A young girl with her eyes closed, blowing a dandelion seed head. The scene is set in a field of dandelions, with many seeds floating in the air. The entire image has a light blue tint.

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

2006-2007

Annual Report

State of Missouri
Office of
Child Advocate for Children's
Protection and Services
Annual Report 2006-2007

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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Steve Morrow
Child Advocate

January 2008

The Honorable Matt Blunt, Governor of the State of Missouri
The Honorable Laura Denvir Stith, Chief Justice of the Missouri Supreme Court

As stipulated by RSMo 37.715.6, I am pleased to present the 2006-2007 Annual Report of the Office of Child Advocate for Children's Protection and Services. The report covers a twelve month span from September 2006 through August 2007.

It is both noteworthy and commendable that Missouri has seen fit to provide its citizens with an independent avenue for addressing concerns and complaints related to child abuse. I believe the existence of this office provides another example of Missouri's commitment to children and families.

Interacting with various persons, organizations, and agencies, the Office of Child Advocate fills a unique role to help ensure the safety of innocent children. We will remain steadfast in our efforts to make a positive contribution whenever possible.

Thank you for this opportunity to present the 2006-2007 Annual Report of the Office of Child Advocate for Children's Protection and Services.

Respectfully submitted by:

A handwritten signature in blue 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 1,612 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 a Field Operations Investigator, a Central Office Investigator and an Administrative Assistant/Office Manager. (Staff training is noted in Appendix C.)

OCA staff:
Steve Morrow, Missouri Child Advocate
Courtney Davis, Field Operations Investigator
John Steinmeyer, Central Office Investigator
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 2006-07 core budget appropriation was \$300,923.

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?

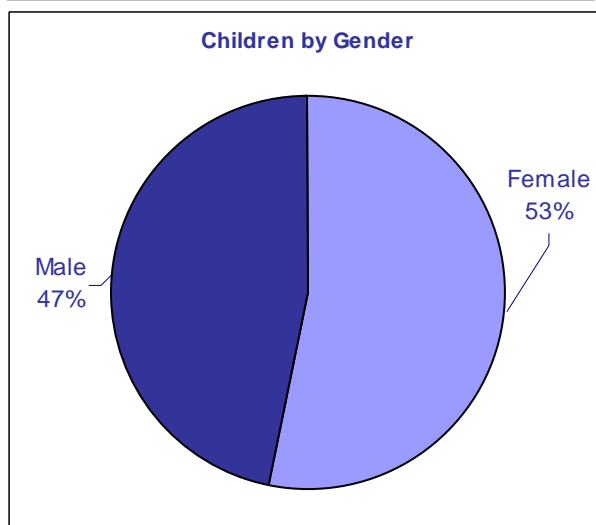
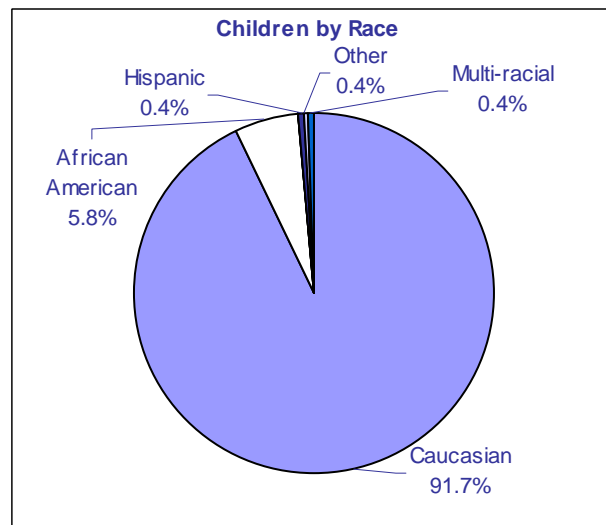
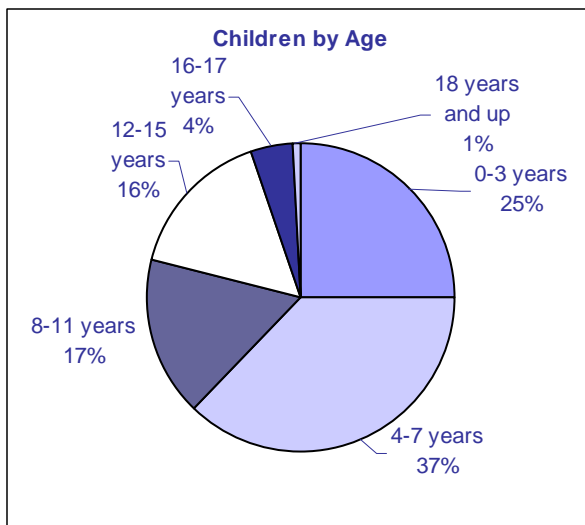
- ◆ Receives and hears complaints from family members and other citizens regarding disputed decisions, actions, or inactions relevant to reported instances of child abuse or neglect.
- ◆ Conducts independent investigations, noting perceived policy/procedure errors and practice issues when appropriate.
- ◆ 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 September 1, 2006 through August 31, 2007, the Office of Child Advocate for Children's Protection and Services received 339 complaints/contacts including registered concerns from 145 new complainants involving 228 children. The 2005-2006 Annual Report cited 258 complaints/contacts from 206 new complainants involving 324 children.



"We worry about what a child will become tomorrow, yet we forget that he or she is someone today."
Stacia Tauscher

"We can easily forgive a child for being afraid of the dark. The tragedy of life is when adults are afraid of the light."
Plato

2006—2007 Contacts Received	
153	Information and Referrals
145	New Cases
19	Reopened Cases
21	Unsubstantiated Reviews
1	Unable to Contact
339	Total Number of Contacts

Caseload is determined by 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.)

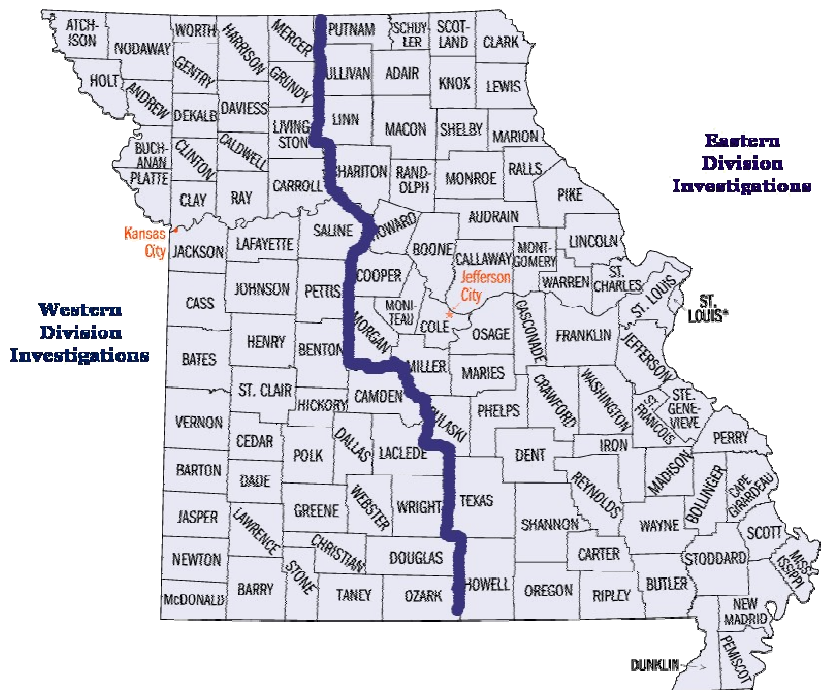
Investigating Complaints

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 according to the geographic location of the case.



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:

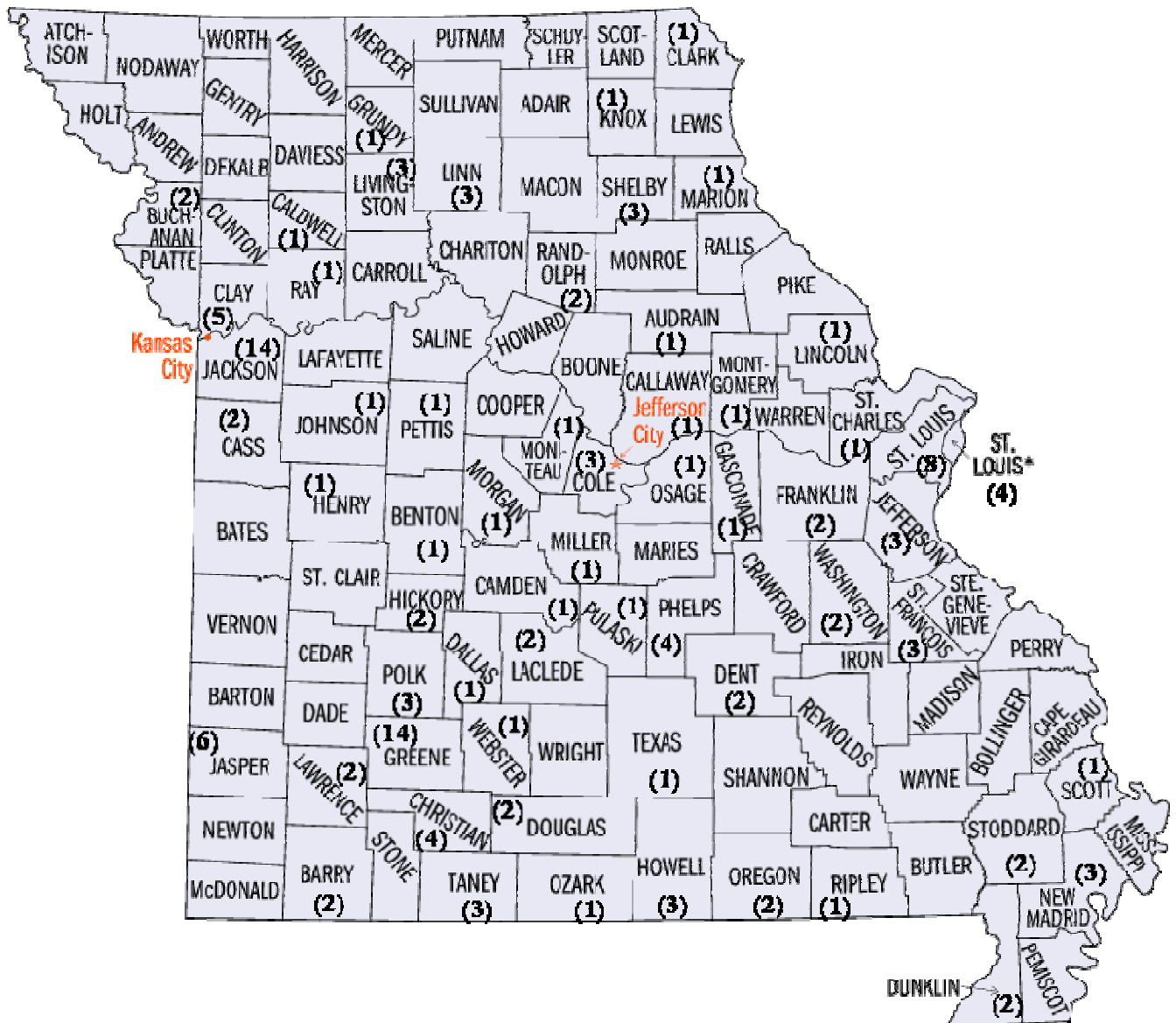
- 1) No perceived policy/procedure error(s) noted
- 2) Perceived policy/procedure error(s) noted

- 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

Location of Complaints



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 September 1, 2006 and August 31, 2007, awareness of the office was increased as a result of:

- 1) Distribution of Annual Report
- 2) Distribution of office brochure
- 3) Office website (updated January 2007)
- 4) State homepage link to website (January 2007)
- 5) Speaking engagements
 - ◆ Rotary International
 - ◆ St. Louis County Juvenile Justice Association
 - ◆ The Missouri Court Appointed Special Advocate Association
 - ◆ Midwest Foster Care and Adoption Association
 - ◆ Christos House
 - ◆ Domestic Violence Response Team (DVRT)
- 6) Scheduled meetings with Children's Division officials
 - ◆ Circuit Managers
 - ◆ Regional Directors
- 7) Written notices and articles
 - ◆ Missouri Juvenile Justice Association newsletter, regarding website notice.
 - ◆ Article appearing in Colleagues For Children, a publication available to over 102,000 health professionals, educators, law enforcement personnel, legal professionals and social workers in the State of Missouri, most of whom are mandated reporters of child abuse and neglect. (See Appendix B for complete article.)
- 8) Exhibits at Professional Conferences
 - ◆ Child Advocacy Day at the State Capitol
 - ◆ Child Abuse and Neglect prevention conference coordinated by the Children's Trust Fund
 - ◆ Sudden Infant Death Seminar
 - ◆ Missouri Juvenile Justice Association Spring Seminar

Complaint Types and Sources

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 _____	53 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 _____	51 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 _____	17 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 _____	24 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 their parent’s home or grandparents who are concerned about the safety of their grandchildren living with

“A man never stands as tall as when he
kneels to help a child”
Anonymous

a parent or other caretaker.

Caller Relationship	No.	Caller Relationship	No.
Anonymous	2	Foster Parent	11
Biological Parent	72	Grandparent	28
CASA/GAL	1	Other Relative	10
Child	1	Other Relationship	10
Community Professional or Service Provider	7	Step-Parent	3
		Total:	145

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 Considerations and Practice Issues

Investigations by the Office of Child Advocate for Children's Protection and Services may or may not result in identified policy/procedure considerations or practice issues. From September 1, 2006 to August 31, 2007, the following policy/procedure considerations and practice issues were noted:

- ◆ Placement in a potentially unsafe environment—subsequent decision to place the child with a family member apart from the original potentially unsafe environment.
- ◆ Transition issues regarding day care authorization for children in case moved to contract management.
- ◆ Parent aid did not receive timely notification regarding scheduled Family Support Team meeting.
- ◆ Initial failure to provide written service agreement to parent—written service agreement subsequently provided.
- ◆ Parent notification deficiencies due to workers on leave.
- ◆ Investigation not concluded within established timeframe (3).
- ◆ Incorrect official involved in initial interview of a child due to confusion regarding household address.
- ◆ Home visit not conducted in timely manner.
- ◆ Assessments not completed in timely manner due to changes in personnel.
- ◆ Excessive movement of children in care.
- ◆ Services not rendered in a timely fashion.
- ◆ Supervision/transportation concerns regarding children sent to therapy.
- ◆ Worker initially unaware of statute allowing children to attend school of origin.
- ◆ Delay in counseling due to counselor's vacation schedule.
- ◆ Delay in home study—parent unable to begin visitation with children, including phone contact.
- ◆ Parent not informed of child's recent hospitalization—child in foster care.
- ◆ Caseworker unaware of how to accommodate request by parent for Interstate Compact for the Placement of Children (ICPC).
- ◆ Failure to present two-week written notice to former caregivers regarding reasons for removal of children. (Sufficient verbal notification of pending removal was provided.)
- ◆ Avoidable delays in family reunification process due to differences among Family Support Team members.
- ◆ Reported child victims transported to scheduled Child Advocacy Center (CAC) interviews by the alleged perpetrator during an open investigation of the case.
- ◆ Concerns expressed regarding supervised visitation (3).

Case Specific Recommendations

Recommend that investigation proceed in a timely manner after receiving complaint to the contrary. Recommendation was followed.

Recommended that immediate home visit take place and that teenage child be consulted regarding current placement issues. Recommendation was followed.

Recommended that concerns be addressed regarding possible drug use by a parent, and that medications prescribed to a child be monitored to ensure that the child received regularly prescribed medications. Recommendation was followed.

Recommended that mandated reporters receive notification of preponderance of evidence findings (2). Recommendations were followed.

Recommended to Family Support Team that, in lieu of prolonged foster care, two children (siblings) be reunited with their birth mother prior to the start of the school year. Recommendation was initially not followed. Recommendation was later implemented per order of the court.

Recommended that children's division investigator be present in person for Child Abuse and Neglect Review Board hearing. Recommendation was followed.

Recommended that new counselor be considered for two children due to expressed concerns involving specified dates. Recommendation was noted.

Recommended that specific questions be addressed pertaining to the medical circumstances of a child. Recommendation was followed.

Recommended policy clarification for contracted agency involving the hospitalization of a child in residential care. Recommendation was acknowledged.

Recommended that safety plan be put in place before the next visit between a child and the alleged perpetrator/parent in a case involving a Preponderance of Evidence Finding. Recommendation was acknowledged and it was suggested that the non-offending parent retain the services of an attorney.

Recommended that copies of court informational reports be provided to the Office of Child Advocate for Children's Protection and Services by the Children's Division caseworker prior to the next court date (2). Recommendations were followed.

Recommended that counseling be continued for a child (2). Recommendations were followed.

Recommended that child be able to attend school of origin in case involving children being placed in foster care. Recommendation was followed.

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.

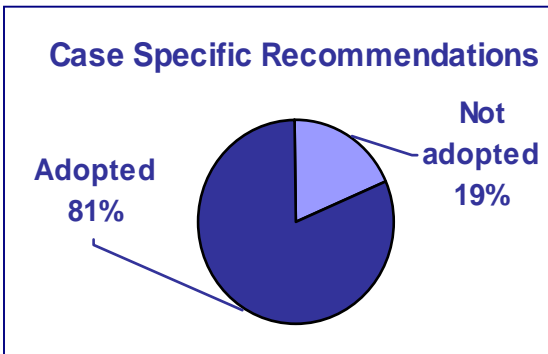
A timely initial response is of fundamental importance. A 90% goal has been set to contact the complainant within three business days of any new complaint.

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%	98.1%
Complete investigation within 30 days of receiving complaint	80%	96%
July 1, 2006—June 30, 2007		

The goal of 90% is established for completing investigations of unsubstantiated hotline reports. Unsubstantiated reports coincides with the date of receipt of the complete case file.

The beginning date for investigating unsubstantiated reports coincides with the date of receipt of the complete case file.



Case specific recommendations are offered to various officials including children’s division officials, contracted agencies, guardians ad litem and juvenile officers. From September 1, 2006 to August 31, 2007, the percentage of adopted recommendations equaled a rate of 81%, surpassing a minimal desired rate of 50%.

Recommendations for Improving the System

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

I. Balancing Statistical Studies and Individual Cases

Statistics suggest that children tend to eventually fare better if they are not removed from the parents during their childhood years. Lower percentages of juvenile delinquency and fewer teen pregnancies are cited as examples. While the Office of Child Advocate for Children's Protection and Services is supportive of findings such as these, it believes that specific instances of child abuse and neglect should continue to be addressed on a case by case basis.

Recommendation:

Acknowledging the value of statistical research, the Office of Child Advocate for Children's Protection and Services recommends that children's workers continue to stress the unique circumstances of the child whenever abuse or neglect is apparent. A child victim is best served by a system that prioritizes his or her immediate safety.

II. Inter-County Referrals

Reports of child abuse or neglect may at times be referred from one county to another by a regional office of the Children's Division. Examples include cases initially received by a particular county that are referred to a separate county for investigation, and cases investigated by a particular county that are referred to a separate county for Family Centered Services. The Office of Child Advocate for Children's Protection and Services understands that circumstances may call for this occasional practice.

Recommendation:

To help facilitate more complete communication and cooperation between involved parties, the Office of Child Advocate for Children's Protection and Services recommends that counties work jointly on the provision of services when referrals involve parents and/or children residing in separate counties.

III. Parental "Coaching"

The Office of Child Advocate for Children's Protection and Services finds it troubling that children are sometimes caught in the middle of parental disputes regarding matters of custody. Parents are, therefore, encouraged to guard against "coaching" their children for the sake of gaining a particular advantage. When "coaching" is perceived, however, children's officials should not discount the possibility of prior abuse or neglect.

Recommendation:

The Office of Child Advocate for Children's Protection and Services recommends that allegations and findings pertaining to reports of child abuse or neglect be consistently dealt with on their own merits, and that perceived parental "coaching" not impair investigations, services, or proceedings relevant to children who may have been victimized by prior physical or sexual abuse.

IV. Domestic Violence and Child Abuse

Although they are distinct issues, domestic violence and child abuse may exist within the same household in certain cases. The Office of Child Advocate for Children's Protection and Services wishes to gratefully acknowledge those who address the problems of domestic violence including law enforcement officials, counselors, ministers, shelter providers, and court officials.

Recommendation:

Recognizing that it is not uncommon for children to be present in situations involving domestic violence, the Office of Child Advocate for Children's Protection and Services asks and recommends that frontline officials exercise appropriate alertness when possible regarding the circumstances of children residing in the home.

V. Child Safety Following Preponderance of Evidence Findings

The Office of Child Advocate for Children's Protection and Services is concerned when child victims continue to be vulnerable in the aftermath of substantiated abuse involving preponderance of evidence findings. This is of particular concern when a parent is found to be the perpetrator.

Recommendation:

Cases resulting in preponderance of evidence findings involving a parent or guardian call for the consideration of care related recommendations, including recommendations that the child or children reside with a non-offending parent or in a neutral environment.

Status of Recommendations Included in 2005-2006 Annual Report

- I. Initiating Meetings and Having Access to Information (recommendation implemented).
- II. Family Support Team Guidelines for Supervised and Unsupervised Parental Visitation (current practice in line with recommendation).
- III. Regular Communication between the Office of Child Advocate for Children's Protection and Services and Children's Division Regional Directors (recommendation adopted and implemented).
- IV. Volunteer Child Advocate Advisory Committee (recommendation in process of completion).

Promising Practices & Developments

The Office of Child Advocate for Children's Protection and Services is pleased to acknowledge positive practices and developments that benefit the children of Missouri. Though not intended as an exhaustive list, the following developments have taken place since the publication of the 2005-2006 Annual Report:

I. Crisis Nursery of the Ozarks

Isabel's House, the Crisis Nursery of the Ozarks, is a signature project of Springfield's Junior League. To complement other generous financial contributions, Governor Blunt worked to secure \$500,000 in state funds to help build and support the crisis nursery. The nursery qualified for another \$250,000 in state tax credits and received a \$168,000 grant from the Children's Trust Fund. The Office of Child Advocate for Children's Protection and Services applauds this significant achievement. Isabel's House provides a safe environment when necessary for children ages birth to 12, and provides families in crisis with education, support and training services.

II. Protecting Children from Internet Predators

Missouri continues to initiate programs to help protect children from internet predators. The Internet Cyber Crime Initiative will assist law enforcement. The INOBTR (text shorthand for the "I Know Better" campaign) will provide public awareness and education to help parents and students learn about online threats and become active in the fight to stop Internet predators.

III. Report by Missouri Task Force on Children's Justice

At the request of Governor Blunt, the Missouri Task Force on Children's Justice began to prepare a progress report and update regarding the enactment of House Bill 1453. The task force is co-chaired by the Honorable Thea A. Sherry, Associate Circuit Judge, St. Louis County, and the Honorable Bill Foster, former State Senator, Poplar Bluff. Enacted in 2004, House Bill 1453 is named in memory of Dominic James.

IV. Quarterly Meetings with Regional Directors

As part of its 2005-2006 Annual Report, the Office of Child Advocate for Children's Protection and Services recommended that at least one joint meeting take place per year involving the Office of Child Advocate for Children's Protection and Services and Regional Directors of the Children's Division. Director Paula Neese arranged for quarterly meetings. The Office of Child Advocate for Children's Protection and Services believes children are well-served by this regular opportunity for increased communication.

Internship Program

During the spring and summer of 2007, the Office of Child Advocate for Children's Protection and Services provided internship services for two students, one from St. Louis, Missouri and the other from Virginia Beach, Virginia. The student from St. Louis was a graduating senior at Lincoln University in Jefferson City. The student from Virginia Beach was home for the summer, visiting her family in Jefferson City between semesters.

It is believed that the Office of Child Advocate for Children's Protection and Services was able to make a positive contribution to the education of these students. They, in turn, were able to add an extra dimension to the office by attending important meetings, sitting in on court hearings, attending legislative deliberations, tracking legislation, and conducting research on topics such as parental alienation, domestic violence and child abuse, and the involvement of other states in child advocacy.

Acknowledgements

The Office of Child Advocate for Children's Protection and Services wishes to thank Governor Matt Blunt and the General Assembly for their continued support.

Appreciation is expressed to the Office of Administration for providing the Office of Child Advocate for Children's Protection and Services with support, guidance, and administrative structure. We offer our particular thanks to Commissioner Michael Keathley and Mr. Rich AuBuchon.

Both the Office of Child Advocate for Children's Protection and Services and the Department of Social Services/Children's Division endeavor to protect the children of Missouri from abuse and neglect. We, therefore, wish to acknowledge our gratitude to Department of Social Services Director Deborah Scott, Children's Division Director Paula Neese, Designated Principal Assistant Celesta Hartgraves, and others serving at the central office, regional, and county levels.

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

Colleagues for Children

“Another Set of Eyes”

The Office of Child Advocate for Children's Protection and Services was placed into Missouri statute in 2004. The Office was originally established by an Executive Order of the Governor in 2002.

The Office of Child Advocate (OCA) operates under the Office of Administration. This organizational structure allows the OCA to function as an independent agency within the framework of state government. While independent of the Department of Social Services/ Children's Division, the Department of Mental Health, and the Juvenile Court, the OCA interacts with these and other agencies in offering "another set of eyes" in the collective effort to protect the children of Missouri from abuse and neglect. We operate with a small, but very capable staff.

The OCA provides an avenue for citizens to request and obtain an impartial review of disputed decisions, actions, or inactions regarding a child who may be at risk of abuse or neglect. This includes referrals to the OCA of prior unsubstantiated reports per Missouri Statute RSMo 210.145.15. A referral of an unsubstantiated report may be requested by the reporter of a hotline call.

There are three primary responsibilities of the OCA. These include:

1. To receive and investigate complaints.
2. To provide an Annual Report to the Governor and the Chief Justice of the Missouri Supreme court.
3. To educate the public regarding the child welfare process in Missouri while increasing awareness of the OCA.

The OCA is authorized to make recommendations. These include recommendations regarding a particular case, as well as recommendations for improving the system.

As Missouri Child Advocate, I commend those who are working diligently to prevent child abuse and neglect by promoting greater professional awareness. Working with others, the OCA has been able to make a difference for innocent children in a number of instances. It is my hope that we can work together in the future to protect children and strengthen families.

Please know of my willingness to speak to your organization regarding the role of the OCA and how we can work together in this noble cause. May we apply the message contained in the following verse in our efforts on behalf of at-risk children:

To look is one thing.
To see what you look at is another.
To understand what you see is a third.
To learn from what you understand is something else.
But to act on what you learn is all that matters.

Anonymous

Appendix C

Staff Training

September 1, 2006—August 31, 2007

- √ 2006 Child Fatality Review Program/Annual In-Service Training
State Technical Assistance Team
- √ Missouri Juvenile Justice Association Spring 2007 Conference/Juvenile
Sex Offenders
Missouri Juvenile Justice Association
- √ Master's Conference for Advanced Death Investigation
St. Louis University
- √ Interviewing Sex Offenders
State Technical Assistance Team
- √ Victim Advocate Training
Missouri State University