocate for Children's Protection and Services. (See Appendix A for statute language.) Steve Morrow was named Missouri Child Advocate in 2006. Since its inception, the Office of Child Advocate for Children's Protection and Services has responded to contacts involving a total of 3,396 children.

Operation of the Office

Staff

The Office of Child Advocate for Children's Protection and Services 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 an Investigator/Manager of Policy & Program Development and an Office Manager.

OCA staff:
Steve Morrow, Missouri Child Advocate
Liz Beasley, Manager of Policy & Program Development
Carolyn Swanigan, Office Manager

Budget

The Office of Child Advocate for Children's Protection and Services is funded through state general revenue funds and federal funds distributed through the Department of Social Services. The original budget appropriation for 2010-2011 was \$290,265. This amount was adjusted during the 2011 Fiscal Year to a budget appropriation figure of \$134,198 including an adjustment in fulltime employees from 4.0 to 2.35.

Role of the Office

The Office of Child Advocate for Children's Protection and Services operates apart from the Department of Social Services/Children's Division, the Department of Mental Health, and the Juvenile Court. Functioning under the administrative purview of the Office of Administration, the Office of Child Advocate for Children's Protection and Services is able to offer an independent voice to help ensure the safety of children.

What Does the Office of Child Advocate Do?

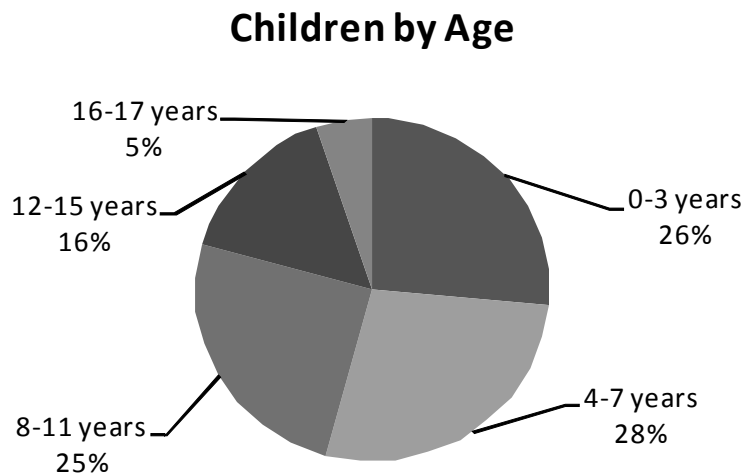
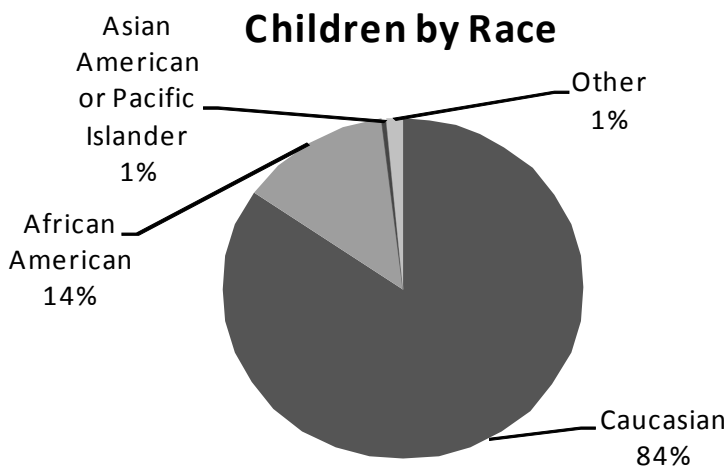
- ◆ Receives and hears complaints from family members and other citizens regarding disputed decisions, actions, or inactions relevant to reported instances of child abuse or neglect.
- ◆ Conducts independent investigations, noting perceived policy/procedure errors and practice issues when appropriate.

- ◆ Advocates for the child (or children) by directing pertinent questions to appropriate officials and addressing related concerns as necessary.
- ◆ Offers recommendations when appropriate, including case specific recommendations and systemic recommendations for improving the system.
- ◆ Provides education (regarding the child welfare system) for complainants and other citizens.
- ◆ Submits Annual Report to the Governor, the Chief Justice of the Missouri Supreme Court, and others.
- ◆ Per RSMo 210.145.15, receives referrals of unsubstantiated reports from the children's division upon request of the reporter.

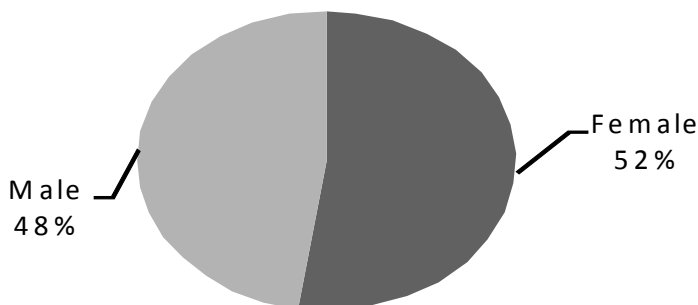
Receiving, Investigating and Concluding Complaints

Receiving Complaints

From January 1 through December 31, 2010, the Office of Child Advocate for Children's Protection and Services received 505 complaints/contacts including registered concerns from 185 new complainants and 52 unsubstantiated reviews involving 406 children. The 2009 Annual Report cited 609 complaints/contacts including registered concerns from 310 new complainants and 46 unsubstantiated reviews involving 659 children.



Children by Gender



2010 Contacts Received	
216	Information and Referrals
185	New Cases
16	Reopened Cases
52	Unsubstantiated Referrals
39	Unable to Contact
508	Total Number of Contacts

The composite number of complaints/contacts received by the Office of Child Advocate for Children's Protection and Services and is categorized according to (1) Information and Referrals, (2) New Cases, (3) Reopened cases, (4) Unsubstantiated Reviews, and (5) Unable to Contact (due to phone numbers no longer in service, etc.)

Investigating Complaints

Upon the receipt of a complaint, the Office of Child Advocate for Children's Protection and

Services 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 investigation

Investigations involving reviews of unsubstantiated reports are generally handled by the Child Advocate. New cases and reopened cases are typically assigned to an investigator.

Concluding Complaints

It is the goal of the Office of Child Advocate for Children's Protection and Services to conduct investigations within a 30 day time period. Extenuating circumstances may occasionally extend the investigation in certain instances. Possible conclusions may involve:

- 1) No perceived policy/procedure error(s) noted
- 2) Perceived policy/procedure error(s) noted
- 3) Perceived practice issue(s) identified
- 4) Case recommendation(s) offered for improving services to the child, children or families.

In completing the complaint process, the Office of Child Advocate for Children's Protection and Services may incorporate one or more of the following procedures:

- 1) Oral communication
- 2) Written communication
- 3) Written narrative account
- 4) Written summary statement

Promoting the Office

Per section 37.710.1 RSMo, the Office of Child Advocate for Children’s Protection and Services 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, 2010, awareness and visibility of the office was increased as a result of exhibits at the following professional conferences:

- ◆ Missouri Office of Prosecution Services, 4th Annual Conference on Domestic & Sexual Violence
- ◆ Missouri’s Child Advocacy Day
- ◆ Pathways Conference

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 _____	76 calls
◆ 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 _____	76 calls
◆ 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 _____	22 calls
◆ 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 _____	11 calls

Sources of New Complaints

Most of the complaints received by the Office of Child Advocate for Children's Protection and Services 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 complaints. These calls usually involve grandparents wanting placement of grandchildren that have been removed from the parent's home or grandparents who are concerned about the safety of their grandchildren living with a parent or other caretaker.

Caller Relationship	No.	Caller Relationship	No.
Biological Parent	88	Legal Guardian	1
Children's Division	1	Other Relative	21
Community Professional or Service Provider	6	Other Relationship	8
Foster Parent	9	Step-Parent	3
Grandparent	47	Total:	184

Foster parents also call the Office of Child Advocate for Children's Protection and Services with concerns. In certain cases, the Office of Child Advocate for Children's Protection and Services has helped to facilitate more direct communication among the parties involved and a better understanding of the issues.

Policy/Procedure Concerns, Practice Issues and Recommendations

New cases brought to the attention of the Office of Child Advocate for Children's Protection and Services in 2010 included the following determination with respect to recommendations, policy, or practices:

- ◆ Recommended that safety plan be updated and signed by both parents.
- ◆ Recommended that home study be done for grandparent.
- ◆ Recommended that the child remain in foster care with current foster parents.
- ◆ Recommended that three children be kept together and supported eventual reunification of children with parents.
- ◆ Recommended that parent-child visits begin.
- ◆ Recommended that confirmation be provided regarding the provision of transportation for child.
- ◆ Recommended clarification regarding supervisor of visits.
- ◆ Recommended that documentation be provided regarding child's medication.
- ◆ Recommended that visits not be canceled due to scheduling issues on the part of the person arranging the visits.
- ◆ Recommended that all siblings be in same placement.
- ◆ Recommended possible consideration of alternative measures regarding repeats of same incident.

- ◆ Recommended that the Office of Child Advocate for Children’s Protection and Services be kept informed regarding developments resulting from investigation outcome.
- ◆ Parent not informed of placement change.
- ◆ Lack of timely response.
- ◆ No response to request for safety plan.
- ◆ No plan to hold 72 hour meeting prior to inquiry.
- ◆ Communication issues regarding case management.
- ◆ Reported lack of communication regarding case goal.
- ◆ Visitation enforcement concerns regarding practices permitted by visitation supervisor.
- ◆ Miscommunication between worker and grandparents regarding an understanding of the term “voluntary placement.”
- ◆ Enforcement issue regarding safety plan.
- ◆ Home study not completed in timely manner.
- ◆ Timeframe exceeded regarding response to hotline call.
- ◆ Assessment not completed in 30 days.
- ◆ Sibling visits not held monthly as per plan.
- ◆ Apparent failure to initiate diligent search with a grandparent regarding potential child placement.

Effectiveness Measurements

The Office of Child Advocate for Children’s Protection and Services has established measurement gauges to help ensure effectiveness in serving Missouri children/families. These include initial response time, time frame for completing new investigations, time allotment for completing unsubstantiated referrals, and the percentage of adopted recommendations that are case specific.

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.

Depending on the particular circumstances, the time period for actually completing the investigation of a complaint may vary.

In 80% of new cases, the goal of the Office of Child Advocate for Children’s Protection and Services is to complete the investigation within thirty business days of receipt of the complaint. This goal, however, is considered fluid due to other potentially relevant factors. 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.

Measurement	Goal	Met
Contact complainant within 3 business days after complaint received	90%	98.3%
Complete investigation within 30 business days of receiving complaint	80%	90%
July 1, 2009—June 30, 2010		

Greater time may be necessary for completing full reviews of unsubstantiated hotline reports. The beginning date for investigating unsubstantiated reports coincides with the date of receipt of the complete case file.

Recommendation for Improving the System

Per Chapter 37.715.4, RSMO, the Office of Child Advocate for Children's Protection and Services is pleased to submit the following recommendation in conjunction with this annual report:

Unsubstantiated Finding

The Office of Child Advocate for Children's Protection and Services recognizes that there is no provision for changing an unsubstantiated finding.

Recommendation:

It is recommended that the Children's Division consider making a new hotline report in unsubstantiated cases where it is determined that the Conclusion/Summary of the Child Abuse and Neglect finding contains factual errors.

Acknowledgements

The Office of Child Advocate for Children's Protection and Services 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 Kelvin L. Simmons.

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

Appendix

State of Missouri

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, RSMo.
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 amicus curiae briefs on behalf of the interests of the parent or child;
 - (5) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;
 - (6) 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;
 - (7) 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; and
 - (8) 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.
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, RSMo.
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.

(L. 2004 H.B. 1453)

