



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

2004-2005

Annual Report

State of Missouri
Office of
Child Advocate for Children's
Protection and Services
Annual Report 2004-2005

Investigate Complaints

Advocate for Abused and Neglected Children

Recommend Changes

Improve the Child Welfare System

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

Matt Blunt
Governor

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Mary McEniry
Ombudsman

October 2005

The Honorable Matt Blunt, Governor of the State of Missouri
The Honorable Michael A. Wolff, Chief Justice of the Missouri Supreme Court

I am honored to present the 2004-2005 Annual Report of the Office of the Child Advocate for Children's Protection and Services as required in RSMo 37.715.6. The first Annual Report of this office detailed activities and findings of our first year in existence, September 2003-August 2004. This report will reflect on the time period, September 2004-August 2005.

There is much at stake for all Missourians in regard to our child protection system. The stakes are highest for our children involved with the system. They must rely on the system to protect and nurture them. Parents who do not have the skills or resources to protect their children become involved with the system most often involuntarily. They feel sad that they have not provided nurturing care for their children and angry at a system they frequently see as lacking respect for them as parents. They want what is best for their children but might not be able to meet the needs without assistance from the state. Foster/adoptive parents strive to provide loving and nurturing homes for children in need but do not always feel supported and valued. Professionals working within the system feel frustrated and depleted when despite all their efforts, children are harmed or die at the hands of adults the children trusted to care for them.

As Missouri citizens, we are all affected when children and families are thrust into the child protection system. We support the system with our tax dollars but it is not just a financial cost for us. Our children represent our future and when the system fails we lose the opportunity to strengthen our families and provide promise and security for our children. We all pay the price for pain and suffering of our children and families.

Children are at the heart of what we do every day at the Office of the Child Advocate. Protecting children and strengthening families keeps us focused on listening to families, responding to their complaints and concerns regarding the system, evaluating the system's response to families, and making recommendations for change. Missouri's children deserve the best we can provide.

Respectfully submitted by:

A handwritten signature in cursive script that reads 'Mary McEniry'.

Mary McEniry

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History

Many review efforts for the child protection system were implemented after the tragic death of Dominic James in Greene County in 2002. There were many recommendations made on how to improve the system. Many of the recommendations have been achieved and many are still in progress. One of the recommendations was to appoint a Child Welfare Ombudsman for the state. The ombudsman was to be an independent person that citizens could contact to voice their concerns and complaints about the child protection system. Mary McEniry was appointed as the state's first Child Welfare Ombudsman in 2003. In 2004, the Office of Child Advocate (OCA) was put in statute to serve Missouri citizens in protecting children and in ensuring that Children's Division policies/procedures are followed and state statutes adhered to. (See Appendix A for statute language.)

Operation of the Office

Staff

In addition to the Ombudsman, there are two investigators and an administrative assistant on staff in the Office of Child Advocate. The Ombudsman has twenty-seven years experience in working with families and children involved in the child welfare system. The experience includes working in child protection, the courts, treatment, training and program administration. The two investigators have a combined total of forty years experience in child protection, juvenile justice, and conducting investigations. The administrative assistant has 13 years experience working in state government.

OCA staff:
Mary McEniry, Ombudsman
Donna Kirsch, Investigator
John Steinmeyer, Investigator
Carolyn Swanigan, Admin. Assistant

The Ombudsman and each of the investigative staff have extensive training in child welfare/juvenile justice issues. They have participated in the following training sessions during the past year:

- National Ombudsman Association Conference
- 15th National Conference on Child Abuse/Neglect
- Diagnosing Mental Health Disorders in Adolescents
- National Symposium on Child Fatalities
- 19th Annual International Conference on Child and Family Maltreatment
- Missouri Juvenile Justice Association Conference

Staff have also participated on numerous committees regarding child welfare. (See Appendix B)

Budget

The Office of Child Advocate is funded through state general revenue funds and federal funds through the Department of Social Services. The 2004-05 budget amount was \$340,274. Due to budget cuts throughout state agencies, the appropriation for 2005-06 was reduced to \$299,361. Fiscal administration and oversight for the office is provided by the Office of Administration.

Role of the Office

The Office of Child Advocate operates as an independent agency within the Office of Administration. The Ombudsman provides families/citizens with an avenue through which they can obtain an independent and impartial review of the decisions and/or actions made by the Department of Social Services/Children's Division.

Ombudsman

- n. 1. A government official appointed to receive and investigate complaints made by individuals against abuse.*
- 2. One that investigates reported complaints, reports findings, and helps to achieve equitable settlements.*

Merriam-Webster's
Collegiate Dictionary

... provides
families/citizens ...
an independent and
impartial review.

There are three main duties of the Office of Child Advocate: 1) provide education to Missouri citizens regarding the child welfare process; including investigation, case management and the court system 2) receive and investigate complaints from citizens regarding the child welfare system and 3) make recommendations on improving the system. The role of the

Ombudsman is set forth in the state statute and a complete version can be found in this report in Appendix A.

Providing Education Regarding the Child Protection System

One of the most valuable services provided by the staff at the Office of Child Advocate is providing information to citizens regarding the child protection system. For families involved with the system it can be a very scary and confusing time, especially when their children have been removed from their care and custody. Parents and relatives not only have to worry about how their children are doing while out of their care, but also must maneuver a system that can be very intimidating. They may not understand the process in which they must participate in order to visit their children and attempt to get the children placed back in their home. Our staff spends countless hours on the phone with families explaining the Children's Division and court processes and encouraging parents to comply with court orders, treatment

plans, visitation plans, etc. When parents do not understand the system they frequently fight against it, causing delays in visitation and in reunification with their children. Our staff provides support to these parents and suggestions on how best to work with court and Children's Division staff as equal partners in developing and completing treatment plans. In many of these cases, the system is functioning as it should and no violations of policy/procedure exist. However, the parents need support and education that they are not getting elsewhere. Many parents have maintained a relationship with our office by calling in periodically to update our staff on their case activity, asking for clarification on system processes, and needing support in their interactions with system professionals. We are very happy to provide support and education and feel that this helps the parents and gives them the opportunity to have their questions and fears responded to by a knowledgeable independent professional with no stake in their case. Many parents have told us that sometimes we are the only professionals who will answer their calls and their questions. We feel that by supporting and educating parents, we can encourage parents to achieve permanency for their children in a less confrontational and more timely manner.

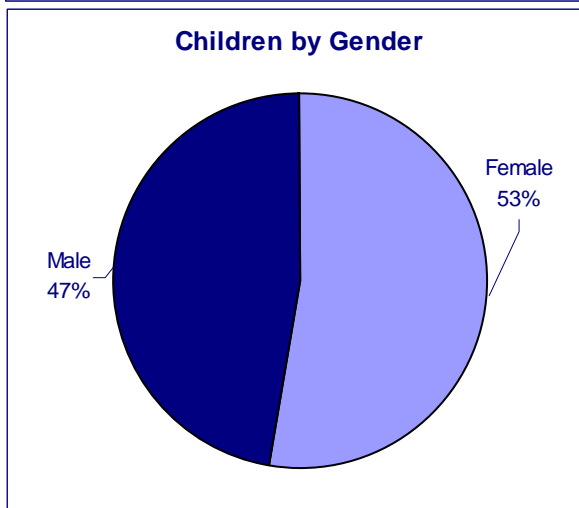
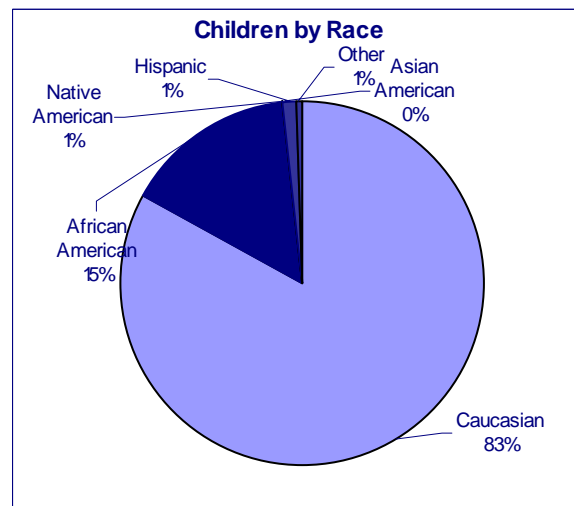
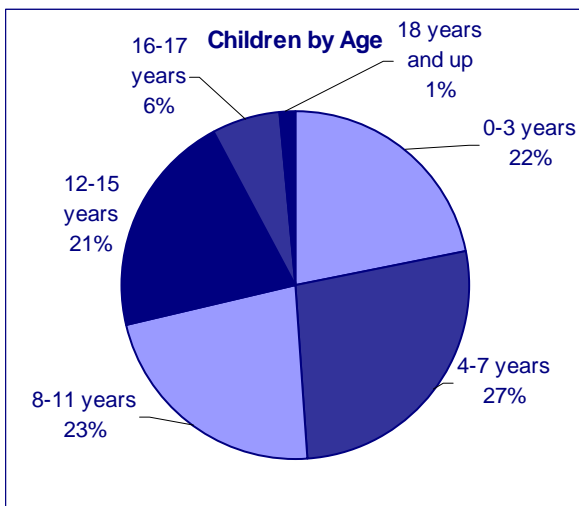
Case Example: A mother contacted one of the Office of Child Advocate investigators stating that her children had been placed in foster care when the mother had been admitted to a hospital for mental health issues. The mother did not understand why the children remained in care after she was released from the hospital and requested assistance from our office. The Office of Child Advocate investigator spent a great deal of time with this mother explaining what had occurred and what the process would be for reunification. For three months, the investigator communicated with the mother to support and encourage her in complying with her treatment plan and explaining the ongoing process which was occurring through the court and the Children's Division. Recently, the mother happily reported that her girls had been returned to her care and custody. The mother was grateful for the support and assistance from Office of Child Advocate. In one of her emails to the investigator she wrote, "You have been the most helpful person I have met since this all began and I do appreciate your help." We at times are trying to make the best of the worst possible situation. We feel successful when we can see parents and children reunited and the family made stronger.

We feel successful when we can see parents and children reunited and the family made stronger.

Responding to Complaints

The primary role of the investigators in the Office of Child Advocate is to receive complaints from callers and investigate the complaints. During the period September 1, 2004 – August 31, 2005 the Office of Child Advocate received 263 complaint calls involving 452 children.

Complaint information is received by the investigators primarily over the phone. However, some complainants prefer to email their concerns or to write letters. Complainants may also download the Office of Child Advocate complaint form online



at <http://www.oca.mo.gov/> and send it to the Office of Child Advocate office. Complaints may come directly to the Office of Child Advocate from citizens or may be referred through the Governor's Office, other government offices, or individual legislators from their constituents. The investigators spend a considerable amount of time talking with each complainant and gathering sufficient information to determine the issues involved. All complaints are reviewed by the assigned investigator and discussed in weekly staff meetings with the Ombudsman to gather

input and discuss options with all team members. The first step in determining how to proceed with a complaint is checking the Children's Division data base system for hotline calls. The Department of Social Services/Children's Division has given the Ombudsman and the investigators full access to their hotline data base system. A decision is then made on whether an investigation is warranted and what level of investigation is needed. There are three possible levels of investigations by the Office of Child Advocate:

- ◆ Level I: Information is gathered via telephone calls/fax/emails regarding the case.

Specific reports may be obtained and reviewed by the investigator. A face-to-face meeting may be held with the complainant to gather more information or to review reports/documentation the complainant has in his/her possession.

- ◆ Level II: The Office of Child Advocate requests a complete case file from the Children's Division for review by the assigned investigator.

- ◆ Level III: The Ombudsman and/or the investigator conducts an on site investigation of the situation. This may involve conducting interviews and/or contracting with other professionals for consultation, i.e. physicians, attorneys, mental health experts, etc.

During the investigation of complaints, investigators in the Office of Child Advocate contact Children's Division staff to gather more information regarding the situations referred for investigation. The Office of Child Advocate is to be utilized after citizens have gone through the complaint process established by the Children's Division. When complaints are received investigators verify whether the complainant has already been through the Division's complaint/appeal process. The Office of Child Advocate coordinates closely with the Constituent Unit in the Children's Division Central Office. That unit consisting of three staff many times has received the same complaints received in the Office of Child Advocate. Staff from both offices discuss mutual complaints and determine which office is most appropriate to conduct the investigation and/or what information has already been obtained. When it is determined that the Office of Child Advocate will conduct the investigation, investigators contact the Circuit Manager or other appropriate staff in the county where the child(ren) involved in the complaint resides to obtain more information.

The Office of Child Advocate is to be utilized after citizens have gone through the complaint process established by the Children's Division.

Information may also be obtained from juvenile officers, law enforcement, or other entities involved with the family.

Once an investigation is complete, the complainant is informed of the disposition of the investigation and the case is closed. Possible dispositions are as follows:

- ◆ No policy/procedure violations noted.
- ◆ Policy/procedure violations documented.
- ◆ Practice issue identified.
- ◆ Recommendations made to the Children's Division for improving the delivery of services to children/families.

If policy/procedure violations are discovered, the Children's Division Administration is notified in writing and a written response to the Office of Child Advocate is requested as to what steps the Division will take to rectify the situation. If the Division does not take steps to resolve the issue, the Office of Child Advocate has the option and responsibility to inform the Governor and the General Assembly of the situation and the lack of response by the Division. This option would be utilized in serious situations where child safety was a factor. This information could also be made available to the public as needed.

RSMo.210.145.15 provides for hotline reporters to request that child abuse reports that are concluded as unsubstantiated be referred to the Office of Child Advocate. Upon request by a reporter under this subsection, the Children's Division shall refer

an unsubstantiated report to the Office of Child Advocate for review. In the majority of reviews the Office of Child Advocate has completed on unsubstantiated reports in the last year, we have agreed with the conclusion of the Children’s Division. In cases where we don’t agree with the conclusion, we send a letter to the Children’s Division asking that they re-evaluate the investigation and we indicate our concerns regarding the conclusion.

Improving the System

The Office of Child Advocate reviews proposed legislation involving children/families/child welfare issues and provides input to individual legislators regarding the pros and cons of the proposed legislation. After legislation is passed, input is provided to the Governor’s office for their information in regard to making decisions about signing legislation. The Office of Child Advocate consults with child advocates across the state regarding pending/needed legislation during the legislative session. Meetings are also held with the Children’s Division staff on legislation affecting their agency and families with whom they work.

Complaint Sources and Types of Complaints Investigated

Complaint Sources

Most of the complaints received in the Office of Child Advocate come from biological parents of children in care. The majority of parents call because their children have been placed in the custody of the state and parents feel that the children should be returned to the parent’s home. Grandparents are the second highest source of complaints. These calls usually involve grandparents wanting placement of grandchildren that have been removed from their 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.
Attorney	1	Law Enforcement	1
Biological Parent	130	Legal Guardian	7
Child	4	Other Relative	29
Community Professional or Service Provider	13	Other Relationship	10
Foster Parent	15	Step-Parent	2
Grandparent	51	Total:	263

In many cases, the Office of Child Advocate has helped to facilitate more direct communication among the parties involved and a better understanding of the issues.

Foster parents also call the Office of Child Advocate with concerns regarding their interactions with the Children’s Division. Many of these calls are in regard to foster parents feeling they are not being included as part of the “team” in regards to planning for the children in their care. While foster parents report being included in Family Support Team Meetings (FST), they feel that they are not listened to or their input regarding the children is not valued. Foster parents also

report poor communication between caseworkers and the foster parents. In many cases, the Office of Child Advocate has helped to facilitate more direct communication among the parties involved and a better understanding of the issues.

In some cases, adolescents have called directly to our office to express concern regarding their involvement with the child welfare system and seeking assistance with problems they are having.

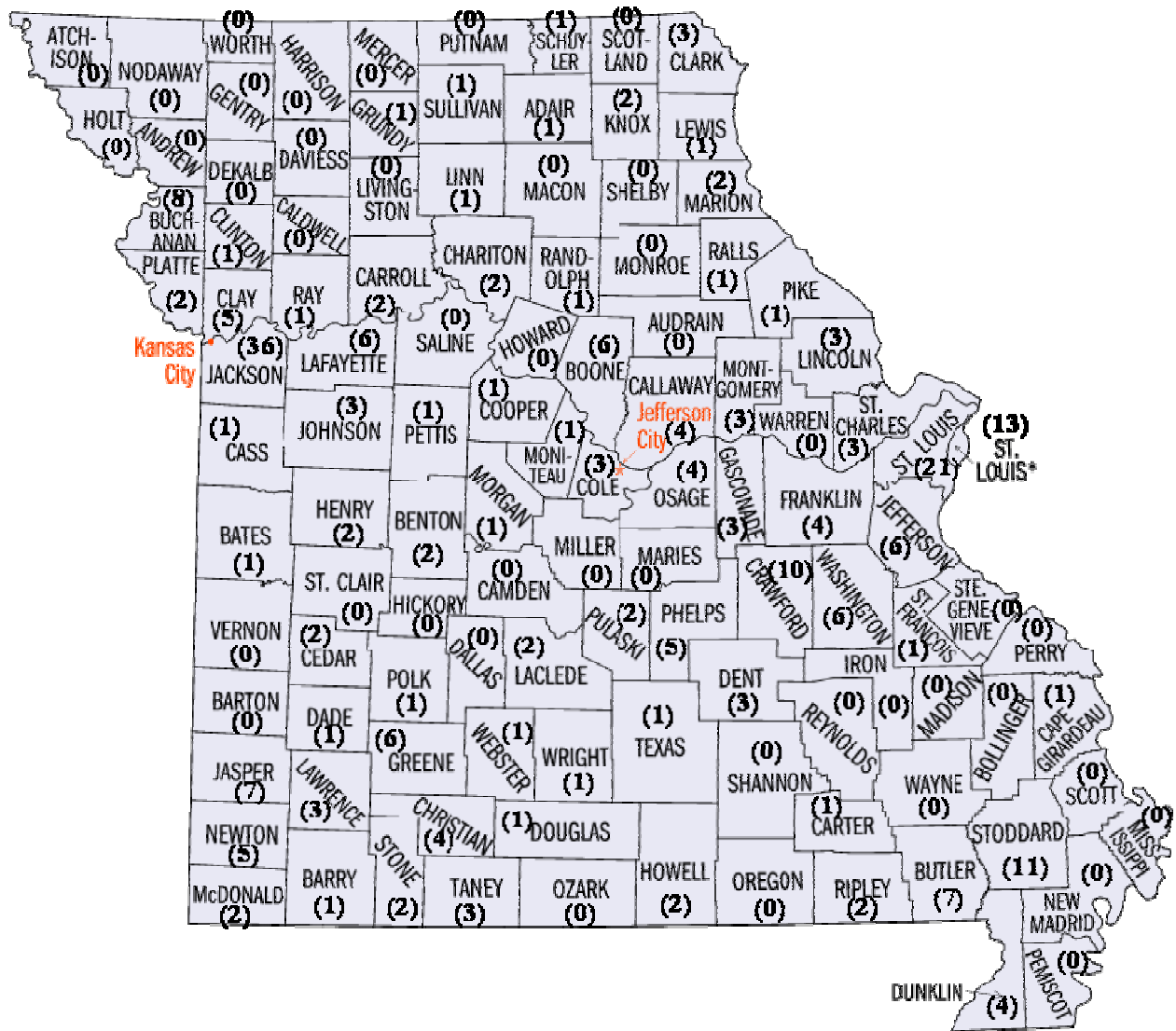
Types of Complaints

Complaints to the Office of Child Advocate generally fall in to 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 _____	104 calls
<ul style="list-style-type: none"> ◆ Failure to protect child from parental abuse or ◆ 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 _____	102 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 _____	30 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 medical, mental health or educational services ◆ Unreasonable delay or opposition to adoption 	
Other _____	27 calls

Location of Children Referred

Complaints come from across the state and from relatives living in other states. These referrals involve children from counties across the state. Jackson County represents the highest number of referrals to the Office of Child Advocate with St. Louis County being second. The following graphic shows a map of the state and denotes the number of complaint referrals for each county for the period of September 1, 2004—August 31, 2005.



Effectiveness Measurements

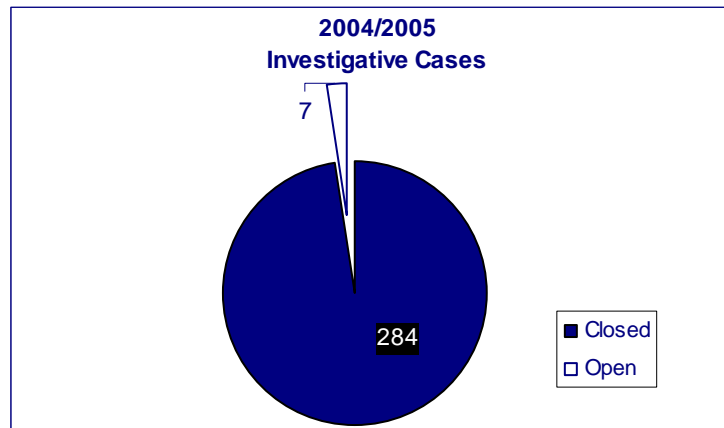
The Office of Child Advocate set measurements for effectiveness in how complaints are handled in the office. The first measurement is for the length of time complainants are contacted after complaint is received in the office. Our goal during the time period (July 1, 2004—June 30, 2005) was to contact complainants within three business days after receiving complaint in the office 90% of the time. The second goal was to

Measurement	Goal	Met
Contact complainant within 3 business days after complaint received	90%	99.6%
Complete investigation within 30 days of receiving complaint	80%	85%
Complete investigation within 5 business days of receiving unsubstantiated hotline report reviews.	90%	89%

July 1, 2004—June 30, 2005

complete the investigation of a complaint within 30 business days of receiving the complaint in 80% of the cases referred. The third goal was to complete investigation of unsubstantiated hotline report reviews within 5 business days of receiving the report in 90% of the cases referred.

Some cases are kept open beyond 30 days. These cases may involve very complex issues and require more than 30 days to fully investigate the complaint. In addition, some cases involved in the court system may be kept open beyond 30 days in order to monitor the court process.



Policy/Procedure Violations and Practice Issues

As a result of investigating complaints regarding Children's Division (CD) actions/inactions, we noted the following policy/procedure violations and practice issues in one or more cases:

- ◆ Inappropriate coding of hotline reports
- ◆ Visits to children in foster homes not made per policy timelines
- ◆ Lack of diligent search for parent who abandoned child
- ◆ Adequate notice per policy not given to foster parents prior to removal of child
- ◆ Reporter disposition notice not sent to hotline reporter
- ◆ Case conclusion made prior to interview of alleged perpetrator
- ◆ Duplicate DCN #s found in system for some parents and children
- ◆ Child abuse/neglect investigation not conducted per policy
- ◆ Home visits to families not made per policy
- ◆ Pertinent placement issues not being discussed in Family Support Team (FST) meetings
- ◆ ASFA permanency violation (Federal Law)
- ◆ Safety issues of very young child with non-accidental injuries not addressed
- ◆ Mandated reporter (M) reports not handled per policy
- ◆ Inappropriate conclusion of hotline investigations
- ◆ Delay in facilitating court ordered psychological evaluations and other services for children and parents
- ◆ Payments to relative caregivers not made correctly or timely
- ◆ Delayed completion of assessments/investigations
- ◆ Lack of CD follow up on Termination of Parental Rights (TPR) referral to court

- ◆ Licensing of inappropriate foster parents
- ◆ Some CD forms incorrectly completed
- ◆ Adoption staffing did not include all required participants
- ◆ Biological parent shown adoptive home studies from adoption staffing
- ◆ Relative and adoptive homes approved without fingerprints
- ◆ Unnecessary lengthy separation of child from parent
- ◆ Co-investigation with law enforcement not done per CD policy
- ◆ Supervision issues
- ◆ Delay in providing parents with case records upon request
- ◆ Inappropriate and inadequate documentation in case files
- ◆ Family Support Team (FST) meeting notices not sent to participants in a timely manner

When violations of policies/procedures or practice issues were identified, staff at the Office of the Child Advocate notified staff at the Children's Division and requested that the errors be corrected if possible and a response to the Office of Child Advocate be provided. Depending on the situation, the contact was sometimes made verbally over the phone or in writing via email, letter, or report format.

Systemic Issues Identified/Recommendations

During the course of our investigation of complaints and our review of specific child abuse/neglect cases, we have found trends in systemic issues and areas of concern across the state. The following issues were found in a number of cases and geographic areas.

I. Children Living in Methamphetamine Labs:

The Department of Social Services Research and Evaluation Unit reports that in FY 2004, 1,594 children were removed from their homes and placed in to the Children's Division custody due to drug usage by the parents. The Children's Division does not specifically categorize the type of drug the parent is abusing, but it is believed that meth is one of the predominant substances found in the homes of children removed for drugs. The immediate danger for children living in homes with meth labs is a medical/safety issue. Children can become contaminated from the chemicals utilized in the manufacturing of meth. They are in need of assessment and treatment for exposure. The possible long term effects on children in meth homes are serious short and long-term health problems, developmental delays and mental health effects.

We reviewed many cases involving parental meth usage or home production. These cases are extremely troublesome because of the length of time needed for parents to engage in and successfully complete treatment for their meth addiction. Permanency for children becomes delayed and in many cases, return home to the parents is not in the best interests of the child. We heard many heartfelt pleas from parents who wanted their children returned to their home but their meth

addiction prohibited them from being capable of providing a safe, stable and nurturing home for their children.

Recommendation:

Efforts are underway to address the needs of children in homes with meth labs. The Children's Division issued a new policy in July 2005 to respond to the growing concerns about the safety and well-being of children and families who are exposed to the dangers associated with meth use and production. The policy encourages Children's Division staff to collaborate with community agencies to develop local emergency meth protocols. It also provides for safety of front line staff who may have to enter meth labs during the course of assuring safety of children. We encourage the Children's Division to continue to work with state and local officials to establish safety protocols.

The Missouri Juvenile Justice Association is taking the lead in developing a statewide protocol for improving the safety and medical care of children under 17 who are found in or near a meth lab. They have received federal funding to design a protocol to address the assessment of children's medical needs, provide appropriate medical care, ensure short-and long-term care and follow up, and; provide training on these protocols to first responders, fire department personnel, law enforcement, medical personnel, Children's Division, juvenile and family courts, legal professionals, foster parents and education professionals. We applaud the efforts of MJJA and encourage the Children's Division to work cooperatively with them in the development and implementation of this project.

II. Home Schooling:

Many parents/caretakers in Missouri provide a legitimate education to their children through home schooling. This method of education works well for many families and provides the children with an appropriate and enriching education. Unfortunately, there are some parents who claim they are home schooling when in fact they have no curriculum for their children and there is no structured education taking place in the home. Many children are being kept home under the guise of home schooling to provide care for younger siblings, perform household tasks, or because the parents are not motivated to provide or capable of providing a structured routine that includes getting the children to school every day.

The situations in the following two cases reviewed by our office illustrate the emotional/educational neglect to children under the guise of "home schooling":

- ◆ In one case, adolescent twins were removed from their mother's home. The mother had mental health issues and was being admitted to a psychiatric hospital. The mother's home had been condemned for unsanitary living conditions. One of the twins had been diagnosed as autistic. In this case, the mother claimed she was home schooling and produced Sylvan Learning materials that she said she utilized to teach her children, including the child with autism. The child's special needs and the mother's mental health issues prohibited her from providing appropriate education for the children in her

home and home schooling should not have been an option. The Children's Division acted appropriately on this case and the courts were able to intervene in the best interests of the child. However, the children were already well into their teens when the intervention occurred.

- ◆ Another case reviewed involved an adolescent male who ran away from home and when picked up by law enforcement, he stated if sent home, he would kill a member of his family. The child in fact had an unloaded shotgun in his possession. The child stated that he was afraid to go home due to past physical abuse in the home. Upon investigation by the Children's Division and law enforcement, it was found that there were many children in the home, 6 being of school age. The parents claimed they home schooled the children. The oldest child that ran away was removed from the home due to the threat to the family. The travesty of this case is the educational delays exhibited by the children. The oldest child was tested after removal. His IQ score was well below normal and was felt to be due to the lack of exposure to education, rather than any dysfunctions within the child. The child was enrolled in school and is very delayed in his work but is adapting very well.

The reason this child was removed was not due to educational neglect and in fact the remaining children have not been removed and are still being "home schooled". The mother's stated method of teaching her children is the "delayed learning" method and does not begin teaching the children until 10 or 11 years of age. Currently, the Children's Division has no authority to intervene in cases in which the parents say they are home schooling unless there are other factors placing the children at risk.

Recommendation:

Minimal standards need to be developed for home schooling. At the very least, parents/caretakers should have to follow some structured curriculum and be able to produce that curriculum to school or Children's Division authorities if the quality of home schooling is an issue in a Children's Division investigation. Again, this office is not against home schooling and we feel it can be enriching when conducted appropriately. Our concern is for children being educationally neglected and/or exhibiting developmental delays due to parents who are not appropriately home schooling. This is not only a social issue but also an economical one. These children will not be able to be productive, tax paying citizens if they lack sufficient education to obtain a GED and get a job.

III. Permanency for Children:

This continues to be an issue across the state. We have seen many cases of children staying in foster homes/residential centers beyond the Federal time limits for permanency. These delays occur for many reasons: children with very special needs, parents who minimally comply with treatment plans designed to protect the children, relatives who do not intervene until termination of parental rights is about to occur, etc.

Recommendation:

The courts and the Children's Division need to continue to work diligently on this issue and the new time standards imposed by state statute should assist all in achieving permanency for children as soon as possible while ensuring that children are in a safe and nurturing environment.

Child Fatalities

Children die in Missouri every year due to abuse by adults entrusted with their care. It is a sad fact of life. It is sadder still when children die in homes in which the Children's Division has an open case and has attempted to ensure the safety of the children in the home or a child dies in an out of home placement. Sometimes in spite of the best efforts of the Children's Division and other professionals working with families, children still die at the hands of their caretakers. The blame must be placed squarely on the person who inflicted the fatal injury or neglected medical needs. However, we can and should learn from these incidents. It has been my experience that in every incidence of a child dying while in the care of the Children's Division or in a family the Children's Division was involved with, Department of Social Services/Children's Division administration has acted swiftly to determine how the death occurred and what can be learned from the death in order to improve practice within the department and division.

When a death of a child in the state's custody occurs, the State Technical Assistance Team (STAT), a program of the Department of Social Services/Legal Division, conducts a fatality investigation to assess the circumstances surrounding the death and the involvement of the Children's Division. In addition, STAT investigators may investigate any suspicious death of a child in the state if requested by law enforcement, the Children's Division, a juvenile officer, coroner, or prosecutor. Their findings are provided to Department of Social Services and Children's Division administration. Due to the investigations conducted by STAT, the Office of Child Advocate does not investigate the deaths of children that die of abuse in out of home care or children with whom the Children's Division had an open case. We are, however, asked at times to review the involvement of the Children's Division prior to the fatality to determine if policy/procedures were adhered to in the services provided by the Children's Division. We are informed of all deaths of children in out of home care and child abuse fatalities in families with open Children's Division services cases. We participate in meetings and briefings regarding the deaths as requested. We work collaboratively with the Children's Division to determine what lessons can be learned from the tragic deaths and what policies and or practices might be changed to help prevent future tragedies.

We work collaboratively with the Children's Division to determine what lessons can be learned from the tragic deaths and what policies and or practices might be changed to help prevent future tragedies.

As a result of evaluating practice in several recent fatalities, the Children's Division recently issued revised policies and procedures for improved practice for staff. The revised policies

address many processes in investigating/assessing hotline allegations and in providing ongoing services. These include but are not limited to guidance on:

- Use of prior CD history and collateral information
- Interviewing skills
- Case conferences
- Concluding child abuse/neglect reports in a timely manner
- Structured decision making for safety and risk assessment/reassessment
- Improved communication and timely feedback for courtesy requests from other counties
- Safety plans

State and National Review Efforts

Missouri Task Force on Children's Justice

The Missouri Task Force on Children's Justice was established under the federal Child Abuse Prevention and Treatment Act (CAPTA) in 1991. States receiving funding under CAPTA must maintain a statewide multidisciplinary task force on children's justice. The Task Force in Missouri is comprised of 21 members representing both urban and rural locations in the state. Representatives on the task force include law enforcement, judges and attorneys involved in both civil and criminal child abuse/neglect proceedings, child advocates, court appointed special advocates (CASA), health and mental health, Children's Division, Juvenile Officers, foster parents, and the General Assembly. The members are appointed by the Department of Social Services' Director after consultation with the Missouri Supreme Court Chief Justice.

The purpose of the Task Force is to advocate for improvements in the Child Welfare System in Missouri by making recommendations on 1) Department of Social Services/ Children's Division policy and practices; 2) family and juvenile court practices; and 3) collaborative efforts with community child welfare and other nonpublic entities. The Task Force has just participated in a strategic planning process which resulted in developing priorities for the Task Force for the next three years. The Strategic Plan sets forth the Task Force's action plan for sustaining and improving the Child Protection System in Missouri. The Ombudsman participates with the task force as a non-voting member.

Federal Child Welfare Review/Missouri's Program Improvement Plan

The federal government which funds just over 50 percent of child welfare services nationwide, holds states accountable for meeting children's needs for safe and permanent families and developmentally appropriate physical and mental health care and educational services. The Administration for Children and Families, U.S. Department of Health and Human Services conducted Child and Family Service

Reviews across the country during the fiscal years 2001-2004 to assess each state's ability to provide safety, permanency, and child and family well-being. Each state then prepared a Program Improvement Plan (PIP) to develop or enhance policies, training, and practice identified as needing improvement to increase positive outcomes for children and families. The state reviews took place during a period in which states experienced a significant decline in revenues and budget cuts were made in many human service programs. States were required to implement Program Improvement Plans while facing serious budget cuts that affected the availability of new resources.

Missouri has continued to implement their PIP with the resources available to them. Progress has been made but there is much more work to be completed. The Juvenile Courts and the Children's Division are working together to achieve permanency for children in a timely manner. The new time standards for juvenile court proceedings enacted in House Bill 1453 have assisted in permanency efforts. Increased funding to the Department of Social Services/Children's Division to achieve accreditation has enhanced the department's efforts for system reform in increasing staffing levels and decreasing caseload size assisting workers in their ability to make well-supported and timely decisions regarding children's safety. The progress in implementing the Program Improvement Plan to improve outcomes for children and families will continue to be monitored by all involved and invested in the child welfare system in our state.

Performance Based Case Management Contracting

Missouri is increasing the use of private contractors to provide foster care case management services. Contracts were recently awarded in the St. Louis, Kansas City and Springfield regions. The St. Louis providers will serve children under the court's jurisdiction in St. Louis, St. Louis City, St. Charles and Jefferson Counties. The Kansas City providers will service children under the court's jurisdiction in Jackson, Andrew, Buchanan, and Clay counties. During the first year of the Springfield contract, the provider will serve children under the court's jurisdiction in Greene County only. Another provider will begin providing services during the second year of the contract and will add Christian, Taney, Lawrence, Barry and Stone Counties to the Springfield region. The contracted agencies will be monitored closely and will be evaluated on outcomes for children related to permanency, safety and stability.

The Office of Child Advocate will continue to take complaints and investigate concerns regarding children who are being case managed by contract

Performance Based Contracts Awarded to:

St. Louis Region
Missouri Alliance for Children
Children's Permanency
Partnership
Catholic Charities Service
Agency

Kansas City Region
Cornerstones of Care
Family Advocates

Springfield Region
Boys and Girls Town
Springfield Partners (2nd year)

agencies. A plan has been developed in conjunction with the Children's Division and the contracted agencies to facilitate the process.

Promising Practices

Many exciting initiatives are happening across the state involving the Children's Division, the courts, and public and private partners. Child protection is not the sole responsibility of the Children's Division. Many communities are realizing this and offering assistance in keeping children safe and supporting families. Although I can't report on all initiatives in the state, I want to mention a few which I think have great promise for improving the child protection system.

I. The Independence Child Welfare Initiative:

This is a partnership involving the Children's Division, the Independence School District, and the Local Investment Commission (LINC) in Jackson County. The purpose of the initiative is to reduce child abuse/neglect in the community. Family services will be provided and aimed at prevention and early intervention for families at risk of child abuse and neglect. The Children's Division may refer families to the Independence School District for services to be utilized in the following types of cases: mandated reporter calls, preventive services reports, family centered service cases assessed and identified as appropriate and families referred as linked to the community for services. The partnership will provide more services to families sooner and improve outcomes for children and families. This is an exciting pilot project that could be replicated in other areas of the state. Prevention has long been a part of the child protection continuum that was not a part of the Children's Division delivery of services due to other mandates and lack of resources.

II. Jasper County Chronic Neglect Pilot Project:

The Children's Division is developing a project to target those families that are considered chronic neglect families (numerous repeat hotlines for environmental conditions, child hygiene, etc.) to provide them with support and services that will avoid out of home placement as well as improved living skills for the family and safety for the children. Some initial training was developed and will be implemented soon. The project should be started within the next several months.

III. Comprehensive Child Welfare Conference:

During the Spring of 2005, the Department of Social Services and the Office of State Courts Administrator (OSCA) funded, developed, and implemented a series of regional conferences in Cape Girardeau, Columbia, Kansas City, St. Louis and Springfield. Over 600 legal and social service professionals in teams from each of the judicial circuits in Missouri attended one of the conferences. Each conference provided education on House Bill 1453 and addressed other issues related to child welfare cases. Topics included time standards, putative

father issues, Interstate Compact on the Placement of Children (ICPC), Chafee Program and entitlements, relative placements, and the state's Program Improvement Plan. This was a great opportunity to educate court and social service staff to issues affecting families and efforts to meet their needs while adhering to state and federal statutes. OSCA also continues to promote and train on best practices in child abuse and neglect cases (Bench Card training). Their efforts have increased the level of knowledge and practice for many in the child protection system.

IV. Family to Family Initiative:

The Children's Division recognizes that children need to maintain familial connection to encourage continued growth and learning of cultural traditions, activities and lifestyles. In an effort to promote and maintain children's connections with family and the community, the Family to Family initiative, developed by the Annie E. Casey Foundation, in consultation with community leaders and child welfare practitioners nationwide, is being piloted in St. Louis City. The initiative is designed to bring children in congregate or institutional care back to their neighborhoods and let the neighborhood become the resource for the children and their families.

Prior Recommendations (2003-04) & Children's Division Response

Family Participation:

The family should be part of the engagement process at all levels of planning, service, delivery, and evaluation. Too often parents are told what the treatment goals are instead of including the parents in the planning process. Family choices should be considered in all planning for the child outside of situations that put the child at risk of harm.

CD Response:

The CD recognizes that family participation in the case planning process is integral in maintaining children safely in the home or achieving permanency for children. Improving the quality of the Family Support Team meetings will assist in increasing family participation. Curricula for FST and supplemental supervisory trainings have been developed and training begun to strengthen worker/supervisors skills in engaging families in the assessment, case planning and case plan review process. A parent's handbook, outlining information such as court proceedings, case planning meetings, legal representation and financial responsibilities will be developed and shared with parents to guide and assist them during their involvement with the Division. Engaging parents and age appropriate children in the planning process is stressed throughout the Program Improvement Plan.

Placement Decisions:

Attachment issues are significant to the mental health of children in all placement decisions. The current child welfare system tends to focus on the physical safety of the child while not adequately considering the effect of removal on the child's emotional/mental health. Practice guidelines must be established to address not only safety issues but also children's emotional, mental, and behavioral health needs.

CD Response:

It is essential that children and their families receive appropriate services to meet their needs. In order to increase the ability of staff to access mental health resources, there are several Program Improvement requirements including: each region designating a mental health coordinator, trainings on mental health issues, and Practice Enhancement Teams (PET). The mental health coordinator will gather information on mental health resources to provide to staff working with mentally unstable parents. Trainings to increase awareness of staff and foster parents regarding attachment, grief and loss and other mental health issues that may affect placements have begun. In addition, regional PETs have been convened and utilized to support local practice

Background Checks on Foster Parents and Relative Care Providers:

These background checks are now mandated by state statute. Unfortunately, a backlog has been created by this law and by the rush of applications for Missouri's new concealed gun permits. A deadline is needed on the processing of the fingerprints for foster parents and relative placements just as there is for concealed gun permits. To meet the deadline, more resources are needed to process the fingerprints.

CD Response:

The wait time for results of fingerprinting has significantly improved. The Missouri State Highway Patrol has partnered with Identix Identification Services to provide an electronic fingerprint image capture and submission. This process produces criminal results within 5 business days. There are locations throughout the state where foster parents can have the process completed. There are enough locations that foster parents and relative providers should not have to travel more than 50 miles from their home for the process. This new process will help significantly in more timely and appropriate placements of children.

Adherence to Agency Policies:

Missouri has excellent child welfare policies/procedures that reflect best practices. Unfortunately, these policies/procedures are not consistently adhered to by workers in all counties of the state. This reflects a need for more training and more intensive supervision for workers.

CD Response:

The Division has been working with the National Resource Center for Organizational Improvement (NRCOI) to develop a comprehensive technical assistance plan to address service gaps or enhance current practice and procedures. The Division also has sought training and technical assistance from the federally-funded Child Welfare National Resource Centers (NRCs). Two major technical assistance initiatives have been implemented: 1) an assessment of safety “across the board” – policy, practice, procedures and training and 2) a supervisors’ work group facilitated by NRCOI to address the development of a supervisory review tool, clinical supervision, and enhancements and support for supervisors.

The comprehensive action steps and strategies in the Program Improvement Plan and the technical assistance plan will provide the Division with a framework for achieving systemic improvement in practice and ultimately improved outcomes for Missouri’s children and families.

Relative Placements:

Caseworkers and the court system need to more diligently search for possible relative placements for children placed in the state’s custody and expedite the approval process for these homes. If relative placement is identified as a concurrent plan, ICPC referral should be initiated as soon as the plan is established.

CD Response:

Improved assessments and case plans will better identify service needs of the family, specifically related to child safety and risk concerns. If children cannot be safely maintained in the home, achieving permanency and stability in their living situations are priorities. Early identification of kinship/relative providers is an important step in ensuring stability of foster care placements. There are several strategies in the PIP that addresses training issues to improve skills on assessments and case planning; family support team (FST) facilitation; state databases as mechanisms to conduct diligent searches. Conducting a diligent search is necessary to find missing parents early in the case to ascertain parents’ intentions regarding the child(ren). This is particularly important when used to search for relatives, which may lead to the best possible placement for permanent solution to the child’s care.

Acknowledgements

The Office of Child Advocate would like to thank Governor Blunt and the General Assembly for their support of the continuation of the Office of Child Advocate. We would also like to thank Commissioner Michael Keathley of the Office of Administration for his support and guidance.

Director Gary Sherman took leadership of the Department of Social Services in 2005 amidst funding cuts and turmoil in the Medicaid system. We commend him for stepping into a difficult situation and staying focused on working in the best interests of children and strengthening families. We look forward to continuing to work with him in the future.

The staff at the Department of Social Services and the Children's Division have always responded to our requests for assistance in a professional and timely manner. We owe them much gratitude not only for their assistance to our office but also for the difficult jobs they perform every day. We would like to acknowledge them for the good work we see in cases we review where we find no concerns. Fred Simmens, Children's Division Director, has paved the way for the cooperation we receive from his office. We appreciate his vision and his dedication to children and families.

Appendix A

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)

Appendix B

Committees

State Child Fatality Review Panel

Children's Justice Act Task Force

State Foster Care Advisory Board

Children's Division Community Quality
Assurance Committee (Jackson County)

Children's Division Alternative Care Review Board