

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



2009  
Annual Report

*State of Missouri*  
*Office of*  
*Child Advocate for Children's*  
*Protection and Services*  
*Annual Report 2009*

*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**

**Jeremiah W. (Jay) Nixon**  
Governor

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**Steve Morrow**  
Child Advocate

February 2, 2010

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

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

Dear Honorable Governor Nixon and Honorable Chief Justice Price:

I am pleased to present the 2009 Annual Report of the Office of Child Advocate for Children's Protection and Services. The report covers a timeframe beginning January 1, 2009 and continuing through December 31, 2009.

As the Child Advocate for our State, I am mindful of the critical need for an independent review process on behalf of innocent children. I believe that children who may be vulnerable to abuse or neglect deserve our best efforts in protecting their safety and well-being.

I appreciate this opportunity to present the 2009 Annual Report of the Office of Child Advocate for Children's Protection and Services. Thank you for your commitment to the children of Missouri.

Respectfully submitted by:

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

Steve Morrow

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## History

The Office of Child Welfare Ombudsman was established in 2002. The first Ombudsman for the office was appointed in 2003. In 2004, during the 92nd General Assembly, House Bill 1453 was passed and the Child Welfare Reform Bill was signed into law. The statute changed the name of the office to the Office of Child Advocate for Children's Protection and Services. (See Appendix A for statute language.) Steve Morrow was named Missouri Child Advocate in 2006 for a term that runs through December 7, 2010. Since its inception, the Office of Child Advocate for Children's Protection and Services has responded to contacts involving a total of 2,990 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 Manager of Field Operations, a Manager of Policy & Program Development and an Office Manager.

OCA staff: Steve Morrow, Missouri Child Advocate Liz Beasley, Manager of Policy & Program Development Courtney Davis, Manager of Field Operations Carolyn Swanigan, Office Manager
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### 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 2009-2010 budget appropriation is \$300,648 (\$162,651 state general revenue and \$137,997 federal). Due to economic restraints, the Office of Child Advocate for Children's Protection and Services has been making necessary budget adjustments.

## Role of the Office

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

### What Does the Office of Child Advocate Do?

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

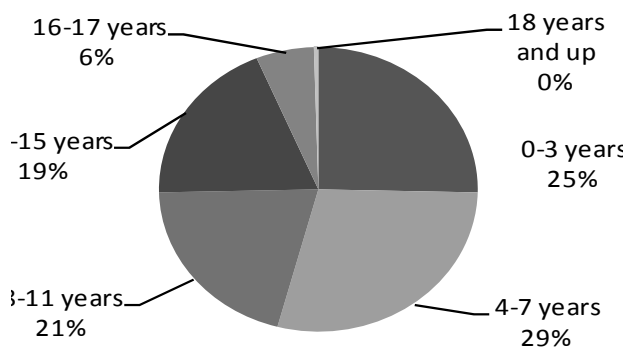
- ◆ Advocates for the child (or children) by directing pertinent questions to appropriate officials and addressing related concerns as necessary.
- ◆ Offers recommendations when appropriate, including case specific recommendations and systemic recommendations for improving the system.
- ◆ Provides education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

## Receiving, Investigating and Concluding Complaints

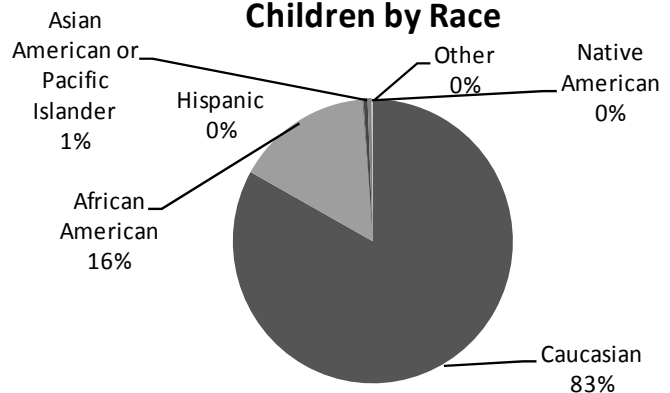
### Receiving Complaints

From January 1 through December 31, 2009, the Office of Child Advocate for Children’s Protection and Services received 609 complaints/contacts including registered concerns from 310 new complainants and 46 unsubstantiated reviews involving 659 children. The 2007-2008 Annual Report cited 513 complaints/contacts including registered concerns from 229 new complainants and 58 unsubstantiated reviews involving 521 children.

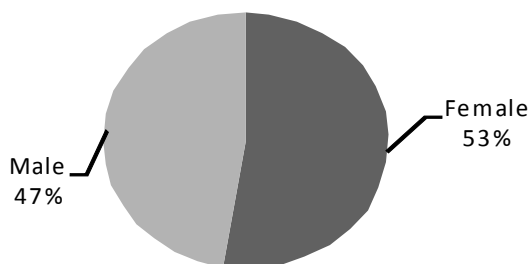
**Children by Age**



**Children by Race**



**Children by Gender**



### Tribute to Foster Children & Foster Parents:

“Like candles in the wind on a stormy night, some cling desperately to a flickering life; others succumb to its overwhelming force; while still others possess the wick, burning defiantly with purpose, refusing extinguishment. Their gift to each other and to us is a light in the storm—however dim—to mark the path of a hopeful life fulfilled.”

Phil E. Quinn

2009 Contacts Received	
177	Information and Referrals
310	New Cases
49	Reopened Cases
46	Unsubstantiated Reviews
27	Unable to Contact
<b>609</b>	<b>Total Number of Contacts</b>

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

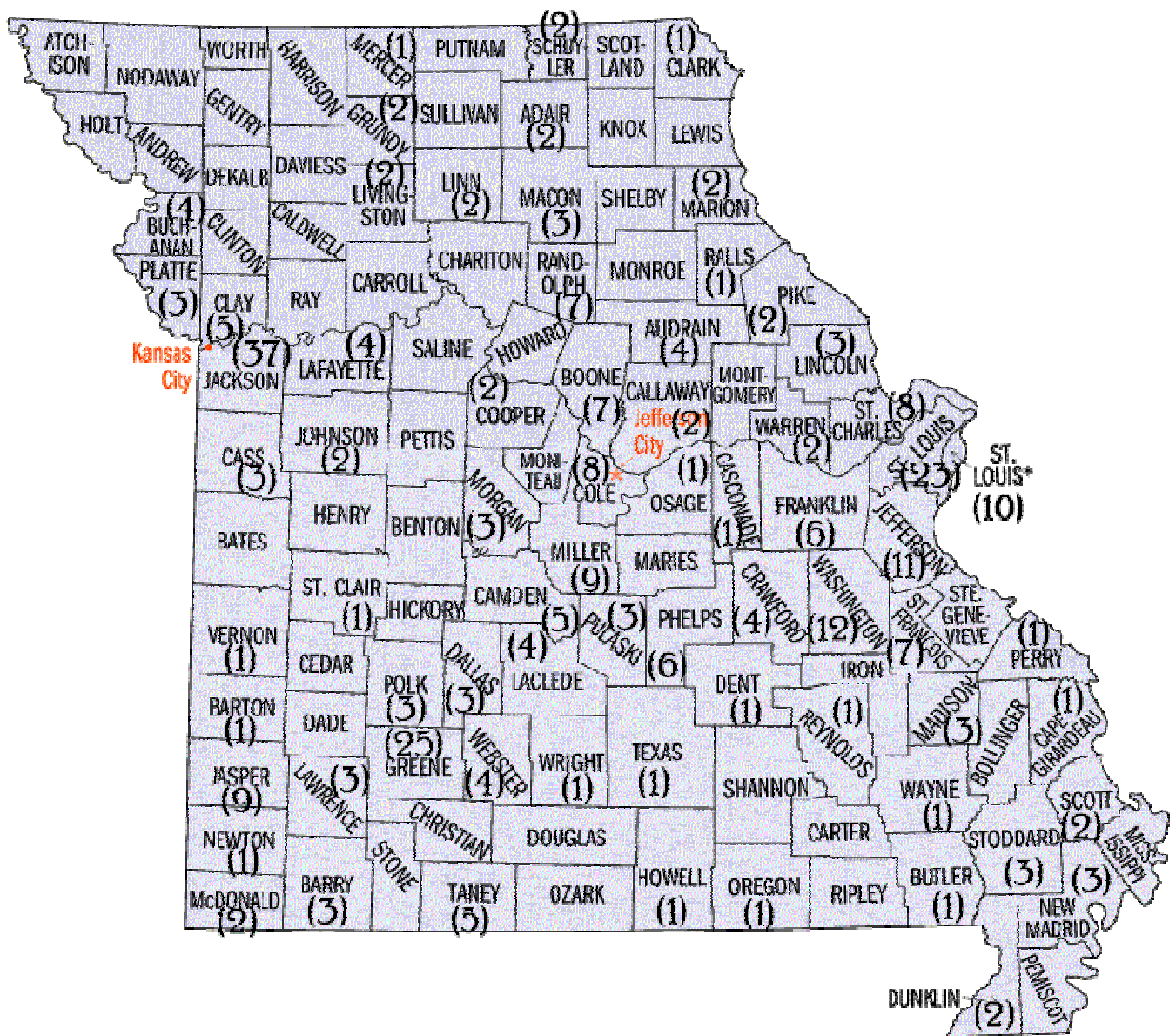
It is the goal of the Office of Child Advocate for Children's Protection and Services to conduct investigations within a 30 day time period. Extenuating circumstances may occasionally extend the investigation in certain instances. Possible conclusions may involve:

- 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 January 1 and December 31, 2009, awareness and visibility of the office was increased as a result of exhibits at the following professional conferences:

- ◆ Child Advocacy Day at the State Capitol
- ◆ Children's Trust Fund Conference



- ◆ Partnering for Success Conference
- ◆ Missouri Association of School Nurses Conference
- ◆ Missouri Alliance for Drug Endangered Children Summit
- ◆ Stand Up for Forgotten Children Conference
- ◆ Missouri Coalition of Children’s Agencies Annual Conference
- ◆ Missouri School Counselor Association Conference

## Complaint Types and Sources—New Cases

### Types of New Complaints

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

Child Safety _____	128 calls
<ul style="list-style-type: none"> <li>◆ Failure to protect child from parental abuse</li> <li>◆ Failure to address safety concerns involving child in foster care or other substitute care</li> <li>◆ Failure to address safety concerns involving child being returned to parental care</li> <li>◆ Failure to provide appropriate services to child at risk of harming self or others</li> </ul>	
Family Separation and Reunification _____	108 calls
<ul style="list-style-type: none"> <li>◆ Unnecessary removal of child from parental care</li> <li>◆ Failure to provide appropriate contact between child and family</li> <li>◆ Failure to reunite families despite parental compliance with court-ordered services</li> <li>◆ Failure to place child with relatives</li> <li>◆ Inappropriate termination of parental rights</li> </ul>	
Dependent Child Health, Well-Being, Permanency _____	46 calls
<ul style="list-style-type: none"> <li>◆ Inappropriate change of child’s foster or other substitute placement</li> <li>◆ Inadequate development or implementation of plan to transition child to new placement</li> <li>◆ Failure to provide child with appropriate services</li> <li>◆ Unreasonable delay or opposition to adoption</li> </ul>	
Other _____	28 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 parent or other caretaker.

Caller Relationship	No.	Caller Relationship	No.
Biological Parent	134	Legal Guardian	1
CASA/GAL	1	Other Attorney	1
Child	2	Other Relative	34
Community Professional or Service Provider	11	Other Relationship	23
Foster Parent	24	Step-Parent	11
Grandparent	68	Total:	310

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

among the parties involved and a better understanding of the issues.

## Policy/Procedure Concerns, Practice Issues and Case Specific Recommendations

Investigations by the Office of Child Advocate for Children's Protection and Services resulted in 91 policy/procedure concerns, practice issues, and case specific recommendations in 2009. These were communicated directly to the appropriate parties.

## 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

Measurement	Goal	Met
Contact complainant within 3 business days after complaint received	90%	98.6%
Complete investigation within 30 days of receiving complaint	80%	95%
July 1, 2008—June 30, 2009		

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.

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

## Recommendations for Improving the System

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

### I. Resources for Foster Parents

The Office of Child Advocate for Children's Protection and Services wishes to acknowledge the tireless efforts of foster parents on behalf of children in state care. We also commend the Children's Division for providing quality training for foster parents.

#### Recommendation:

It is recommended that the Office of Child Advocate for Children's Protection and Services be listed in the Resources section of the Foster Parents Handbook, and that consideration be given to possible inclusion of the Office of Child Advocate for Children's Protection and Services in STARS training.

### II. Cyber Bullying

The Office of Child Advocate for Children's Protection and Services is concerned about all forms of harassment against children, including cyber bullying.

#### Recommendation:

It is recommended that, per Chapter 565.090.2 (1) RSMo, every effort should be made to fully prosecute cyber bullying committed by a person twenty-one years of age or older against a child seventeen years old or younger.

### III. Family Centered Services

The Office of Child Advocate for Children's Protection and Services is supportive of Family Centered Services when such services are appropriate and when families are amenable to such services.

### Recommendation:

It is recommended that after providing Family Centered Services on multiple occasions involving the same family, consideration be given to possible recommendations for alternative care if the continuation of Family Centered Services requires the child(ren) to be in an unsafe environment.

#### IV. Hotline Calls Regarding Child Endangerment

The Office of Child Advocate for Children's Protection and Services greatly appreciates the efforts of law enforcement agencies in protecting the safety and well-being of children, and commends those who currently make it a practice to call the Child Abuse and Neglect Hotline number in cases involving child endangerment.

### Recommendation:

It is recommended that cases involving the arrest of an adult suspected of child endangerment be systematically hotlined by law enforcement officials as a matter of regular procedure in order to help address the possible abuse or neglect of a child as defined by Missouri statute.

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## Acknowledgements

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

Appreciation is also expressed to the Office of Administration, including Commissioner Kelvin L. Simmons.

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 Ronald J. Levy, Children's Division Director Paula Neese, Designated Principal Assistant Celesta Hartgraves, and others serving at the central office, regional, district, and county levels.

# Appendix

State of Missouri

## *Missouri Revised Statutes*

### Chapter 37

#### Office of Administration

##### **Definitions.**

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

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

##### **Office established--appointment of child advocate.**

37.705.

1. There is hereby established within the office of administration the "Office of Child Advocate for Children's Protection and Services", for the purpose of assuring that children receive adequate protection and care from services, programs offered by the department of social services, or the department of mental health, or the juvenile court. The child advocate shall report directly to the commissioner of the office of administration.
2. The office shall be administered by the child advocate, who shall be appointed jointly by the governor and the chief justice of the Missouri supreme court with the advice and consent of the senate. The child advocate shall hold office for a term of six years and shall continue to hold office until a successor has been duly appointed. The advocate shall act independently of the department of social services, the department of mental health, and the juvenile court in the performance of his or her duties. The office of administration shall provide administrative support and staff as deemed necessary.

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

37.710.

1. The office shall have access to the following information:
  - (1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;
  - (2) All written reports of child abuse and neglect; and
  - (3) All current records required to be maintained pursuant to chapters 210 and 211, RSMo.
2. The office shall have the authority:
  - (1) To communicate privately by any means possible with any child under

protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

- (2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;
  - (3) To work in conjunction with juvenile officers and guardians ad litem;
  - (4) To file amicus curiae briefs on behalf of the interests of the parent or child;
  - (5) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;
  - (6) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;
  - (7) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest; and
  - (8) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner.
3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report.

**Complaint procedures--annual report, contents.**

37.715.

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

3. The office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary.
4. The office may recommend to any state or local agency changes in the rules adopted or proposed by such state or local agency which adversely affect or may adversely affect the health, safety, welfare, or civil or human rights of any recipient. The office shall make recommendations on changes to any current policies and procedures. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to services in the state and shall recommend to the department, courts, general assembly, and governor changes in such laws, regulations and policies deemed by the office to be appropriate.
5. The office shall inform recipients, their guardians or their families of their rights and entitlements under state and federal laws and regulations through the distribution of educational materials.
6. The office shall annually submit to the governor, the general assembly, and the Missouri supreme court a detailed report on the work of the office of the child advocate for children's protection and services. Such report shall include, but not be limited to, the number of complaints received by the office, the disposition of such complaints, the number of recipients involved in complaints, the state entities named in complaints and whether such complaints were found to be substantiated, and any recommendations for improving the delivery of services to reduce complaints or improving the function of the office of the child advocate for children's protection and services.

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

37.725.

1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:
  - (1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; or
  - (2) Such disclosure is required by court order.
2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.
3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor. However, the office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.
4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to



enforce the provisions of sections 37.700 to 37.730, or where otherwise required by court order.

**Immunity from liability, when.**

37.730.

1. Any employee or an unpaid volunteer of the office shall be treated as a representative of the office. No representative of the office shall be held liable for good faith performance of his or her official duties under the provisions of sections 37.700 to 37.730 and such representative shall be immune from suit for the good faith performance of such duties. Every representative of the office shall be considered a state employee under section 105.711, RSMo.
2. No reprisal or retaliatory action shall be taken against any recipient or employee of the departments or courts for any communication made or information given to the office. Any person who knowingly or willfully violates the provisions of this subsection is guilty of a class A misdemeanor.

(L. 2004 H.B. 1453)

