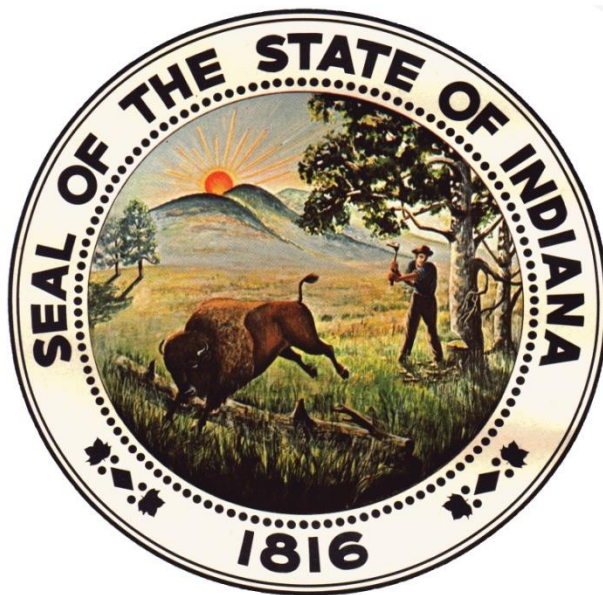


*State of Indiana*

**Department of Child Services  
Ombudsman Bureau**



**2020 Annual Report**

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## **Mission**

The DCS Ombudsman Bureau effectively responds to complaints concerning DCS actions or omissions by providing problem resolution services and independent case reviews. The Bureau also provides recommendations to improve DCS service delivery and promote public confidence.

## **Guiding Principles**

- A healthy family and supportive community serve the best interest of every child.
- Independence and impartiality characterize all Bureau practices and procedures.
- All Bureau operations reflect respect for parents' interest in being good parents and DCS professional's interest in implementing best practice.



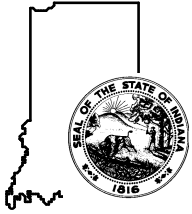
*Report prepared by: Shoshanna Everhart, Director, DCS Ombudsman Bureau*

*Contributors:*

*Jessica Stier, Assistant Ombudsman – Data Analysis, Graphics*

*Jamie Anderson, Assistant Ombudsman – Editing*

*Amanda Fassnacht, Assistant Ombudsman – Editing*



# STATE OF INDIANA

Eric J. Holcomb, Governor

**DEPARTMENT OF ADMINISTRATION**  
Department of Child Services Ombudsman Bureau

402 West Washington St. Rm 479  
Indianapolis, IN 46204  
317-234-7361

The Honorable Eric J. Holcomb, Governor  
The Honorable Speaker and President Pro Tempore  
Lesley A. Crane, Commissioner, Indiana Department of Administration  
Terry Stigdon, Director, Indiana Department of Child Services

In accordance with my statutory responsibility as the Department of Child Services Ombudsman, I am pleased to submit the 2020 Annual Report for the Indiana Department of Child Services Ombudsman Bureau.

I assumed the responsibilities of the Director of the DCS Ombudsman Bureau in September of 2020. Prior to that, the bureau was led by Alfreda Singleton-Smith who served the position well until her retirement.

This report provides an overview of the activities of the office from January 1, 2020 to December 31, 2020 and includes information regarding program administration, case activity and outcomes. Included as well is an analysis of the complaints received, recommendations provided to the Department of Child Services and the agencies responses to the Department of Child Services Ombudsman Bureau.

I would like to express my appreciation for the leadership and support of Governor Holcomb, Director Stigdon, Commissioner Crane and the Indiana State Legislature. Appreciation is also extended to the staff of the Department of Child Services and their diligent efforts to support the mission of the Department of Child Services Ombudsman Bureau in 2020. The COVID 19 pandemic made the delivery of services to children and families difficult in a way that will be remembered in history as an unbelievably challenging time. Those professionals and the staff working during this global tragedy were able to continue to serve families in the best way possible despite the obstacles and they persevered. They are to be commended. Their commitment to Indiana's children and families is strong and admirable. I am truly honored to begin my service to the citizens of Indiana as the Department of Child Services Ombudsman.

Respectfully,

A handwritten signature in cursive script that reads "Shoshanna Everhart".

Shoshanna Everhart, MSW LCSW

Director, DCS Ombudsman Bureau

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# **Executive Summary**

## **Introduction**

The global pandemic drastically affected the delivery of services to Indiana families and those around the world. DCS was required by law to continue to provide responsive services to children and families despite the constraints imposed that were no fault of their own and they did so admirably.

The DCS Ombudsman Bureau also experienced a major change in leadership with the retirement of Alfreda Singleton-Smith during this past year. Ms. Singleton-Smith was an experienced and valued leader in child welfare in the state and nationally. She focused on growing the bureau and creating a staff that continues to be extremely competent and experienced. Her contributions are acknowledged and widely appreciated. We wish her well in retirement.

Shoshanna Everhart was appointed as Ms. Singleton-Smith's replacement as Director in September 2020.

Despite the challenges the DCS Ombudsman Bureau continued to focus efforts on ensuring the continued stability of the agency's goals of:

- effectively responding to constituent complaints in a timely manner;
- enhancing and developing program practices and guidelines;
- increasing the number of constituent responses;
- and, expanding outreach initiatives.

## **Authority**

The Department of Child Services (DCS) Ombudsman Bureau was established in 2009 by the Indiana Legislature to provide DCS oversight. IC 4-13-19 gives the Department of Child Services Ombudsman the authority "to receive, investigate, and attempt to resolve a complaint alleging that the Department of Child Services, by an action or omission occurring on or after January 11, 2005, failed to protect the physical or mental health or safety of any child or failed to follow specific laws, rules, or written policies." The law also provides the DCS Ombudsman Bureau the authority to evaluate the effectiveness of policies and procedures in general and provide recommendations.

## **Activity Overview**

During 2020, the primary activity of the office was to respond to complaints, determine findings, provide case specific and systemic recommendations, and monitor DCS responses. When case findings were determined to have systemic implications, policies and procedures were reviewed and general recommendations were provided. This year the DCS Ombudsman Bureau responded to 1,198 Information and Referral (I & R) inquiries, conducted 141 Assists,

opened 131 Cases and closed 129 Cases. A total number of 138 cases were reviewed during 2020. One investigation was completed in 2020.

## **Administration**

**Location:** The DCS Ombudsman Bureau is an independent state agency housed in the Indiana Department of Administration (IDOA). IDOA provides office space, furnishings, equipment, and utilities. During this year much of the work was completed remotely due to restrictions that resulted from the pandemic. Staff rotated time in the office to allow for continued workflow and response to constituents in a timely manner. This type of work environment will continue for as long as needed and seems to serve our type of work very well.

**Staff/Resources:** The DCS Ombudsman Bureau consists of the Director and three full-time Assistant Ombudsman (Appendix A – Staff Biographies). Legal consultation is provided as needed by IDOA General Counsel and/or Deputy Attorney General. Technical assistance is provided by the IDOA Management Information Systems director. The DCS Ombudsman Bureau had a change in Director in September 2020.

In late 2016, the Director of the DCS Ombudsman Bureau began steps to increase the Assistant Ombudsman’s job title and salary to attract and retain skilled talent to the DCS Ombudsman Bureau, while enhancing current program service delivery. As a result of this endeavor, the Assistant Ombudsman’s class title of Administrative Assistant was adjusted in the first quarter of 2017 to Program Director 2. This change also included a 4.5 percent annual salary increase.

Continued program growth in 2018 presented opportunities for the growth of service delivery to those constituents impacted by DCS involvement. In preparation for the 2019 budget year, the DCS Ombudsman Bureau worked with Indiana Department of Administration staff to submit a budget justification in the fall of 2018 proposing a staffing increase of one Full Time Equivalent (FTE) Assistant Ombudsman. The position was necessary to support the DCS Ombudsman Bureau’s goal of timely response to ever increasing constituent needs. The staff increase was approved during the 2019 state legislative session, and one FTE Assistant Ombudsman position was added to the DCS Ombudsman Bureau in October 2019 bringing the total to three.

**Budget:** The DCS Ombudsman Bureau was appropriated \$356,191 in the 2020 - 2021 fiscal year which is allocated from the general fund. Most of the expenditures are for personnel, with the remainder devoted to supportive services, outreach, and supplies.

## **Program Development**

**Policies and Procedures:** The *Procedures and Practices Guidelines* for the DCS Ombudsman Bureau is posted on the agency’s website. The manual continues to be a viable resource for sharing information regarding the policies and practices of the DCS Ombudsman Bureau. The manual serves as an important mechanism for guiding the operations of the bureau pursuant to

statute (Indiana Code (IC) 4-13-19) and informing constituents of the agency's policies and practices.

**Website Enhancements:** The DCS Ombudsman Bureau continues to monitor the website to ensure that it is functioning properly, and that information provided remains relevant to meet the needs of Indiana constituents. The DCS Ombudsman Bureau's information is also linked to the Indiana DCS website ([www.dcs.in.gov](http://www.dcs.in.gov)). An Ombudsman website launched in 2016 by the State of Indiana provided an additional opportunity for constituents to access ombudsman services and support across the state ([www.Ombudsman.in.gov](http://www.Ombudsman.in.gov)). Information regarding the DCS Ombudsman Bureau can be found on this page.

**Tracking and Reporting:** This office continues to compile quarterly reports to document complaint/case activity each quarter and to track responses to recommendations. The information from the quarterly reports is used to compile basic information for the Annual Report. The DCS Ombudsman Bureau has also begun the process of identifying an electronic case management and data tracking system to support the agency's continually increasing growth.

**Outreach:** In an effort to increase public awareness of the office pursuant to IC 4-13-19-5 (a) (5), the DCS Ombudsman Bureau developed several strategies. Educational presentations continue to be available to the public and can be requested via the website, DCS Ombudsman Bureau email, or staff. The DCS Ombudsman Bureau staff has continued to present workshops and presentations as requested. This has significantly decreased, although presentations have been provided virtually when requested and we hope to be able to meet more often with groups as the vaccine and other safety efforts are increased. We were recently able to provide a training to a DCS provider group of professionals working with our families. Additionally, as a member of the United States Ombudsman Association (USOA) the DCS Ombudsman Bureau participated in national ombudsman best practices member sponsored surveys/queries. The new director is an active member of the USOA and has assisted on national efforts to improve the group.

DCS Ombudsman Bureau brochures and posters are available to all local DCS offices, and the public. The DCS Ombudsman Bureau Director serves as a statutory member of Indiana's Statewide Child Fatality Review Team, a multidisciplinary team charged with reviewing child fatalities. The DCS Ombudsman Bureau will continue to develop strategies designed to reach constituents, specifically those individuals that are least likely to access DCS Ombudsman Bureau services. These include but are not limited to parents, grandparents and other relatives, and service providers.

**Training:** The DCS Ombudsman Bureau continues to participate in educational programs specific to the ombudsman role and child welfare practice. The agency is a member of the United States Ombudsman Association (USOA). The USOA provides opportunity for consultation, support, and education to all members. The new director, Shoshanna Everhart, recently completed the New Ombudsman Training provided virtually by this group and was pleased with the quality of this training opportunity. The DCS Ombudsman Bureau staff also

participates in trainings at conferences hosted by DCS, Indiana Youth Institute, Indiana Association of Resources and Child Advocacy (IARCA), Indiana Statewide Child Fatality Review Committee, Kids Count Indiana, Resource and Adoptive Parent Training (RAPT) Conferences, Marion County DCS Trauma Informed Care Symposium, and a variety of webinars, books, and articles with information of interest to the agency. Any trainings during 2020 was completed remotely and the USOA annual training in 2021 will be remote as well.

**Metrics:** The DCS Ombudsman Bureau continues to track the turnaround time for responses to complaints, completions of reviews, and investigations. The metrics indicate that the DCS Ombudsman Bureau continues to exceed the goals established for best practice related to response to constituents in 2020 as defined below.

Identified Task	Goal	2018 Metric (Average)	2019 Metric (Average)	2020 Metric (Average)
Days from Inquiry to Response	1 day	.75 day	.50 day	.45 day
Days Case Remains Open	30-60 days	33.25 days	31 days	25.53 days
Days Investigation Open	60-90 days	79.67 days	66 days	54 days

## Collaboration with DCS

**Communication:** The Director of the DCS Ombudsman Bureau meets with DCS leadership to discuss individual complaints, investigations, agency policies, programs, practice, and recommendations, as needed. All specific case reviews and/or investigations are initiated by contacting the Local Office Director, and Regional Manager and/or other involved DCS department(s) who ensures the DCS Ombudsman Bureau is provided all requested information and/or facilitates staff interviews.

**Information Access:** DCS has provided the DCS Ombudsman Bureau with access to all records on the MaGIK Casebook and MaGIK Intake systems, in addition to the DCS reports available on the DCS intranet. The DCS Ombudsman Bureau also reviews case files and interviews DCS staff as necessary.

**Fatalities/Near Fatalities:** To ensure this office is aware of child fatalities/near fatalities with DCS history, the DCS Hotline forwards all such reports to the DCS Ombudsman Bureau to track and/or assess for further review. The DCS Ombudsman Bureau no longer participates in the Peer Review process on the cases that meet the criteria, as the procedure has changed at DCS. DCS began the process of implementing the Safe Systems Improvement Tool (SSIT) in late 2019 as a means of improving the previous Peer Review process. According to the Praed Foundation, “the SSIT is designed to record the output of the peer review analysis. The purpose of the instrument is to support a culture of safety, improvement, and resilience – looking behind “human error” and fostering rich understanding of the complex interdependencies and system



interactions that often underly common casework problems.” Implementation of the SSIT has significantly changed the involvement of the Ombudsman Bureau in the review of fatalities. We will continue to work with DCS to monitor the SSIT process and determine if our current level of involvement is appropriate.

**Other:** The DCS Ombudsman Bureau is unable to draw any conclusions about the general status of children in Indiana pursuant to IC 4-13-19-10(b) (2), as the focus of the bureau has been on the complaint process. It is noted, however, that the Indiana Youth Institute annually publishes [Kids Count in Indiana](#), a profile in child well-being data book, which provides data on the general status of children in Indiana. The current *Kids Count in Indiana Data Book Executive Summary* is available in the office of the DCS Ombudsman Bureau and the full Indiana Data Book is available at no cost at [www.iyi.org/databook](http://www.iyi.org/databook).

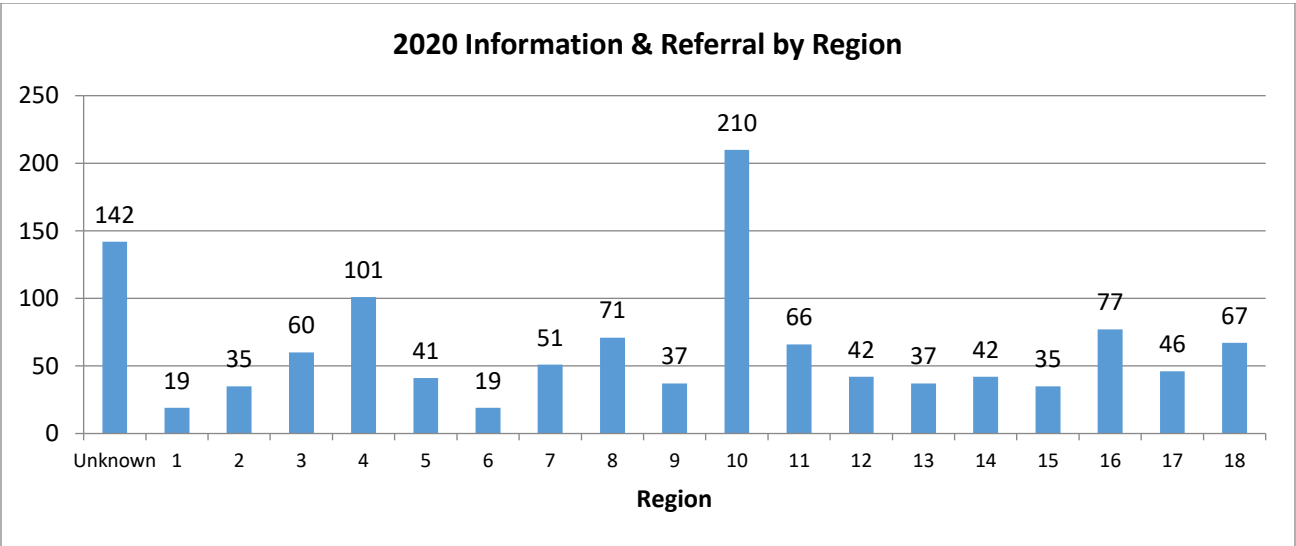
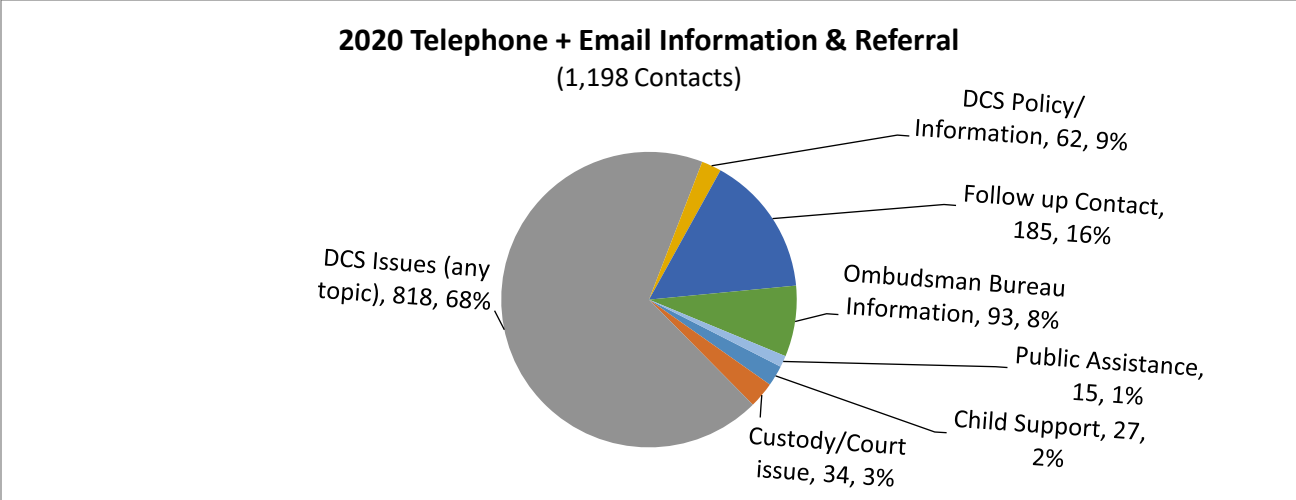
## **Complaints**

### **The Process Overview**

The DCS Ombudsman Bureau receives many telephone and email inquiries that do not result in an open case but require an information and/or referral response. To track this service, pertinent information about the contact is recorded in the Information and Referral (I & R) contact log database. Some inquiries require assistance with a resolution, but do not necessitate opening a case file. This level of response is referred to as an Assist; the pertinent information about the Assist is tracked and recorded in the Assist database. A case is opened when a complaint form is received. The complainant is notified of the receipt of the complaint and an intake process is initiated to determine the appropriate response. DCS is notified of the complaint following the intake assessment, after which a variety of responses are possible. The DCS Ombudsman Bureau may initiate an investigation, resolve and/or refer after a thorough review, refer the case back to DCS, refer to Child Protection Team (CPT), file a Child Abuse/Neglect Report, decline to take further action, or close the case if the complainant requests to withdraw the complaint. Following a review, the complainant and DCS are informed in writing as to the outcome. If a case is investigated, a detailed report is completed and forwarded to DCS and the complainant if they are a parent, guardian, custodian, Court or Court Appointed Special Advocate (CASA)/Guardian ad Litem (GAL). Other complainants receive a general summary of the findings. If a complaint is determined to have merit, recommendations are provided to address the issue, and DCS provides a response to the recommendations within 60 days. The flowchart in Appendix C illustrates this process.

### **Information and Referral Inquiries (I & R)**

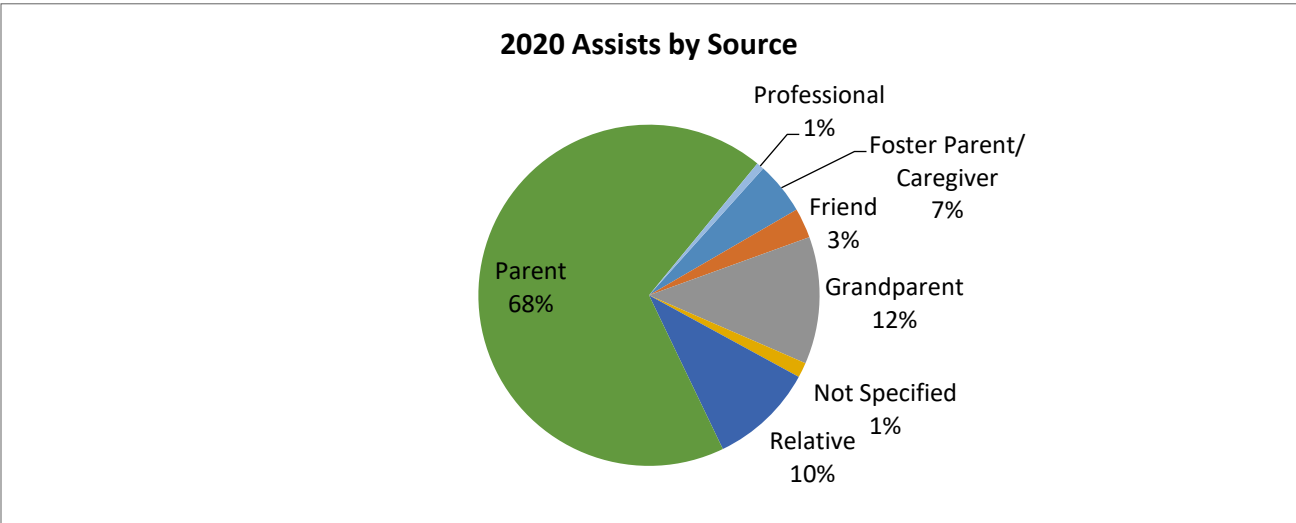
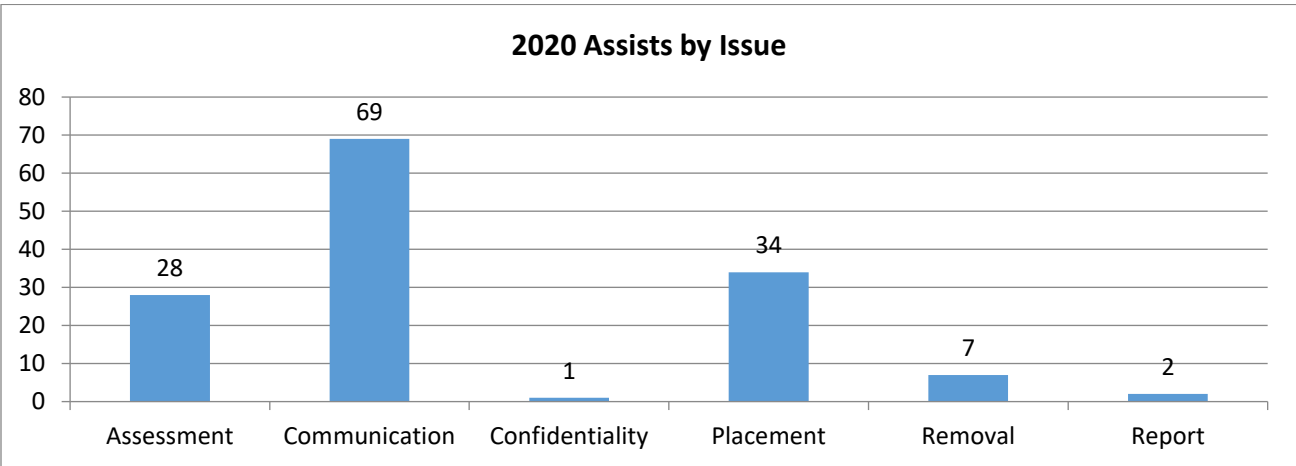
The office received 1,198 I & R Inquiries during 2020 which is an increase of 249 contacts over the 949 I & R Inquiries received by the DCS Ombudsman Bureau in 2019. The graphs below illustrate the topics of inquiry and the origin by DCS region.



The I & R function has proven to be a valued service for constituents. Providing potential complainants with education regarding the DCS process and/or contact information for DCS staff is often the first step to a successful resolution. (See Appendix D for a Regional map.)

**Assists**

Assists occur when a formal complaint is not necessary, but a higher level of involvement is required than an I & R response. Assists are appropriate when communication and/or clarity of specific aspects of a case are the main concerns. The DCS Ombudsman Bureau completed 141 Assists in 2020. The use of the Assist category continues to demonstrate that communication between complainants and DCS is key to resolving differences between stakeholders. The following graphs illustrate additional details about the Assists:



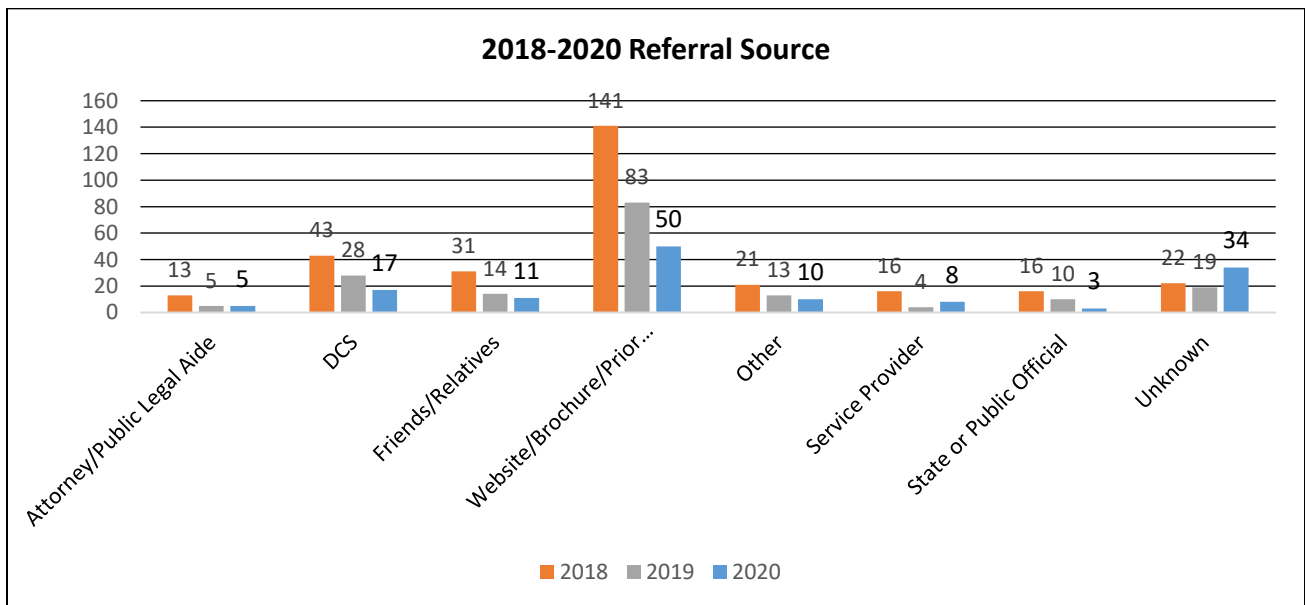
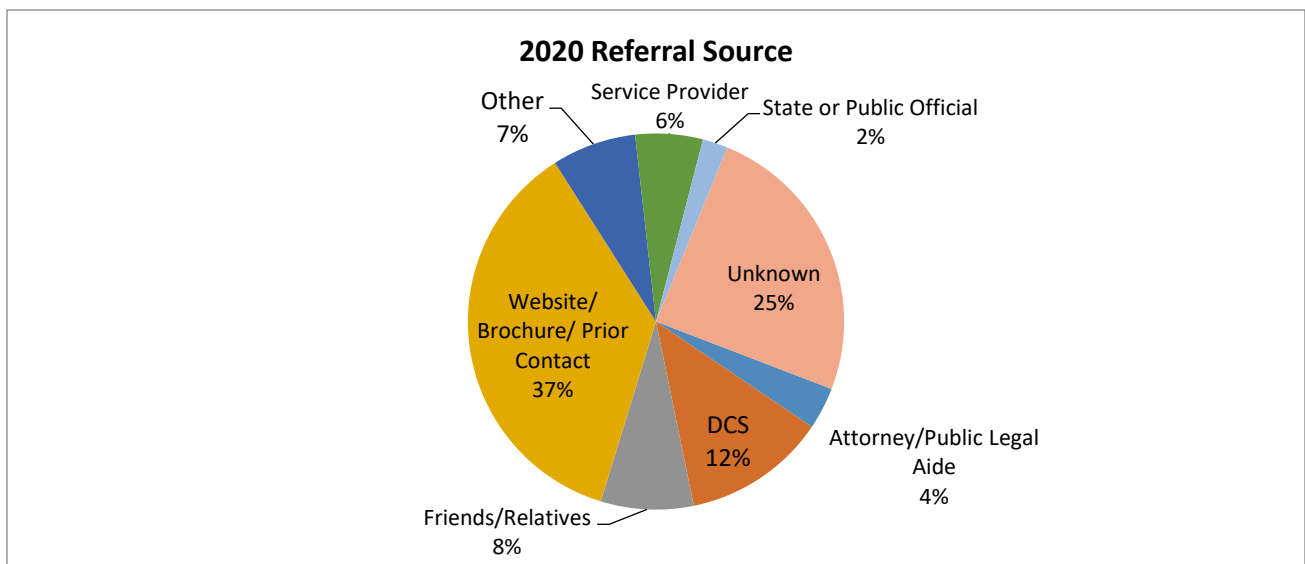
**Cases**

During 2020, 131 cases were opened, and 129 cases were closed during the year. The cases were generated following the receipt of a formal complaint. A total of 138 active total cases were reviewed during 2020 which included cases carried over from the last quarter of 2019. One investigation was completed in 2020. The significant number of Assists (141) suggests that the DCS Ombudsman Bureau was able to foster greater problem resolution by actively encouraging communication between the DCS Local Offices and DCS Ombudsman Bureau complainants at the onset of the inquiries. As a result, DCS Ombudsman Bureau staff was able to actively focus on case reviews and investigations that were more complex in nature. It should also be noted that Information and Referrals contacts increased from 989 to 1198 in 2020, in comparison to a decrease in active cases (176 to 138) in 2020. These differences are attributed to specific intake procedures that support communication between the complainant

and DCS Central and Local Offices for problem resolution before formal complaints are accepted by the DCS Ombudsman Bureau.

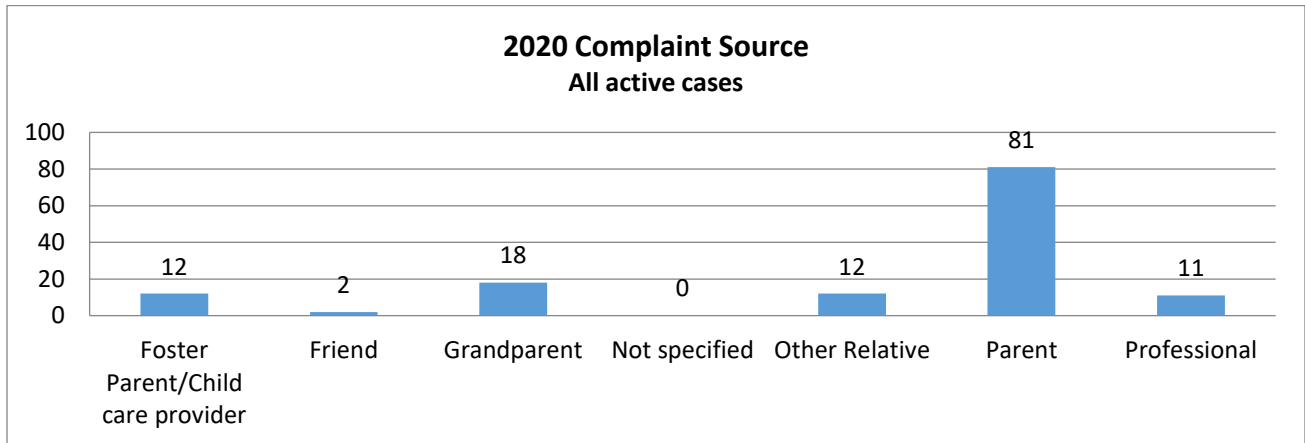
## Referral Source

Comparison of 2018-2020 data suggests that Website/Brochure/Prior Contact continues to be the largest source of referrals. Other referral sources have remained constant within one to ten points. The Unknown category reflects those individuals that chose not to identify a referral source during intake discussions with the DCS Ombudsman Bureau or on complaint forms.



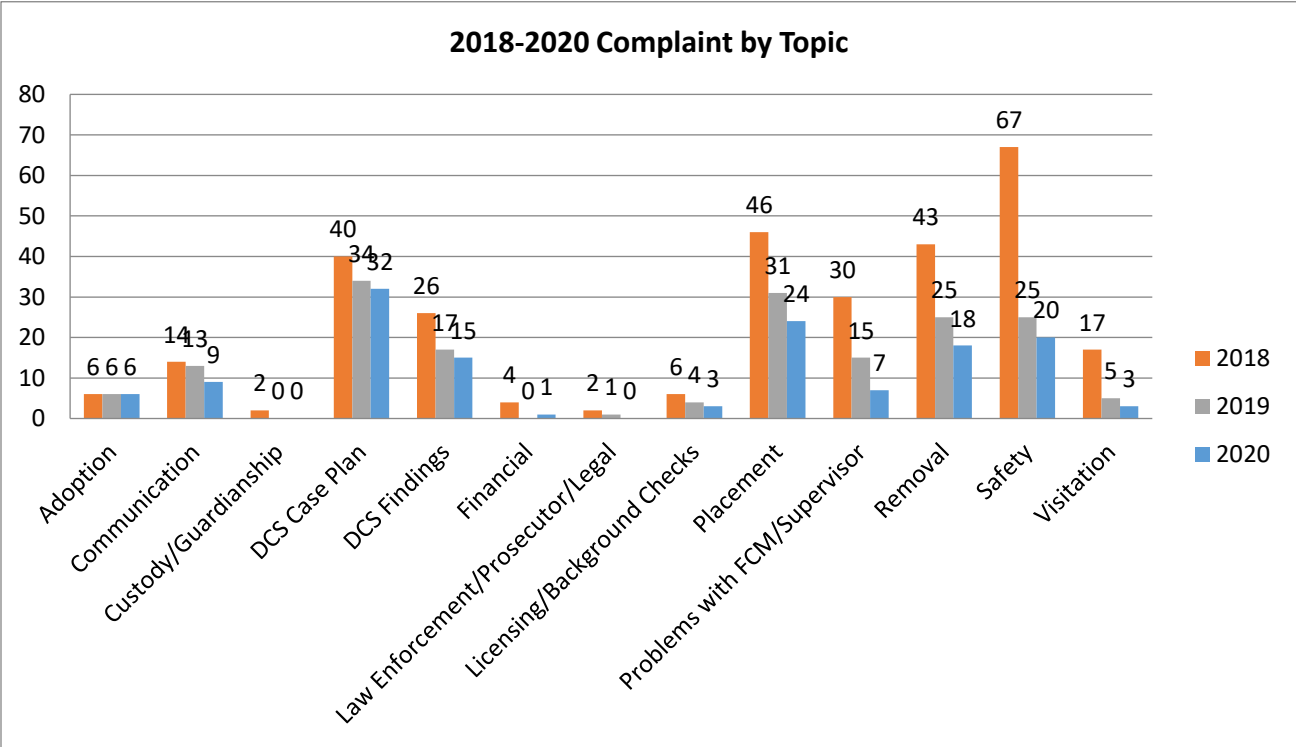
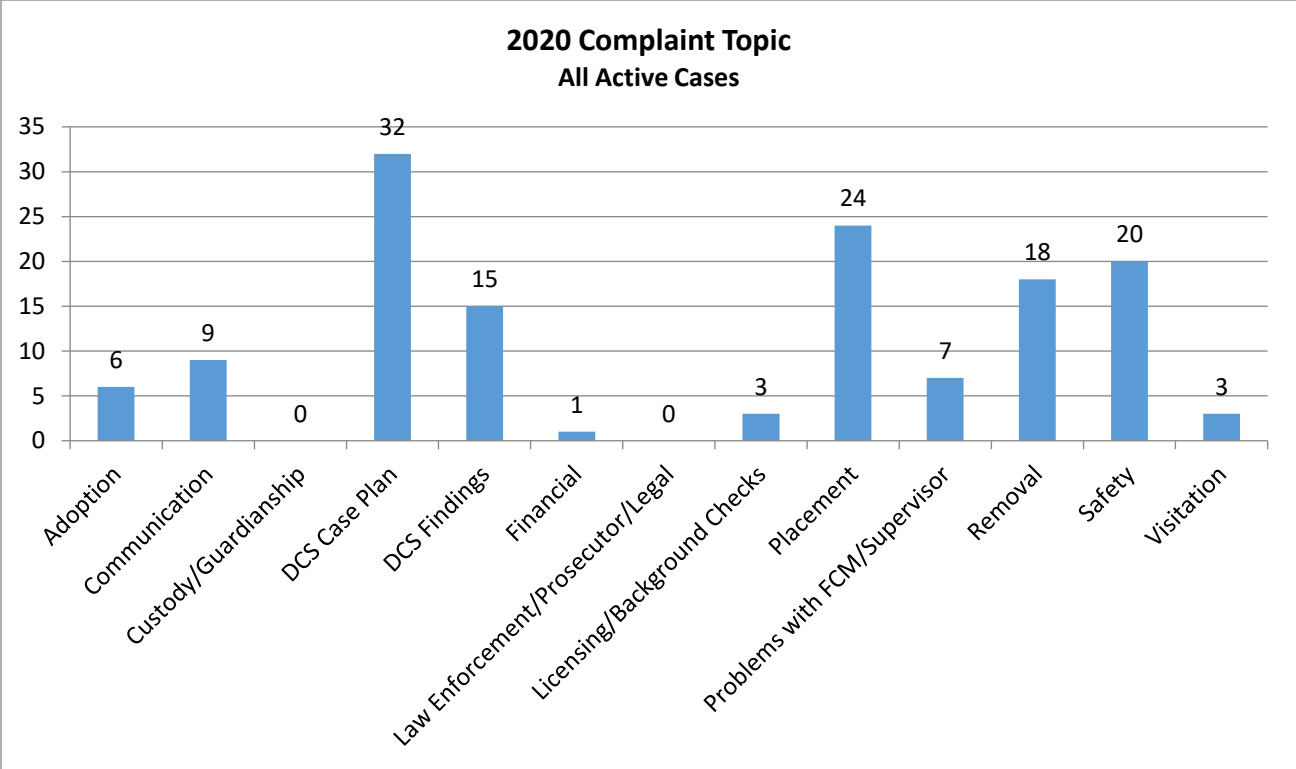
## Complaint Source

Except as necessary to investigate and resolve a complaint, the complainant's identity is confidential without the complainant's written consent. The complainant is given the opportunity to provide written consent on the complaint form. During 2020, parents continued to make up the greatest share of complainants followed by grandparents, foster/adoptive parents, and other relatives.



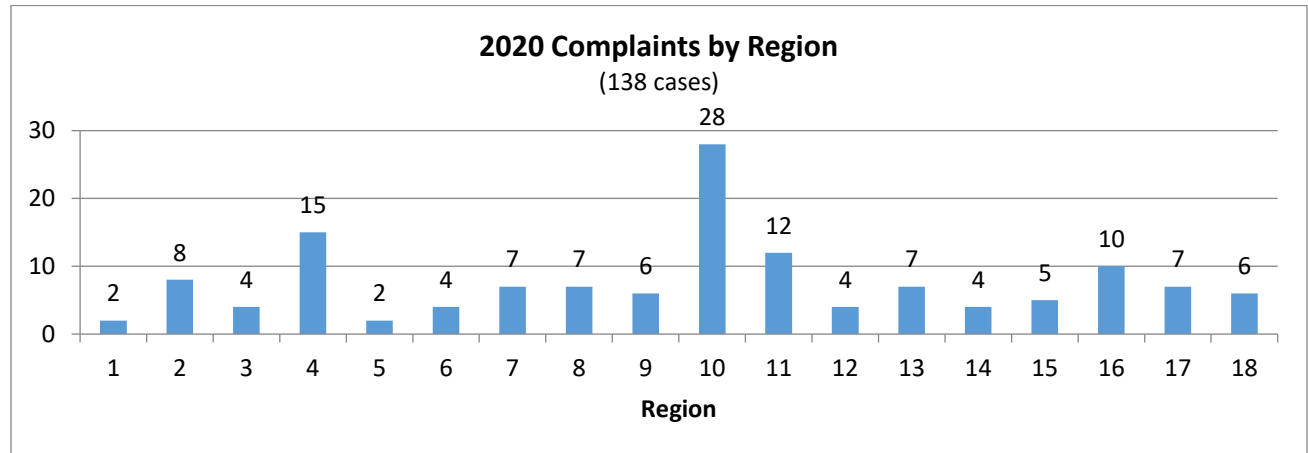
## Complaint Topics

During 2020, the four major complaint topics included Case Plans, Placement, Child Safety, and Removal. There is a continued trend of changes in complaint topics from previous years, as illustrated in the 2018-2020 graph comparison below.



## Complaints by Region

As DCS is organized in regions, the DCS Ombudsman Bureau tracks contacts and cases accordingly. The graph below illustrates the complaint activity in each of the eighteen regions for 2020.



## Response Categories

When a complaint is filed with the office, a case is opened, and a preliminary review is completed to determine the appropriate response. A variety of responses are possible depending on case specifics. Following is a description of each type of response:

**Review/Refer or Resolve:** This type of response involves a comprehensive review of the case file and documentation provided by the complainant. The local office provides additional documentation requested and responds to questions from the DCS Ombudsman Bureau. Other professionals are contacted for information as needed. While the review is thorough, the focus is on providing a resolution or a strategy that can assist with a resolution. Depending on the circumstances in each case, some cases that are reviewed receive a validity determination and others do not. In either case, the complainant and DCS are notified of the findings in writing. A major portion of the complaints received fall into this category.

**Investigate:** An investigation also involves a review of the case files and documentation provided by the complainant. As needed, DCS staff involved with the case, in addition to the CASA/GAL and service providers, are interviewed. Case specific laws, rules and written policies are researched. Experts are consulted if needed. Complaints that result in an investigation tend to have multiple allegations with little indication that a resolution is likely. Upon the completion of an investigation, an investigation report is submitted describing in detail the findings of fact regarding each allegation and a determination of the merit of each allegation in the complaint. The report is provided to DCS and the complainant if they are a parent, guardian, custodian, GAL/CASA, or Court. If the complainant is not one of the above, they are provided a summary of the findings in general terms.

**Refer Back to the Local DCS:** Pursuant to statute, the DCS Ombudsman Bureau requires that complainants attempt to resolve their issues with the local DCS office through the DCS internal complaint process prior to filing a complaint with the DCS Ombudsman Bureau. On occasion, it is discovered during the intake assessment that the complainant overlooked this step and failed to address his/her concerns with the local office before filing the complaint. These cases are referred back to the local office. Appropriate contact information is provided. The complainant may reactivate the complaint if a resolution is not reached.

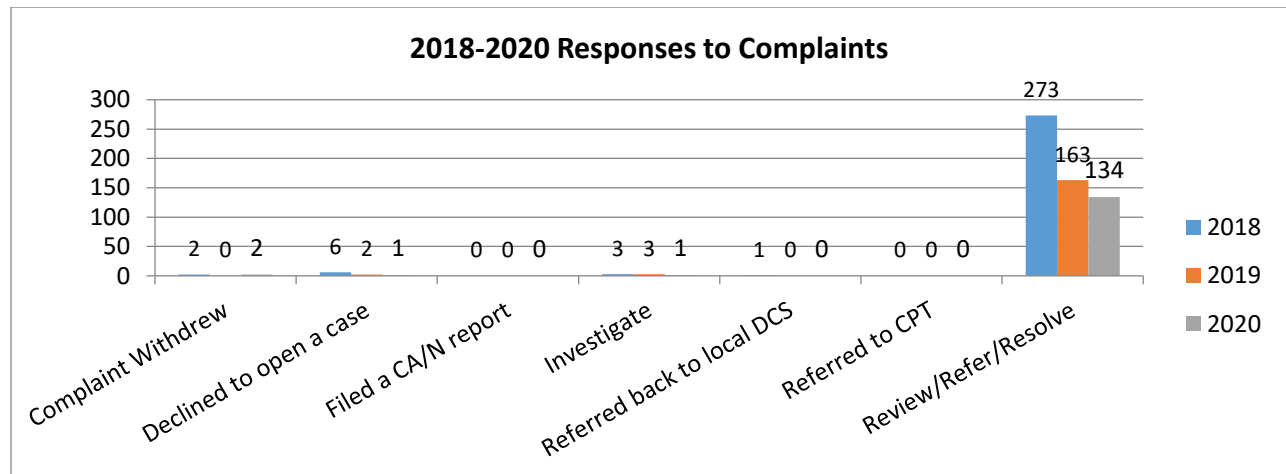
**Close due to Complainant Withdrawal:** Some cases have been closed prior to completion because the complainant decides to withdraw the complaint during the process.

**Decline:** Cases that are not within the Ombudsman’s jurisdiction or otherwise meet the criteria established in the procedural manual for screening out will be declined.

**Refer to Child Protection Team:** The Ombudsman has the option of seeking assistance from the local Child Protection Team (CPT), and may refer cases to the team for review.

**File a Child Abuse Neglect (CA/N) Report:** In the event the information disclosed in the complaint to the Ombudsman contains unreported CA/N, a report is made to the child abuse hotline. This is not a frequent occurrence.

The following graph illustrates the frequency of each type of response from 2018 -2020.



## Complaint Validity

The standard for determining the validity of the complaint is outlined in the statute. If it is determined DCS failed “to protect the physical or mental health or safety of any child or failed to follow specific, laws, rules, or written policies”, a complaint is considered valid. All investigations generate a validity finding, but all reviewed cases do not, depending on the specific case circumstances. When determining the merit of a complaint, the following designations are applied.



**Merit:** When the primary allegation in the complaint is determined to be valid following a review or an investigation, the complaint is said to have merit.

**Non-Merit:** When the primary allegation in the complaint is determined not to be valid following a review or investigation, the complaint is said not to have merit.

**Both Merit and Non-Merit:** When there are multiple allegations, each allegation is given a separate finding. This designation is applied when some allegations have merit and others do not.

**Not Applicable (NA):** Some cases that are opened for a review reach closure without receiving a validity determination. In these instances, the findings fall into one of the categories below:

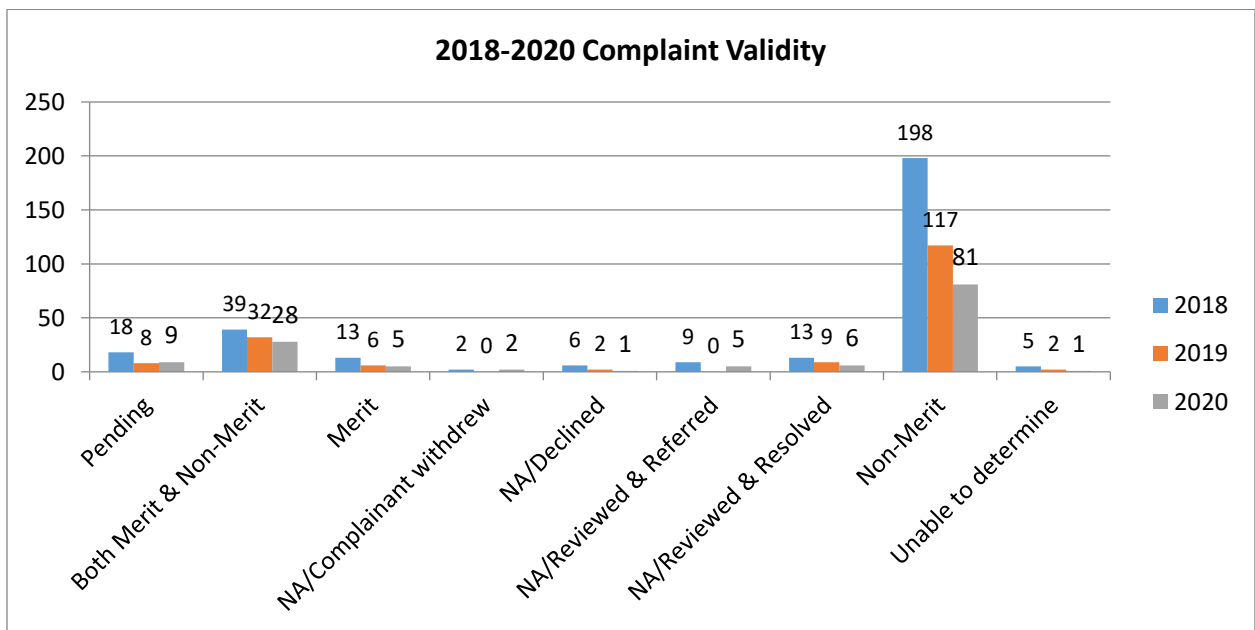
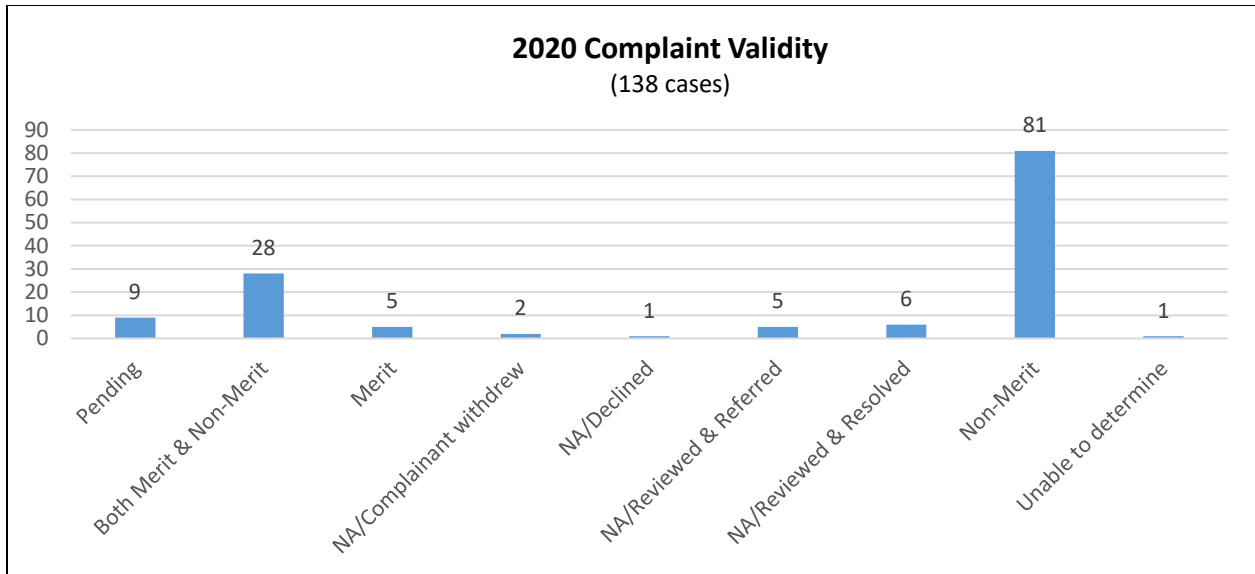
- NA/Complainant Withdrew
- NA/Case Declined
- NA/Reviewed & Referred
- NA/Reviewed & Resolved

**Unable to Determine:** Occasionally the information uncovered is so conflicting and/or the unavailability of significant documentation renders it impossible to determine a finding.

**Peer Review:** When the Ombudsman participates in a collaborative review with DCS a case is opened to reflect that a review is occurring. However, the peer reviews do not receive a validity determination, and the results of the review are internal and deliberative.

## Outcomes

During 2020, validity designations were determined in 114 cases. Of these cases, 5 were determined to have merit, 28 had allegations that were both merit and non-merit, and 81 were determined not to have merit alone. The remaining 15 cases fell into other categories. Based on this information, it can be generalized that most of the cases (non-merit) that come to the attention of the DCS Ombudsman Bureau are most appropriately managed by completing a thorough review for the purposes of facilitating a resolution or providing a resolution strategy. For these reasons it would be counterproductive to issue a finding. On the other hand, some reviews and all investigations, involve the depth of analysis that result in detailed findings that generate case specific and at times systemic recommendations (merit). The following graphs provide an illustration of the validity outcomes for 2020 as well as a comparison with prior years.



## DCS Ombudsman Bureau Recommendations and DCS Responses

During 2020, the DCS Ombudsman Bureau offered case specific recommendations on 33 cases following a review or an investigation. Pursuant to IC 4-13-19-5 (f), "If after reviewing a complaint or conducting an investigation and considering the response of an agency, facility, or program and any other pertinent material, the office of the Department of Child Services

Ombudsman determines that the complaint has merit or the investigation reveals a problem, the Ombudsman may recommend that the agency, facility, or program:

- (1) consider the matter further;
- (2) modify or cancel its actions;
- (3) alter a rule, order, or internal policy; or
- (4) explain more fully the action in question.”

DCS is required to respond to the recommendations within a reasonable time, and the DCS Ombudsman Bureau has established 60 days for the response time frame. The following case examples include a sample of case reviews and investigations completed in 2020 in which the allegations were determined to have merit or both merit and non-merit, DCS Ombudsman recommendations, and DCS responses.

## **CASE SPECIFIC RECOMMENDATIONS**

These examples are provided to depict the wide range of issues that are brought to the attention of the DCS Ombudsman Bureau and the types of recommendations offered. ***The DCS Ombudsman Bureau affirms the actions of DCS in most cases reviewed and it is important to maintain this perspective when reviewing cases in which concerns are identified.***

## **REVIEWS**

### **Case Example #1 – Relative Placement / Family Engagement / Visitation**

The DCS Ombudsman Bureau’s case review was in response to allegations that DCS failed to follow policy related to relative placement, family visitation with child, and maintaining contact with the child’s birth father.

*Findings:* The DCS Ombudsman Bureau found no merit to concerns that DCS failed to follow policy regarding placement of the child with the paternal family. However, merit was found in that DCS missed an opportunity to notify and/or complete a diligent search of the required relatives identified in policy. Identifying a placement early on does not relieve DCS of their duty to ensure relatives are notified of the child’s subsequent removal. No merit was found to the concerns that the child’s paternal family was not receiving adequate visitation. DCS made efforts to ensure visits through referrals for supervised visits by a contracted agency. It is noted that visitation was minimal at the onset of the case due to obstacles in scheduling among all involved parties. Additionally, no merit was found to allegations that DCS made no efforts to provide updates to the child’s birth father. The case review revealed on-going contact between the Family Case Manager (FCM) and the birth father.

*Recommendations:* The DCS Ombudsman Bureau recommended staff training on Indiana Child Welfare Manual (ICWM) Policies 4.28: Involuntary Removals, and 2.26: Diligent Search.

Specifically, it was recommended that staff understand that notifying a relative of removal is necessary even if a placement has already been identified.

*DCS Response:* The Local advised that staff participated in policy training as recommended by the DCS Ombudsman Bureau. The Local Office Director also took the opportunity to speak with the Relative Care Supervisor on identifying ways to better engage relative placements.

### **Case Example #2 – Relative Placement / Conflict of Interest**

The complainant alleged DCS failed to consider and/or place the children by failing to place the children with their maternal aunt during the case, and a conflict of interest existed because the FCM is a relative of the child's birth family.

*Findings:* After careful review of the DCS case record, the DCS Ombudsman Bureau found merit to the complaint that the maternal aunt was not provided with a Notice to Relative Form or considered for placement pursuant to ICWM Policy 4.28: Involuntary Removals. While the maternal aunt was not eligible for placement during a prior removal due to her failure to meet the requirements for placement, the maternal aunt should have been notified of the second removal as her living situation might have changed making her a viable candidate for placement. No merit was found regarding the conflict of interest allegation. While the FCM was a distant relative of the family, the relationship was not known by the FCM until it was brought to the Local Office's attention by the DCS Ombudsman Bureau's case review.

*Recommendation:* The DCS Ombudsman Bureau recommended the Local Office provide training to DCS staff specific to the identified policy, along with a staff discussion regarding the requirement to notify relatives of DCS involvement.

*DCS Response:* The Local Office Director indicated the review of the policies with DCS staff.

### **Case Example #3 – Educational, Mental Health and Medical Neglect in Foster Home / Communication / Case Plan / Permanency Plan / Relative Placement**

The DCS Ombudsman Bureau received a complaint alleging the child was not receiving education, mental health services and medical care in the foster home placement. DCS failed to provide timely updates regarding the child's medical needs, and DCS has changed the permanency plan to adoption without providing reunification services or a case plan. Additionally, the complainant indicated DCS failed to notify all family of the child's removal or consider them for placement, and DCS has not kept the child's father apprised of court dates.

*Findings:* The DCS Ombudsman Bureau found no merit to the complainant's concerns that the child was being educationally neglected in foster care. A review of the case file indicated the child was attending school by the child's own testimony. DCS had also engaged an Educational Liaison to assess the child's needs and recommend services. No merit was found to allegations of medical neglect. According to provider reports, the child was up to date on medical, dental,

and vision exams. There was no merit to the concern that DCS was looking toward adoption even though there had been no recent visits at the child's request and the court's order. Further there was no merit to the concern that DCS failed to exhaust reunification efforts. DCS recommended the permanency plan change to adoption due to the birth parents' failure to comply with services, and the court approved the recommendation. No merit is found to the concern that DCS failed to notify family and consider them for placement. The family was transient before DCS involvement. When asked, neither the mother nor the child was able to identify family willing to take placement of the child. While the child is not participating in therapy or counseling, there have been no reported concerns or behaviors that would indicate the child needs said services. The child enjoys working with a mentor. The Bureau finds no merit to the concern that the birth father does not receive notification of court hearings. DCS did not have accurate contact information for the father for a portion of the case. However, the father's attorney receives notification of and attends each hearing.

Merit was found to the allegation that DCS has failed to provide the family and the team with a Case Plan pursuant to ICWM Policy 5.8: Developing the Case Plan. Though there is an active case plan, it does not have the required parent signatures. It was noted that the FCM was unaware that parents needed to sign the case plan.

*Recommendation:* The DCS Ombudsman Bureau recommended DCS review the policy with staff to ensure an understanding of the policy. It was further recommended that Family Case Manager Supervisors (FCMS) review the policy to ensure their understanding of their role in ensuring the FCM complete the case plan properly and timely. Specific to this case, the DCS Ombudsman Bureau recommended the Case Plan be updated, signed, and distributed per policy.

*DCS Response:* Relevant policies were reviewed with staff in question and a plan for addressing future case concerns were discussed. The Local Office Director advised that a case plan conference was held, and the mother signed the case plan and was given a copy. The actions were documented in MaGIK. The father was advised of the meeting, but he did not participate.

#### **Case Example #4 – Trial Home Visit / Required Contacts with Children / Visitation / Communication / Medical Care / Relative Placements / Case Plans / Reunification Services**

The complainant in this case alleged that the FCM failed to properly assess the birth father's home before the child was placed there, and DCS failed to provide the minimum required contact with the children. The complainant alleged DCS did not follow court orders regarding visitation, and DCS failed to advise the mother of the children's medical treatment. The complainant was concerned that DCS failed to follow-up with potential relative placements, and to recommend services to work toward reunification. There were also concerns that case plans for the children were not completed timely.

*Findings:* The DCS Ombudsman Bureau found merit to the concerns regarding DCS failing to properly assess the father's home prior to placing the child there. In the initial response to the

DCSOB inquiry, DCS noted that the court ordered the child to be placed with the father despite knowing that local office had not seen the home. However, the order from the Initial/Detention Hearing indicates that DCS requested placement of the child with the father. There is concern that this request would have been prior to DCS assessing the home for safety. The second concern is that, after the child was placed with the father, DCS did not ensure the child's safety until one week later. There is further concern that, while policy gives DCS discretion in this area, neither the FCM nor the FCMS deemed it important to complete background checks on the household residents though it was known that the paternal aunt, who resided in the home, had an open DCS case. Rather, DCS indicated they relied upon updates from the assessment FCM in the father's county of residence. The concern with this is that there was no evidence in MaGIK that either county had contact with the child until a week after placement. The Bureau recognizes that the child was placed with the non-custodial parent, however this did not relieve DCS of ensuring the home was safe prior to recommending placement.

Merit was found in that the case plans had not been signed by required parties or distributed at the initiation of the DCS Ombudsman Bureau's case review.

The Bureau found no merit to the concern that DCS failed to have minimum required contact with the children. Each child was visited monthly. The children were visited by DCS at their foster home, school, provider's agency, or fast food restaurant.

No merit was found to the concern that DCS failed to follow court orders regarding visitation.

At the Initial/Detention Hearing, the court ordered supervised parenting time for mother and no parenting time for the father. However, mother was arrested and a No Contact Order (NCO) was put in place between mother and the children while mother was incarcerated. Thus, the mother was unable to visit with the children until after the NCO was lifted.

The Bureau found no merit to the concern that DCS failed to advise the mother of the children's medical treatment(s). Mother has been notified of medical appointments. Other than dental fillings, the children were not in need of medical treatment.

There was no merit to the concern that DCS failed to follow-up with potential relative placements. DCS spoke with a potential relative placement however, the relative indicated that they could not care for the children.

The Bureau found no merit to the concern that DCS failed to recommend services for the parents to work toward reunification. The child was reunified with his father, and prior to case closure, the father participated in services. DCS made referrals for Family Functioning Assessment, psychological evaluation, Home Based Therapy, and supervised visitation for mother.

*Recommendations:* The DCS Ombudsman Bureau recommended Local Office staff review ICWM 5.04: Noncustodial Parents and ICWM 13.05: Conducting Background Checks on Unlicensed Placements. It was also recommended that the Local Office management team develop and implement an escalation procedure for FCMs to follow when using discretion in determining whether to complete background checks on parents and their household members. Further, it was recommended that Local Office staff review ICWM 5.08: Developing the Case Plan to ensure understanding and future implementation of the policy. Specific to this case, it is

recommended that DCS ensure the case plans were redeveloped, signed, and distributed according to policy.

*DCS Response:* DCS advised that all recommendations including case plans were completed per the DCS Ombudsman Bureau's request. The Local Office Director further reported an office goal for 2020 focusing on monitoring the case plan process through the life of the case.

### **Case Example #5 – Visitation / Requests for CANS Assessment**

The complainant alleged DCS failed to respond to multiple requests from the parent for visits with the child as well as copies of the Children and Adolescent Needs and Strengths (CANS) assessment.

*Findings:* The DCS Ombudsman Bureau found no merit to the complaint that the mother was denied visitation. The parent was granted supervised parenting time through the Court. It is documented that the parent was referred to three providers for supervised visitation, pursuant to the ICWM Policy 8.13: Implementing the Visitation Plan.

The DCS Ombudsman Bureau found no merit to the complaint that DCS failed to provide a copy of the Case Plan. A case plan had not been finalized due to the case closing within 45 days from the date of removal, pursuant to ICWM Policy 5.8: Developing the Case Plan.

The DCS Ombudsman Bureau found merit to the complaint that DCS failed to provide a copy of the CANS to the parent. There is documentation in MaGIK in the form of a text message requesting to have a copy of the CANS emailed to the team. Per the Local Office, the CANS had not been provided to the parent at the time of the DCS Ombudsman Bureau's initiation of the case review. The parent was not provided with a copy of the CANS at the Child and Family Team Meeting (CFTM) held in November 2019, pursuant to policy. Per ICWM Policy 5.19: Child and Adolescent Needs and Strengths (CANS) Assessment, "the FCM must distribute copies of the CANS Assessment to the CFT members."

*Recommendation:* It was recommended that the Local Office staff review the afore-mentioned policy to ensure the understanding and appropriate implementation.

*DCS Response:* The local office director advised that all staff had received training on the policy.

### **Case Example # 6 – Termination of Parental Rights / CANS / Relative Placements / Background Checks**

The DCS Ombudsman Bureau received a complaint that DCS failed to file the petition to Terminate Parental Rights in a timely manner.

*Findings:* The DCS Ombudsman Bureau found no merit to the complainant's concerns regarding the Termination of Parental Rights (TPR). DCS filed the TPR petition in a timely manner. However, the proceedings were unable to be held within the 180-day timeframe, so the

petition was dismissed. The petition was refiled however this petition was dismissed because the pre-adoptive relative decided not to pursue the adoption of the child.

During the case review, the DCS Ombudsman Bureau determined that DCS failed to properly document and provide services to the relative pursuant to ICWM Policies 5.19: CANS Assessment, 8.48: Relative Placements, and 13.5: Conducting Background Checks for Unlicensed Relatives. Specifically, there was no record of the two-year relative placement in the electronic system, and no background checks were completed for the relative until the DCS Ombudsman case review. As a result of these mis-steps, there was grave concern regarding missed opportunities to support the relative and the children during the out of home placement combined with the lack of supervision on the part of the placement and relative care staff.

*Recommendations:* The DCS Ombudsman Bureau recommended training for DCS staff in the identified policies and correction of the placement screens for the children involved in this case.

*DCS Response:* The Local Office Director advised that training was provided to the staff, and the placement screens were updated for the children as well.

#### **Case Example # 7 – Incorrect Documentation**

The DCS Ombudsman Bureau received a complaint regarding DCS including the criminal history of an individual in the petition that had the same name as the parent, but was NOT the parent. The complainant alleged that the incorrect information caused DCS to become involved with the family.

*Findings:* After careful review, the DCS Ombudsman Bureau found merit to allegations that DCS included incorrect information in the petition of an individual with the same name as the parent. However, the case review revealed no merit to the concerns that this information caused DCS to become involved with the family. The hotline report included correct information regarding the parent and children identified by the Report Source. DCS acknowledged the error during the case review and identified ways to ensure accurate case file documentation specific to criminal histories.

*Recommendation:* The Local Office was advised to inform the court on the matter and to request an amendment to the Petition.

*DCS Response:* The Local Office reported the matter was discussed on the record at subsequent hearings, and the court acknowledged the mistake.

#### **Case Example # 8 – Assessment**



The DCS Ombudsman Bureau received a complainant stating DCS interviewed two siblings without parental consent or exigent circumstances. The complainant alleged DCS failed to notify the parent that the child had been interviewed, or to interview the parent. The complainant believed DCS unnecessarily requested a forensic interview. The complainant alleged DCS failed to close the assessment in a timely manner, noting that good faith efforts were not implemented.

*Findings:* No merit was found regarding the concern that DCS interviewed one of the children without parental consent or exigent circumstances. The mother was an alleged perpetrator, thus exigent circumstances existed. However, merit was found in that DCS failed to obtain parental consent prior to interviewing the child's sibling as exigent circumstances did not exist as the child was not listed as an alleged victim in the hotline reports. There was no documented indication that the child might have been in danger leading up to the interviews or at the time of the interviews. Thus, the DCS Ombudsman Bureau found that DCS missed an opportunity to gain parental consent prior to interviewing one of the children.

No merit was found to the concern that DCS failed to interview the mother. Documentation shows that DCS spoke to mother about the allegations and tried to interview, however the complainant contends that this did not occur. This office is unable to determine exactly what was said and the complainant submitted no supporting evidence regarding the claim.

No merit was found to the concern that a forensic interview was requested unnecessarily. Documentation of the hearing indicates all parties agreed the child would participate in a forensic interview.

The DCS Ombudsman Bureau found merit in that there was no documentation indicating that DCS attempted to notify the mother timely that the child had been interviewed under exigent circumstances. There was concern that DCS missed an opportunity to close the assessment timely or failed to document good faith efforts to close the assessment timely. The forensic interview occurred and DCS had contact with the mother regarding the proposed finding almost two weeks later. No additional pertinent information regarding the allegations, that would affect DCS findings was gathered by DCS after the discussion with the mother. DCS indicated the assessment was left open pending the Law Enforcement Agency's (LEA) decision to file charges. DCS assessment closure should be independent of LEA filing charges. Merit was found in this regard.

There was further concern that DCS did not have face-to-face contact or document attempts to have contact with the child after the forensic interview, though the assessment did not close for almost two months. Policy indicates that DCS should see the child again if the assessment is submitted after 30 days.

*Recommendation:* It was recommended that the Local Office staff review ICWM 4.5: Consent to Interview Child as well as ICWM 4.6: Exigent Circumstances. Specifically, it is recommended that staff understand when exigent circumstances can be used and with whom exigent circumstances apply. Additionally, it was recommended that the Local Office staff review ICWM Policy 4.22: Making an Assessment Finding to ensure understanding and future

implementation. Specifically, it was recommended that staff understand that an alleged victim must be seen every 30 days if an assessment is open more than 30 days.

*DCS Response:*

The Local Office Director advised that steps were taken to review the policies identified by the DCS Ombudsman Bureau.

**Case Example # 9 – Timely Hearing**

The DCS Ombudsman Bureau received a complaint alleging the Detention Hearing did not occur within 48 hours of the removal.

*Findings:* Upon review of the case, the DCS Ombudsman Bureau found that the child was removed from the home on January 8, 2020 around 5:30 p.m. The Request for Taking or Continued Custody was filed with the court on January 10, 2020 at 11:15 a.m. The Verified Petition Alleging a Child to be a CHINS was filed at the same time. IC 31-34-2-3(c) indicates there must be written documentation of the child's removal not more than 24 hours after the child is taken into custody. This did not occur in this case thus merit was found in this regard. While DCS does not control the court's scheduling, DCS did not notify the court of the removal timely thus making it difficult for the court to schedule a Detention Hearing timely.

*Recommendation:* The DCS Ombudsman Bureau recommended the Local Office staff review IC 31-34-2-3 and IC 31-34-2-6 to ensure their understanding of how important it is to submit documentation of removal to the court timely.

*DCS Response:* The Local Office also advised that the DCS Attorney tried to contact the court via telephone to schedule a hearing. However, the court's docket was already full. The DCS Ombudsman Bureau countered that, while the attorney's efforts were appreciated, the Bureau role was to advocate for policy and laws thus the merit finding would stand because DCS failed to file the required documentation with the court in a timely manner.

**Case Example #10 – Notification of Removal / Placement**

The complainant alleged DCS failed to notify the child's father that an assessment had been opened in July 2019. The child's father was not notified until the child was removed from the mother's home in November 2019 which was six days prior to the closing of the assessment. However, the active case was opened in November 2019. The complainant alleged DCS failed to consider the father for placement.

*Findings:* The DCS Ombudsman Bureau found merit to the complaint that DCS failed to make a good faith effort in contacting the child's father during the assessment phase. The DCS Ombudsman Bureau also found merit to the concern that DCS failed to make a good faith effort in contacting the child's father during the assessment. Per the Local Office, the FCM verbally stated during case staffings that there were attempts to contact the father on numerous

occasions, but these efforts were not documented in MaGIK, pursuant to policy. Per the ICWM Policy 4.7: Locating the Subjects, “the FCM will document the inability to locate and interview any required contact along with the efforts made. See separate policy, 4.20 Good Faith Efforts.” The DCS Ombudsman Bureau found no merit to the complaint that DCS failed to consider placement with the child’s father. The DCS case record documented DCS efforts in establishing a transition plan to place the child with the father through case notes, home visit notes, and background checks.

*Recommendations:* The DCS Ombudsman Bureau recommended the Local Office staff review ICWM Policy 4.7: Locating the Subjects, 4.20: Good Faith Efforts to ensure these policies are understood and implemented by FCMs and FCMSs alike.

*DCS Response:* Local Office staff reviewed the policies per the Bureau’s recommendation. Additionally, the Local Office developed a process for tracking engagement efforts for parents and relatives by assessment and permanency staff.

### **Case Example # 11– Trial Home Visit**

The DCS Ombudsman Bureau’s case review was in response to allegations that DCS failed to complete an in-home visit following the children’s out-of-state Trial Home Visit (THV) in another state, and DCS failed to ensure the children were enrolled in school prior to closing the CHINS case. Additionally, the complainant alleged DCS failed to ensure the children’s safety by placing them in the mother’s home before their father was taken into custody.

*Findings:* The DCS Ombudsman Bureau found no merit to concerns that DCS failed to complete a home study after the THV commenced. The DCS case record indicated the Family Case Manager (FCM) completed an in-home visit six days before the THV pursuant to ICWM Policy 8.39: Trial Home Visits. No merit was found to the complainant’s allegation that DCS failed to ensure the children’s safety by placing the children with their mother before their father was taken into custody. Documentation in the case file indicates DCS case actions were in alignment with child welfare policies and the Court’s Order.

Merit was found to the complainant’s allegation that DCS failed to ensure the children’s enrollment in school before the closure of the CHINS case pursuant to ICWM Policy 5.12: Closing a CHINS Case. Documentation in the case record supports the complainant’s allegations.

*Recommendations:* The DCS Ombudsman Bureau recommended training in the identified policies for the involved Local Office staff.

*DCS Response:* The local office advised that staff participate in policy training as recommended by the DCS Ombudsman Bureau. The case record was updated to include the necessary documentation.

### **Case Example # 12 – Visitation / Relative Placement / Background Checks**

The complainant alleged DCS failed to protect Child A by modifying the father’s unsupervised visits to supervised visits. The complainant also alleged DCS failed to notify the father Child A was not allowed to have contact with his maternal grandmother during the unsupervised visits. During the case review, the DCS Ombudsman Bureau determined DCS failed to complete a background check for the maternal grandmother upon placement of Child B.

*Findings:* The DCS Ombudsman Bureau found no merit to the concern that the father should not have had his unsupervised visits modified to supervised visits. The supervision level was modified by the court. The DCS Ombudsman Bureau has no jurisdiction over the court nor authority to overturn a court’s ruling. No merit was found to the allegation that the father was not advised that Child A was not to have contact with the maternal grandmother. Per the case record, Child A told the FCM that the father and grandmother told him not to tell that he had seen his grandmother which indicates the father was aware of the DCS requirement.

The DCS Ombudsman Bureau found merit to the concern that a background check was not completed for maternal grandmother upon Child B’s placement. Per ICWM Policy 13.5: Conducting Background Checks for Unlicensed Placement, “the Indiana Department of Child Services (DCS) requires background checks on unlicensed placements when considering placing a child in an unlicensed resource home on all persons who live in the home.” Per documentation, fingerprints were completed for the maternal grandmother over a year prior to the child’s placement in the home.

*Recommendation:* The DCS Ombudsman Bureau recommended that the DCS staff review ICWM Policy 13.5: Conducting Background Checks for Unlicensed Placement to ensure this policy is understood and implemented by FCMs and FCMS alike.

*DCS Response:* The Local Office Director advised staff completed a review of the recommended policy as well as the following: ICWM Policy 13.6: Evaluation of Background Checks for Unlicensed Out-of-Home Placements Application for Criminal History Background Check, Request for Child Protection Service (CPS) History Check, DCS Emergency Relative Instruction for Fingerprinting in Indiana, and DCS Non-Emergency Relative Registration Instruction for Fingerprinting in Indiana Background Check Matrix.

### **Case Example # 13 – Assessment / Placement**

The complainant alleged that DCS failed to complete a home assessment for the mother and failed to consider placement of the children with their mother. The complainant alleges that DCS allowed for nine people to live in the father’s home which was deemed “dirty” and had just enough beds.

*Findings:* The DCS Ombudsman Bureau found merit to the allegation that DCS failed to complete a full assessment of the mother's home during the assessment phase. Per the ICWM Policy 4.13: Assessing Home Conditions, "the Indiana Department of Child Services (DCS) will conduct a home assessment of an alleged child victim if the alleged Child Abuse and/or Neglect (CA/N) occurred in the child's home."

No merit was found to the allegation that DCS failed to consider placement of the children with their mother. A review of the DCS case record indicated the safety of the children could not be ensured because the perpetrator was living in the mother's home with no indication of dissolving their relationship. Therefore, the permanency plan was reunification with the children's father. The children's placement with their father was in accordance with the Court's order and DCS recommendation, and he was granted sole legal and physical custody of the children. The children's safety was ensured, and the placement met their needs pursuant to the ICWM Policy 8.1: Selecting a Placement. No merit was found to the allegation that the father's home was not suitable for the children. DCS assessed the home and ensured the safety of the home. While case records document running water in the kitchen and a toilet, but no shower, the family developed a plan for showering that was approved by DCS.

*Recommendation:* A review of ICWM Policy 4.13: Assessing Home Conditions was recommended to Local Office staff.

*DCS Response:* DCS advised relevant policies were reviewed with staff.

#### **Case Example # 14– Family Engagement**

The complainant in this case review voiced concerns that DCS failed to consider relatives for placement, failed to engage the children's father during the case, and failed to explain the possibility of adoption to the father.

*Findings:* The DCS Ombudsman Bureau found merit to the concern that DCS failed to consider certain relatives for placement. Though the child was already placed in kinship care, DCS still had a duty to attempt to locate and notify certain relatives of the child's removal within 30 days of the removal. Allegations that DCS failed to engage the child's father were found to have merit as the DCS Ombudsman Bureau's case review revealed no attempt by DCS to engage the alleged father throughout the life of the case. No merit was found to the concern regarding DCS failing to notify the father of the possibility of adoption. According to court documentation, DCS spoke with the father regarding possibility of termination of parental rights.

*Recommendation:* Though this case had been closed for a couple of years, the policy regarding notifying relatives and engaging alleged fathers remained the same. Thus, it was recommended that DCS staff review ICWM Policy 5.3: Engaging the Family and ICWM Policy 2.26: Diligent Search.

*DCS Response:* The Local Office Director advised a review of the specified policies was provided to all staff.

### **Case Example # 15 – Confidentiality / Services / Placement / Visits**

The DCS Ombudsman Bureau received a complaint stating DCS breached confidentiality. The complainant was concerned that the father was only required to complete minimal services. The complainant alleged that the child was placed two hours away in an inappropriate relative home. The complainant alleged that the mother's visits had been cancelled due to the placement not wanting to do them.

*Findings:* The DCS Ombudsman Bureau found no merit to the concerns that DCS breached confidentiality. There was no substantial evidence indicating that confidentiality was breached. The complainant indicated that people who enter DCS can hear DCS staff talking amongst themselves about cases and using full names. While the Bureau was unable to determine the validity of the allegation, the local office director was advised of the concern.

No merit was found to the concern that the father is only required to complete minimal services. The father had complied with the services that DCS had recommended.

No merit was found to the specific concern that the child was placed in an inappropriate relative home. However, merit was found in that DCS missed an opportunity to obtain a waiver given the placement's DCS history. The child had been moved from that placement. However, it is recommended that a waiver be pursued should DCS consider placement in the future.

No merit was found to the concern that visits had been cancelled due to placement not wanting to do them. While there appeared to be a gap in visits at one time, the case record indicates missed visits were rescheduled.

*Recommendations:* The DCS Ombudsman Bureau recommended Local Office staff review ICWM Policies 13.5: Conducting Background Checks on Unlicensed Placements and 13.6: Evaluation of Background Checks on Unlicensed Placements to ensure understanding of the policies.

*DCS Response:* DCS advised that both policies were reviewed by Local Office Staff.

### **Case Example # 16 – Conflict of Interest / Medical Records / Assessment / Documentation**

The DCS Ombudsman initiated a case review regarding allegations that a conflict of interest existed between the FCM and the children's father, DCS failed to document medical records and communication with the children's mother in the case file prior to closing the assessment, and DCS failed to provide copies of the assessment records to the birth mother as requested.

*Findings:* After careful review, the Bureau found no merit to the allegation that DCS failed to provide a copy of the Assessment Report to the children's mother. DCS records indicated the birth mother had not requested the records. No merit was found to the allegation of a conflict of interest between the FCM and the children's father. The case review indicated no prior relationship existed between them and all interactions remained focus on the children's well-

being. The DCS Ombudsman Bureau found merit to the concern that DCS failed to document the receipt of medical records or interactions with the children's mother prior to closing the case pursuant to ICWM Policies 4.03: Conducting the Assessment – Overview.

*Recommendation:* The DCS Ombudsman Bureau recommended a review of the identified policies.

*DCS Response:* The Local Office Director advised staff reviewed the policy and discussed expectations specific to documentation.

### **Case Example # 17 – Services / Documentation / Communication**

The DCS Ombudsman Bureau received a complaint regarding services, documentation, and communication. The complainant was concerned that DCS was failing to protect the child's mental health and wellbeing by failing to give providers the child's mental health history and failing to follow recommendations of professionals. It was also alleged that DCS was not providing accurate documentation to the court, as the complainant felt that reports were being written in a manner to paint the custodial parent and stepparent in a negative light. Finally, the complainant alleged that DCS was not communicating with the family fully and honestly.

*Findings:* DCS resolved the concern that documentation of the child's mental health history was not being given to the child's current mental health providers. DCS gave providers all of the mental health records that they had gathered throughout the case, which included hundreds of pages of mental health reports. The DCS Ombudsman Bureau made a finding of no merit regard to allegation that DCS is not following recommendations of professionals. The previous therapist only recommended more intensive therapy than she was able to provide. A psychologist who evaluated the child also recommended intense therapy and provided recommendations as to what the focus of therapy should be. During the time of the evaluation, the child was in a residential placement facility. The clinicians at the facility, without having seen the evaluation report, came to the same conclusion and implemented intense therapy, and addressed each of the focus items recommended by the evaluator. The evaluator and previous therapist did recommend family therapy and visitation, which had been put in place, but was stopped by agreement of the team, including the family, due to the child needing to focus on individual therapy.

No merit was also found to the allegations that DCS was writing reports in a manner that painted the parent and stepparent in a negative light. DCS provided the court with factual information. DCS is obligated to report to the court the efforts that they made to engage the family, such as Child & Family Team Meetings (CFTM) and DCS accurately reported that none were held recently, as the custodial parent and stepparent declined to participate.

The allegation that DCS was not communicating fully and honestly with the family was designated as having merit. DCS was allowing the family to make decisions with regard to the placement and care of the child, as DCS stated that they were only staying involved to assist the

family in obtaining resources that they would not otherwise have access to. The parents are not in agreement with the resources that are being provided and this has caused a breakdown in trust. Further, DCS did not facilitate a CFTM prior to the placement change, which is a critical case juncture, according to DCS policy 5.7 Child and Family Team Meetings. Instead, a CFTM was held a month after the placement change.

*Recommendations:* it was recommended that DCS discuss service options with the custodial parent and stepparent, as participation in services may help educate them on parenting a child who has experienced trauma and has mental health needs. It may also help them to heal and mentally process all of the changes that have occurred in their lives since the case opened. This would also allow the parent and stepparent to have their own providers, who can advocate for them at CFTMs. It was also recommended that DCS utilize a Peer Coach or Practice Consultant to facilitate the next CFTM. The parent and stepparent felt that they were not being heard by the FCM, therefore it may be beneficial for someone who is not directly involved in the case to facilitate the meeting. It was further recommended that the parents be allowed to invite any provider or support that they wish DCS to hear from.

Response: DCS spoke with the parent and stepparent about services; however, at this time, they do not wish to participate, as they would like to wait until the child is evaluated by the child psychologist that they have chosen. They also did not want to participate in a CFTM until after the evaluation. DCS has been working to get the child psychologist all the documentation that they have, so that the evaluation can be scheduled.

## **GENERAL RECOMMENDATIONS TO SYSTEMIC ISSUES**

Pursuant to IC 4-13-19-5(b) (2), (4), and (6), the DCS Ombudsman Bureau may also review relevant policies and procedures with a view toward the safety and welfare of children, recommend changes in procedures for investigating reports of abuse and neglect, make recommendations concerning the welfare of children under the jurisdiction of a juvenile court, examine policies and procedures, and evaluate the effectiveness of the child protection system. DCS responds to systemic recommendations made by the DCS Ombudsman Bureau. The recommendations are based on information derived from the volumes of information reviewed in the course of case reviews and investigations with systemic implications, in addition to information gleaned from various reports and discussions with stakeholders. No specific systemic recommendation were made to DCS during 2020.

# **DCS Ombudsman Bureau Reflections and Future Initiatives**

## **Agency Response**



During the 2020 global pandemic the DCS Ombudsman Bureau continued in its mission of responding to complaints concerning DCS actions or omissions by providing problem resolution services, independent case reviews and recommendations to improve DCS service delivery thereby promoting public confidence. Services and supports were delivered to DCS Ombudsman Bureau constituents in a timely, efficient, and effective manner given the constraints.

Parents and adults working with children during this historic and dangerous time struggled to figure out what was the best for children while attempting to meet basic needs and getting work accomplished. Constituents and partners in Indiana contributed to maintaining the best safety net for children that we could considering the circumstances and we persevered. Great appreciation goes specifically to DCS staff in their navigation of risk laden territory during this past year. It was, and continues to be, a time of high risk for families and children and we appreciate the community partners that assist in Indiana's ability to respond to needs of our communities.

Change in Bureau administration this year in the midst of the pandemic was also a major challenge. Communication was quickly established with DCS management and the transition was as smooth as can be expected given the fact that all introductions were virtual! The plan is to build on relationships and alliances that can allow for rapid and appropriate resolutions for families as they navigate the DCS system. Open communication between the DCS Ombudsman Bureau and DCS at the state and local level is supported by all parties and can only strengthen the delivery of best practice policies, procedures, and programs. The use of Assists as a viable tool to foster communication and resolve concerns between complainants and the Local Offices continues to allow DCS Ombudsman Bureau staff to focus on more complex case reviews and investigations. DCS continues to respond to the requests for Assists in a timely professional manner and that provides much quicker response to constituents. The DCS Ombudsman Bureau continues to work closely with DCS to include the DCS Foster Care Liaison and Kinship Care Navigator in Assists, Case Reviews, and Investigations to support and engage foster and kinship caregivers in their concerns. This is an area that continues to be identified as needing improved levels of communication and training.

Implementation of the SSIT to review fatalities and near fatalities has significantly changed the previous Peer Review process including the level DCS Ombudsman Bureau involvement. Our office is no longer directly involved in these reviews. The DCS Ombudsman Bureau will be closely monitoring SSIT use and outcomes in 2021.

## **DCS Ombudsman Bureau Initiatives**

### **Staffing**

The responsibilities of the DCS Ombudsman Bureau require experienced staff proficient in the areas of child welfare and criminal justice issues; problem resolution; research; public policy;

law and best practice; and application of the same to constituent concerns. Additionally, the individuals must have above average oral and written communication skills, provide excellent customer service while engaging stakeholders with diverse needs and expectations.

Since its inception in 2009, there has been substantive change specific to the staffing needs for the DCS Ombudsman Bureau. The agency was originally budgeted for one .5 full-time equivalent (FTE) Assistant Ombudsman (AO) position. The position was increased to one FTE in the spring of 2012, and one additional FTE AO was added in the fall of the same year. While staffing with two full time AO positions remained constant, the DCS Ombudsman Bureau experienced significant turnover from 2013 to 2015 at the AO level. The continued recruitment and training of AOs during this time period negatively impacted the bureau's ability to retain staff and respond timely to client's needs.

Efforts to address staffing concerns and retain talent continued in 2016. Effective April 2017, the AO classification status was adjusted from an Administrative Assistant 2 to a Program Director 2 with a 4.5% increase in salary. This important action contributed favorably to the DCS Ombudsman Bureau's ability to recruit and retain qualified staff. However, as constituent concerns continued to increase due to successful outreach efforts, agency response to constituent challenges continued under the AO staffing structure of two FTE positions. In response to these challenges, the DCS Ombudsman Bureau requested and was granted approval for a staffing increase of one additional FTE AO position. This vacancy was filled near the end of 2019.

### **Electronic Case Management and Data Tracking**

In 2019, IDOA charged the DCS Ombudsman Bureau with the task of addressing the challenges of utilizing technology to manage cases and data while resolving space and storage concerns resulting from the agency's steady nine-year growth. As a member of the United States Ombudsman Association, the DCS Ombudsman Bureau surveyed member child welfare ombudsman agencies regarding their case management systems. Additionally, the DCS Ombudsman Bureau reached out to the State IT for direction for consultation. Information from both entities were compiled and next steps to identify, develop and implement an electronic case management/data tracking system continued into 2020.

## **Acknowledgements**

The year 2020 will not soon be forgotten as the year of the global pandemic. We acknowledge the dedicated, difficult work performed by those working directly with our families and children. The DCS Ombudsman Bureau acknowledges the many individuals who submitted their concerns for resolution. The willingness of these stakeholders to align their efforts with the resources of the DCS Ombudsman Bureau to resolve concerns is greatly appreciated. Additionally, the efforts of the Department of Child Services under the direction of Terry

Stigdon at the state and local level are to be commended during this incredibly difficult year. The agency continues the commitment to address identified concerns and participate in intentional dialogue around program strengths and challenges with the DCS Ombudsman Bureau. This dedication to furthering the goals of best practice services and support to vulnerable families and children in Indiana.

The DCS Ombudsman Bureau especially acknowledges the support of the Indiana Department of Administration under the leadership of Commissioner Lesley A. Crane. Appreciation is also given to Department of Child Services Director Terry J. Stigdon. As the 2020 calendar year ended, the DCS Ombudsman Bureau looked forward to the development of new relationships that will be formed with a change in directors and hopes for a long positive relationship between DCS and the bureau.

Last, but definitely not least, great appreciation is extended to Assistant Ombudspersons Jessica Stier, Jamie Anderson, and Amanda Fassnacht (formerly Amanda Bennett). They have navigated many changes this year and continue to be steadfast in their commitment to doing their best work for children and families in Indiana. They are highly valued and are the heart of the work of the Bureau.

# APPENDIX

# Appendix A

## DCS Ombudsman Bureau Staff

### Director

**Shoshanna Everhart** assumed the position of the DCS Ombudsman in September 2020. She brings over 40 years of child welfare experience in the public and private sector to her role. Director Everhart worked at the DCS local level in Indiana as a child services case worker, supervisor, trainer, and local officer Director. She has served children, families and individuals in a variety of settings as a clinical social worker working in the systems of hospitals, schools and community agencies. She has specialized in working with children in the areas of trauma and loss and in training professionals. Ms. Everhart was an instructor for Indiana University as an Adjunct Faculty member for many years and has been an active community member serving on many and varied youth serving boards and initiatives.

Director Everhart graduated with a B.S. from the University of Indianapolis and a M.S.W. from Indiana University. She currently holds a clinical license in social work in Indiana and is a member of the United States Ombudsman Association.

### Assistant Ombudsman

**Jessica Stier** is native to the Indianapolis area. She graduated from Bishop Chatard High School and went on to earn a Bachelor's degree in Criminal Justice from Indiana University Purdue University at Indianapolis (IUPUI) in 2011. She was hired as an Assistant Ombudsman in August 2011 and divided her time between the DCS Ombudsman and the DOC Ombudsman offices. She began working for the DCS Ombudsman full time in March 2012. In addition to conducting reviews and investigations, Jessica has taken on the role of managing the agency's data system and coaching new staff members.

**Jamie Anderson** grew up in Indianapolis, IN. She graduated from Indianapolis Public Schools and holds a Bachelor's degree in Psychology from Purdue University, and is pursuing a Master of Social Work. Jamie served as a Family Case Manager for the Department of Child Services from 2006 – 2009 where she enjoyed assisting children and families in reaching their goals. She has since completed ombudsman work for Indiana public assistance programs as well as served as a Care Coordinator in the mental health field. Jamie joined the DCS Ombudsman Bureau in January 2015.

**Amanda Fassnacht (formerly Bennett)** grew up in Brownsburg, IN. She graduated from Brownsburg High School and holds a Bachelor's degree in Criminal Justice from IUPUI. Amanda was employed as the Assistant Ombudsman for the Department of Corrections Ombudsman Bureau from 2012-2019 where she enjoyed assisting offenders and their loved ones. Amanda joined the DCS Ombudsman Bureau in September 2019.

# Appendix B

## Rules of Engagement

### DCS Ombudsman Guidelines

*Agency and Complainant Rights and Responsibilities  
in the DCS Ombudsman Bureau Complaint Process*

#### **Complainant Rights**

Complainants are entitled to:

- A timely response acknowledging receipt of the complaint.
- Professional and respectful communication from agency staff.
- An impartial review.
- A credible review process.
- Contact by the Bureau if additional information is required.
- Communication regarding the outcome of the review.



#### **Complainant Responsibilities**

Complainants shall:

- Attempt to resolve problems with the local office prior to filing a complaint.
- Complete the complaint form as directed.
- Ensure that the allegations in the complaint are pertinent to the role of the ombudsman.
- Ensure the accuracy and timeliness of requested information.
- Communicate respectfully with agency staff.

#### **DCS Ombudsman Bureau Rights**

The Bureau may:

- Decline to accept a complaint that does not fall within the jurisdiction of the Bureau.
- Determine the level of review, the documentation and interviews necessary for gathering the information required to determine findings.
- Expect the complainant to provide any additional information requested.
- Determine when a case requires no further action.

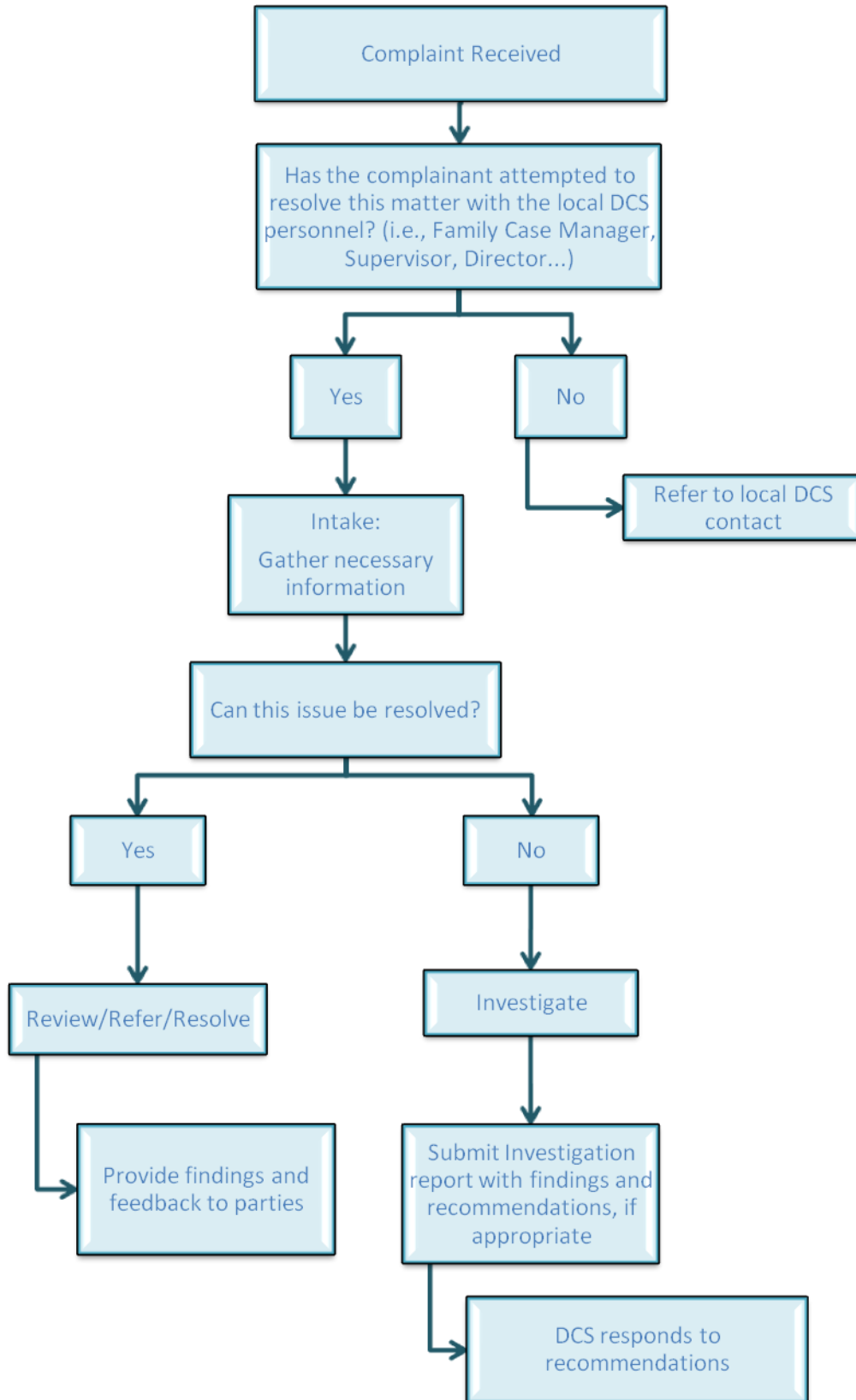
#### **DCS Ombudsman Bureau Responsibilities**

The Bureau shall:

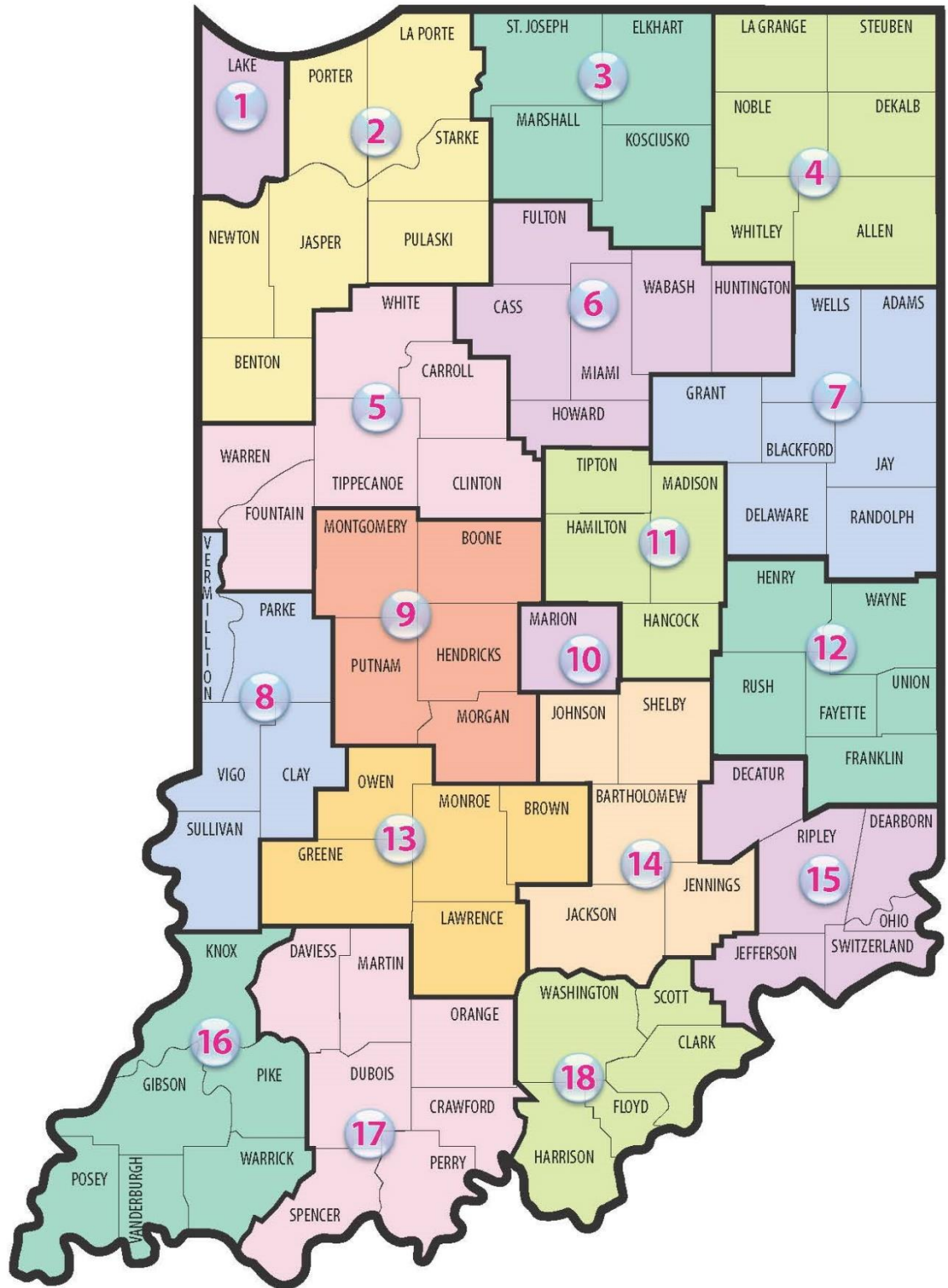
- Complete reviews in a timely manner.
- Complete a thorough and impartial review.
- Ensure professional and respectful communication.
- Provide the results of the review to the complainant in accordance with IC 4-13-19-5.

# Appendix C

## How We Work



# Appendix D Regional Map





## **DCS Ombudsman Bureau**

### **Office Hours**

8:00 am to 4:30 pm

### **Telephone Numbers**

Local: 317-234-7361

Toll Free: 877-682-0101

Fax: 317-232-3154

### **Ombudsman E-mail**

[DCSOmbudsman@idoa.in.gov](mailto:DCSOmbudsman@idoa.in.gov)

### **Ombudsman Website**

[www.in.gov/idoa/2610.htm](http://www.in.gov/idoa/2610.htm)

### **Mailing Address**

DCS Ombudsman Bureau  
Indiana Department of Administration  
402 W Washington Room 479  
Indianapolis, Indiana 46204

