

Office of the
Family & Children's
Ombudsman
An Independent Voice for Families and Children

1998 Annual Report

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**STATE OF WASHINGTON
OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN**

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April 1999

The Honorable Gary Locke
Honorable Members of the Legislative
Children's Oversight Committee

I am pleased to submit the 1998 report of the Office of the Family and Children's Ombudsman (OFCO).

Pursuant to RCW 43.06A.030(6), OFCO is to submit annually to the Governor and members of the Children's Legislative Oversight Committee a report analyzing the work of the office, including recommendations for changes in state law and policies.

This report provides an account of OFCO's activities from December 1997 through January 1999. Based on our investigative work during this period, OFCO has proposed a specific recommendation regarding school districts' policies and procedures for reporting child abuse and neglect. The report also provides a description of the complaints received by OFCO from December 1997 through August 1998. Based on our involvement in complaints received during this period, OFCO has identified three issues that we believe merit further review and possible investigation in the upcoming year. Finally, this report describes our progress in meeting our organizational goals, and the status of recommendations and concerns identified in our 1997 report.

All of us at OFCO appreciate the opportunity to serve the families and children of Washington State, and your continued support of this endeavor.

Respectfully submitted,

Vickie Wallen
Director Ombudsman



EXECUTIVE SUMMARY

THE OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN (OFCO) was established to work independently on behalf of children in need of state protection and on behalf of families and children who are involved with the state because of child abuse and neglect issues. As an independent office within the Office of the Governor, it is OFCO's mission to protect children and families from potentially harmful acts or omissions by governmental agencies. It is also OFCO's mission to identify significant problems and recommend improvements in the child protection and welfare system.

Pursuant to RCW 43.06A.030(6), OFCO is to submit annually to the Governor and the members of the Legislative Children's Oversight Committee a report analyzing the work of the office, including recommendations for changes in state law and policies.

This report provides an account of OFCO's activities from December 1997 through January 1999. Specifically, this report describes OFCO's progress in meeting its organizational goals, and the status of the recommendations and concerns identified in OFCO's 1997 report. It also describes the complaints received by OFCO, and the systemic investigations that OFCO conducted in 1998. Finally, this report includes a recommendation regarding school districts' policies and procedures for reporting child abuse and neglect, and identifies three issues of concern which will receive further review in the upcoming year.

Organizational Development

Since becoming operational in June 1997, OFCO has expended considerable effort on organizational development. In October 1997, OFCO established the following four goals to help it achieve its vision of establishing itself as an effective, accessible and credible organization by the year 2000:

1. Establish internal operations and external activities that support OFCO's commitment to being responsive to clients' needs and to performing its work effectively and efficiently.
2. Establish a statewide presence through public education and awareness activities.
3. Establish trust and credibility among diverse communities across the state.
4. Establish regular lines of communication with agency officials and state policy makers, and provide them with reliable information.

OFCO has directed significant effort toward accomplishing these goals. Accomplishments to date include:

- The development of a clear mission statement and core processes for achieving OFCO's mission.

- The development of clear policies and procedures for processing complaints.
- The development of an automated database that allows OFCO to track complaint trends and patterns, as well as the progress of each complaint through OFCO's review and response process.
- The development of criteria for selecting systemic issues for investigation.
- The completion of a national certified investigator-training program by OFCO investigators.
- Growing local and statewide visibility resulting from: 1) the release of OFCO's reports; 2) the dissemination of OFCO brochures and complaint forms; and 3) OFCO's participation in community meetings and statewide conferences.
- Regular communication with agency officials, the Governor's Office, and the Legislative Children's Oversight Committee.

Status of 1997 Recommendations

Nearly all of the recommendations set forth in OFCO's 1997 annual report have been responded to favorably by the Department of Social and Health Services (DSHS) Children's Administration, the Washington State Legislature, and the Governor. In response to OFCO's recommendations:

- The Children's Administration will develop guidelines for addressing potential conflicts of interest resulting from an individual's dual role as a placement resource and a professional involved in the life of a foster child.
- The Children's Administration has developed a new complaint brochure and "Client's Rights" poster that describes the department's internal complaint process and how to contact OFCO.
- The Children's Administration is developing a "Child's Guide to Foster Care" that will include information on how to contact OFCO.
- The Children's Administration will begin training new social workers on the department's complaint process.
- The Children's Administration will begin providing internal complaint information, including identified concerns or trends, to regional administrators.
- The 1998 Legislature unanimously approved legislation that shields most of OFCO's investigation-related information – including the identities of complainants and witnesses – from civil discovery and judicial and administrative subpoena. The legislation was signed into law by Governor Gary Locke.

1998 Complaint Intervention and Investigation Summary

From December 1997 through August 1998, OFCO received 863 contacts from the public. Of these, 27 percent were complaints requesting either an intervention or investigation. Complaints arrived at a rate of about six per week, a 28 percent increase over the preceding reporting period.

Complaints were most often filed by parents, grandparents, and other relatives. A majority of complaints involved children who were especially vulnerable due to their young age and/or

disability. Over half were age seven or younger, and about one child in three was identified as having a mental, developmental or other disability.

Most complaints were directed at the DSHS Children's Administration. The most frequently identified complaint issue regarded child protection and safety; the next most frequent complaint issue was of inappropriate family separation and failure to reunify.

Complaint Intervention

OFCO intervened in 76 complaints to prevent or mitigate harm resulting from an agency's act or omission. (This figure represents 47 percent of the complaints that were closed as of September 1, 1998.) Of these interventions, 66 percent were conducted on an emergent basis where there was reason to believe that children or families might be in imminent peril without immediate action. Concerns relating to child protection and safety most frequently prompted an intervention, followed by issues relating to the health and well being of children in the state's care.

Although OFCO does not have authority to impose its recommendations directly on an agency, OFCO's interventions resulted in an agency changing its position to address OFCO's concerns in 44 complaints. (This figure represents 58 percent of the interventions that were completed as of September 1, 1998). These changes have resulted in greater protection for children and their families, and greater responsiveness to the needs of families and children involved with the state.

Systemic Investigations

In addition to intervening in particular matters to address harmful administrative errors, OFCO conducts systemic investigations. Systemic investigations are aimed at identifying system-wide problems and recommending solutions. OFCO completed the following two systemic investigations in 1998:

Review of the 1994-95 Wenatchee Child Sexual Abuse Investigations: In December 1998, OFCO completed its review of the involvement of DSHS social workers in the 1994-95 Wenatchee child sexual abuse investigations. OFCO's review was prompted by a petition received in June 1997, within days after the office had become operational. OFCO's review represents the first full-scale independent review of the Wenatchee investigations by a government agency.

The Wenatchee child sexual abuse investigations were conducted jointly by local law enforcement officials and DSHS Child Protective Services workers. These investigations involved allegations against more than 80 adults, and led to the prosecution of 38 people in 1994 and 1995. The techniques allegedly employed by law enforcement and Child Protective Services investigators in eliciting statements from suspects and alleged child victims have been the focus of intense and enduring controversy.

OFCO set forth its investigative findings and recommendations in a report titled, *1998 Review of the 1994-95 Wenatchee Child Sexual Abuse Investigations*.¹ In the report, OFCO found that the 1994 and 1995 Wenatchee child sexual abuse investigations present a progression (from

¹ This report may be obtained by contacting OFCO, or by accessing OFCO's web page at: www.wa.gov/governor/ofco.

common to uncommon) with regard to the kinds of allegations that are made in child sexual abuse cases. Because the Child Protective Services investigations were not well enough documented, OFCO could not determine whether the uncommon allegations occurred as alleged, or something went wrong in the investigative process resulting in factual distortions.

Nonetheless, OFCO review produced findings and recommendations relating to: 1) CPS interview documentation; 2) child interview techniques; and 3) cross-discipline collaboration in child abuse investigations. In addition to these findings and recommendations, OFCO's report includes a description of documented and alleged events in Wenatchee that are illustrative of investigative errors that experts agree can increase the possibility of factual distortion.

Guardian ad Litem Representation: In January 1999, OFCO released a report on the issue of children's representation by guardians ad litem (GAL) in child abuse and neglect proceedings.² OFCO's investigation into this issue was prompted by a pattern of complaints received by the office in which a significant number of affected children were reported as having no one to represent his or her best interests in court.

The federal Child Abuse Prevention and Treatment Act (CAPTA) requires states receiving CAPTA grants to certify that the state has in effect – and is enforcing – a state law that a GAL be appointed to represent the child's best interests for every case involving an abused or neglected child which results in a judicial proceeding. Although Washington State receives approximately \$1.25 million per biennium in CAPTA grants, and has made the required certification, OFCO found that approximately one-third of Washington children who are involved in child abuse and neglect proceedings do not have a GAL to represent their best interests. Over one-half of the children involved in proceedings in King, Snohomish and Spokane counties did not have a GAL during the time period of the OFCO survey. OFCO also found that children in three counties are served by professional GALs with individual caseloads ranging from 90 to 400 children.

Based on these findings, OFCO recommended that: 1) the number of GALs be increased to a level that is sufficient to ensure appointment for all children who are involved in child abuse and neglect proceedings; 2) state law be amended to make clear that a GAL shall be appointed to represent the best interests of every child who is the subject of a child abuse and neglect proceeding; and 3) county officials review and take appropriate steps to reduce high caseloads of professional and attorney GALs in their jurisdictions.

1998 Recommendation and Concerns

Based on further investigation of the concern identified in OFCO's 1997 report relating to the statutory duty of service professionals to report possible child abuse and neglect, OFCO is making a recommendation for consideration by Washington school districts regarding reporting by professional school personnel. In addition, based on its preliminary experience with complaints received during the reporting period, OFCO has identified three issues of concern that will receive further review and possible investigation in 1999.

² This report, titled *Report on Guardian ad Litem Representation of Children in Child Abuse and Neglect Proceedings*, can be accessed by contacting OFCO, or by accessing OFCO's web page at: www.wa.gov/governor/ofco.

Recommendation

Local school districts should review their policies and procedures relating to mandated reports of child abuse and neglect by professional school personnel to ensure that they are in compliance with the requirements and intent of the state's mandated reporting law. School districts that have not adopted the model reporting policy and procedure developed by the Washington State School Directors' Association (WDDSA) should consider doing so.

Additional Issues of Concern

In addition to the above recommendation, OFCO has identified three areas of concern, which will receive further review and possible investigation in the upcoming year.

- Concern #1: Children in foster care (as well as non-dependent children) are often unable to access appropriate long-term residential mental health services in a timely way. The average waiting period for a Children's Long Term Inpatient (CLIP) bed in some regions is three months, while some children have waited between six and nine months.
- Concern #2: Child Protective Services workers often leave adolescents in the care of their parents, even when they appear to be at significant risk of abuse or neglect. These decisions sometimes appear to be influenced by the lack of appropriate placements for adolescents.
- Concern #3: Lacking appropriate placement options, social workers with the Division of Children and Family Services are frequently unable to assist families in crisis with a child whose behavior is dangerous and cannot be controlled due to mental health or other issues, and who cannot live safely at home. Many of these children stay at risk until an appropriate placement can be located.



SECTION 1

OFCO ROLE AND STRUCTURE

THE OFFICE OF THE FAMILY AND CHILDREN OMBUDSMAN (OFCO) was established by the 1996 Legislature as an independent office within the Office of the Governor. The director ombudsman was appointed in December 1996 to a three-year term. The office became operational in June 1997.

Role of Ombudsman

The term "ombudsman" is a Scandinavian word applied to a public official appointed to serve as an independent voice for citizens who believe they have been treated wrongly or unfairly by a government agency. It is the role of an ombudsman to receive and address – in a confidential manner – complaints and inquiries from citizens concerning the administrative acts or omissions of a government agency. Based either on such complaints or inquiries or on the ombudsman's own initiative, the ombudsman may:

1. Investigate or otherwise examine the matter; and
2. Take appropriate action to aid in the resolution of the specific issue or a broader, underlying systemic problem.

An ombudsman is not authorized to make, change, or set aside a law, policy or administrative decision. It is the role of an ombudsman to carry out his or her duties with independence and impartiality.

Role of OFCO

The Office of the Family and Children's Ombudsman was established in chapter 43.06A RCW to ensure that government agencies respond appropriately both to the needs of children in need of state protection, and families and children who are involved with government agencies because of child abuse and neglect issues. It is OFCO's mission to:

- Protect families and children from potentially harmful agency acts or omissions;
- Ensure that agency officials and state policy makers are aware of chronic and serious problems in the child protection and welfare system so they can improve services.

OFCO fulfills its mission by intervening in specific situations, and by conducting administrative and systemic investigations.

Interventions: OFCO intervenes in specific situations for the purpose of preventing or mitigating harm to a family or child due to an agency's act or omission. OFCO intervenes by informally contacting agency workers and their supervisors to express concerns, provide information, and

explore alternative courses of action. OFCO may also intervene by issuing a formal written recommendation to agency managers. The number and results of OFCO's interventions are summarized in OFCO's annual reports to the Governor and the Legislative Children's Oversight Committee.¹

Administrative Investigations: OFCO investigates the conduct of agency personnel in a particular matter for the purpose of assessing compliance with law, policy or procedure. OFCO conducts administrative investigations only when the case clearly involves agency conduct or systemic issues that are chronic and/or seriously harmful to children and parents. OFCO's administrative investigations result in written reports that are provided to agency officials, the Governor, and the Legislative Children's Oversight Committee.

Systemic Investigations: The purpose of OFCO's systemic investigations is two-fold: First, to identify and analyze system-wide problems that adversely affect families and children; and second, to recommend steps that agency officials and state policy makers can take to address these problems. OFCO's systemic investigations result in written reports that are provided to agency officials, the Governor, and the Legislature.

Independence

The organizational structure and operating procedures of OFCO are designed to ensure its independence from the Department of Social and Health Services (DSHS) and other state agencies, as well as the Governor's Office which has allowed OFCO to operate independently.

OFCO's director ombudsman reports directly to the Governor. OFCO's operations, activities, and records are conducted and maintained independently from the Governor's Office, DSHS, and other state agencies. (For example, this report and others prepared by OFCO are not subject to outside approval prior to their release.) The director ombudsman is appointed to a three-year term, so that he or she does not serve at the Governor's pleasure as do other members of the Governor's staff. The Governor may remove the director ombudsman only for cause.

Confidentiality

OFCO's investigative records are confidential and exempt from public disclosure requirements. In addition, most investigation-related information, including the identities of complainants and witnesses, is not subject to civil discovery, nor judicial or administrative subpoena. Moreover, such information is not admissible as evidence in a judicial or administrative proceeding. Further, OFCO is required to maintain the confidentiality of all information that is by law confidential or privileged, and may not further disclose or disseminate such information.²

Access to Information

OFCO has been provided with unrestricted access to information in the possession or control of the DSHS Children's Administration. Specifically, OFCO has been provided with on-line access to CAMIS (the administration's automated Case and Management Information System) and physical access to confidential case records. In addition, state law authorizes other agencies,

¹ See Appendix A for a description of the role of the Children's Legislative Oversight Committee.

² These confidentiality provisions do not affect OFCO's duty to report abuse or neglect under RCW 26.44.030.

including DSHS contracting agencies, the Attorney General's Office, guardians ad litem, law enforcement agencies, and schools, to release confidential records to OFCO.

Staff and Budget

OFCO has six full-time employees and an annual budget of about \$460,000 (State General Fund). OFCO's staff consists of the director ombudsman, three investigator ombudsmen, a database administrator, and an information and referral specialist. In addition to its regular FY 1998-99 budget appropriation, OFCO received a one-time supplemental appropriation of \$13,500, and a \$152,000 allocation from the Governor's emergency fund, to meet costs associated with OFCO's review of the Wenatchee child sex abuse investigations.



SECTION 2 ORGANIZATIONAL VISION AND GOALS

IN CONSULTATION with its Western Washington and Central and Eastern Washington Advisory Committees, OFCO in October 1997 developed the following vision statement. This statement formed the basis for establishing specific organizational goals and strategies.

By the Year 2000, the Office of the Family and Children's Ombudsman (OFCO) will be seen as an effective, accessible and credible organization by diverse communities statewide and by agency officials and state policy makers who respond to OFCO's findings and recommendations.

Goals for 1998-99

OFCO established four goals with accompanying strategies to help it realize its vision statement. A brief description of these goals and strategies, and OFCO's efforts toward accomplishing them, follows.

GOAL #1: *Establish internal operations and external activities that support OFCO's commitment to being responsive to clients' needs and to performing its work effectively and efficiently.*

Significant effort has been directed toward accomplishing this goal. Activities to date include:

STRATEGIES	ACCOMPLISHMENTS
Customer Service	
<ul style="list-style-type: none"> ▪ Establish the expectation and carefully train staff to be highly attentive and responsive to clients' needs and concerns. ▪ Solicit continuous client feedback on OFCO's responsiveness and performance. 	<ul style="list-style-type: none"> ▪ Customer service is included as a performance element in annual staff evaluations. ▪ Staff will receive customer service training in 1999. ▪ A process for obtaining continuous client feedback on OFCO's responsiveness and performance will be developed in 1999.
Issue Prioritization	
<ul style="list-style-type: none"> ▪ Develop criteria for prioritizing the recurrent and/or systemic issues affecting families and children that OFCO should address. 	<ul style="list-style-type: none"> ▪ In consultation with its advisory committees, OFCO has developed criteria for selecting systemic issues for investigation.¹

¹ See Section 5, Complaint Intervention and Investigation Summary.

STRATEGIES

ACCOMPLISHMENTS

Investigator Training

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| <ul style="list-style-type: none">Require full-time investigative staff to complete a certified investigator training program. | <ul style="list-style-type: none">OFCO investigators completed a national certified investigator-training program in April 1998.In addition, staff will be trained on advanced mediation and ombudsman skills in 1999. |
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Independent Audit

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| <ul style="list-style-type: none">Invite an external ombudsman to review and evaluate OFCO's internal operations. | <ul style="list-style-type: none">An external ombudsman will be invited to review and evaluate OFCO's internal operations in 1999. |
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Complaint Policies and Procedures

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| <ul style="list-style-type: none">Establish clear policies and procedures for processing complaints, and inform clients on these up-front. | <ul style="list-style-type: none">OFCO's complaint policies and procedures are contained in the office's operational policies and procedures manual.OFCO's complaint process is also clearly and concisely outlined in <i>A Citizen's Guide to Our Services</i>, a brochure that is provided to complainants. The Guide is posted on OFCO's web site at: www.governor.wa.gov/ofco. |
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Automated Complaint Tracking System

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| <ul style="list-style-type: none">Develop a database that allows the office to track complainants and complaint trends and patterns and that also includes case management capability. | <ul style="list-style-type: none">An automated database has been developed by the Office of Financial Management which allows OFCO to track: 1) complainants by type, 2) individual agency employees who are the subject of complaints to OFCO, 3) affected children and families, 4) OFCO's responses to complaints, and 5) the results of OFCO's involvement.The database also documents and tracks the progress of each complaint through OFCO's review and response process, and tracks the time expended by OFCO investigators on each complaint. |
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Community Expectations/Criteria for Success

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| <ul style="list-style-type: none">Maintain advisory committees to provide OFCO with input on community needs, expectations and criteria for success. | <ul style="list-style-type: none">OFCO continues to solicit input on community expectations and criteria for success from its two advisory committees. Advisory committee members are assisting OFCO in establishing criteria for measuring OFCO's progress toward achieving its organizational goals. |
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Children's Advisory Panel

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| <ul style="list-style-type: none">Establish a Children's Advisory Panel to include children who are or have been in the foster care system to provide input on their needs, expectations and criteria for success. | <ul style="list-style-type: none">An OFCO Childrens' Advisory Panel is being established to provide input on their needs and expectations. |
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GOAL #2: *Establish a statewide presence through public education and awareness activities.*

Considerable effort has been made in this area, but OFCO has yet to establish a true statewide presence. The office intends to intensify its efforts toward achieving this goal in 1999.

STRATEGIES	ACCOMPLISHMENTS
<p>Community Meetings</p> <ul style="list-style-type: none"> ▪ Establish regular contact with community leaders and organizations across the state, with special emphasis on face-to-face meetings in central and eastern Washington. ▪ Use advisory committee members to promote awareness of OFCO in their communities. ▪ Use advisory committees help identify and recruit local volunteers to serve on OFCO's speaker's bureau. 	<ul style="list-style-type: none"> ▪ Advisory committee members made arrangements for OFCO to give presentations at several meetings involving community professionals and the general public in Colville, Seattle, Spokane, Walla Walla, and Wenatchee. ▪ In addition, numerous professional and advocacy groups have invited OFCO to meet with their members. ▪ OFCO is currently arranging additional meetings across the state.
<p>Media Visibility</p> <ul style="list-style-type: none"> ▪ Actively seek opportunities to promote OFCO through state and local media. 	<ul style="list-style-type: none"> ▪ OFCO received significant statewide media attention upon releasing its <i>1998 Report on the Wenatchee Child Sexual Abuse Investigations</i>. ▪ In addition, several articles on OFCO and/or its other reports have been published in the <i>Daily Olympian</i>, <i>Tri-Cities Herald</i>, <i>Tacoma News Tribune</i>, <i>Seattle Times</i>, <i>Seattle Post-Intelligencer</i>, and <i>Spokesman Review</i> (see Appendix B). ▪ OFCO is continuously seeking opportunities to broaden awareness about OFCO through the local media, especially in central and eastern Washington.
<p>Statewide Conferences</p> <ul style="list-style-type: none"> ▪ Ensure visibility at statewide conferences and other events. 	<ul style="list-style-type: none"> ▪ OFCO presented at the 1998 statewide conferences of foster parents and court-appointed special advocates (CASAs) in Yakima. ▪ OFCO also presented at the 1998 statewide Children's Justice Conference in Bellevue. ▪ In addition, OFCO participated in statewide symposia on child protective services in May 1998, and permanency in September 1998. ▪ OFCO continuously seeks opportunities to present at statewide conferences and other events.

General Outreach

<ul style="list-style-type: none"> ▪ Ensure that OFCO informational materials are widely available to the general public and thoroughly disseminated among "players" in the system, including parents and children, community professionals and service providers, and community leaders and organizations. 	<ul style="list-style-type: none"> ▪ Information about OFCO has been distributed to DSHS employees, assistant attorney generals, foster parents, juvenile court personnel, guardian ad litem programs, and public defender agencies. ▪ Information about OFCO is currently included in the DSHS Children's Administration's new "Client's Rights" poster and complaint brochure. ▪ Information about OFCO is also being included in a brochure under development for older children in foster care. (See p. 12.) ▪ OFCO dissemination efforts in 1999 will focus on: 1) reaching additional community leaders, professionals and service providers, and 2) working with DSHS to ensure that children who reside in state facilities and institutions are provided with information about (and access to) OFCO.
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GOAL #3: Establish trust and credibility among diverse communities across the state.

Initial efforts were made toward this goal in 1998. Steps taken so far include:

STRATEGIES	ACCOMPLISHMENTS
<p>Customized Outreach</p> <ul style="list-style-type: none"> ▪ Identify communities that are traditionally hard to reach or feel disenfranchised and develop customized outreach strategies. 	<ul style="list-style-type: none"> ▪ OFCO is working to expand and diversify the membership of its two advisory committees. ▪ With the assistance of these committees, OFCO will begin to develop customized outreach strategies for identified hard to reach and disenfranchised communities.
<p>Tribal Relations</p> <ul style="list-style-type: none"> ▪ Develop strong relationships with Tribal governments. 	<ul style="list-style-type: none"> ▪ OFCO staff members have been trained on the federal Indian Child Welfare Act (ICWA). ▪ OFCO is working to ensure that Tribal government officials and LICWAC members know about OFCO and how to access our services.
<p>Barriers to Access and Effective Service Delivery</p> <ul style="list-style-type: none"> ▪ Ensure that OFCO is sensitive to all forms of diversity – race, ethnicity, language, religion, culture, economic status, and ability. 	<ul style="list-style-type: none"> ▪ OFCO's <i>Citizen's Guide to Our Services</i> is available in Spanish, Russian, Vietnamese, and Braille. ▪ OFCO also has access to interpreter services as needed. ▪ OFCO is accessible through TTY. ▪ A process for obtaining continuous client feedback on OFCO's responsiveness and performance, including sensitivity to diversity issues, is also being developed.

GOAL #4: *Establish regular lines of communication with agency officials and state policy makers and provide them with objective and credible information.*

OFCO communicates frequently with agency officials and state policy makers and is working to establish regular meeting times with these individuals. Activities to date include:

STRATEGY	ACCOMPLISHMENTS
<p>Interagency Communication</p> <ul style="list-style-type: none"> ▪ Establish regular meetings with the Governor, members of the Legislative Children's Oversight Committee, and top agency officials, including DSHS Children's Administration and the Office of the Attorney General. 	<ul style="list-style-type: none"> ▪ OFCO's director ombudsman met with the Governor and his staff on several occasions in 1998. OFCO will continue to meet regularly with the Governor and his staff in 1999. ▪ OFCO's director ombudsman met on four occasions with the Legislative Children's Oversight Committee in 1998. OFCO is working to establish regular informational meetings with the Oversight Committee for 1999. ▪ OFCO's director ombudsman and the assistant secretary of the DSHS Children's Administration have begun to meet at regularly scheduled intervals. OFCO is also working to establish regular lines of communication with regional administrators. ▪ OFCO is scheduling regular informational meetings with the Attorney General and her staff for 1999.



SECTION 3 RESPONSE TO 1997 RECOMMENDATIONS AND CONCERNS

OFCO's 1997 ANNUAL REPORT set forth five recommendations. These recommendations were based on the office's investigative work during the first year of operation. The 1997 report also identified five issues of concern, which were to receive further review and possible investigation in 1998. This section sets forth the response to OFCO's 1997 recommendations and concerns.

1997 Recommendations

Nearly all of the recommendations from 1997 have been responded to favorably by the Children's Administration, the Washington State Legislature, and the Governor. Four of the five recommendations in 1997 were achievable through changes in administrative policy; one required a change in state law.

Placement Resource Conflict of Interest Policy

1997 RECOMMENDATION #1: The DSHS Children's Administration should adopt a policy that creates a presumption against recommending placement with a person who has a conflict of interest as a result of his or her dual role as a placement resource and a professional involved in the child's life. A conflict of interest should be deemed to exist in situations where the person's dual role may now or in the future place a child's best interests in jeopardy. Whether the presumption against placement should be overcome should be determined solely by the child's best interests. In determining the child's best interest, it would be appropriate for the department to consider the person's willingness to participate in a plan that addresses and sufficiently mitigates the potential harm the conflict may cause. A panel consisting of community professionals and others should be used to assist the department in determining whether a conflict exists and/or the presumption against placement has been overcome.

BASIS: In 1997, OFCO conducted a preliminary review of DSHS' actions during the 1994-95 Wenatchee child sexual abuse investigations. OFCO found the placement of two girls in the home of the police detective who was investigating their sexual abuse allegations against their parents and others to be detrimental to the girls' best interests. At a minimum, the placement clearly affected perceptions of the girls' credibility with regard to their disclosures of abuse by their parents and, later, by others. OFCO is aware of other conflict-of-interest situations that have arisen with placement resources who are employed by DSHS, with school personnel, and even lawyers and law offices involved in the prosecution or defense of a child's custody or dependency case, or the criminal case of the child's parent.

DSHS Response to 1997 Recommendation #1

The Children's Administration will develop guidelines for addressing potential conflicts of interest in out-of-home care. The guidelines will be developed as part of a broader process to examine foster care issues. The guidelines will be developed by a work group comprised of Children's Administration staff and community representatives. The work group will begin work by June 1999. The guidelines will be finalized by early 2000.

Complaint Information

1997 RECOMMENDATION #2: The DSHS Children's Administration should provide parents with whom Child Protective Services comes into contact, and foster children age 12 and older, with concise written information that outlines their rights under the department's complaint policy and their right to contact OFCO. With regard to foster children, the department should consider developing a Child's Guide to Foster Care and/or alternative strategies for advising them on their rights and what they can expect while in foster care. Parents should receive this information at the time of initial contact with Child Protective Services and children should receive it when they enter an out-of-home placement. The department should also begin training caseworkers on the complaint policy. In addition, relatives, community professionals, service providers, and concerned citizens should be advised on how to obtain information about their rights under the department's complaint policy and their right to contact OFCO. This information should be provided by departmental employees whenever they are contacted with a concern or complaint. Consideration should be given to establishing a toll-free number with a recorded message where client or citizen complainants may be referred for information about their rights.

BASIS: DSHS is required by RCW 74.13.045 to develop procedures to assure that clients are informed of the department's complaint-resolution process and how to access it. Moreover, information regarding the complaint resolution process is to be incorporated into training for caseworkers. Despite these requirements, complainants often tell OFCO they do not know how to pursue their complaints with the department. OFCO recently conducted a survey concerning the Children's Administration complaint policy. The survey revealed that complainants are rarely provided with the department's written complaint policy and that, until complainants learned otherwise from entities outside the department, most were unaware they could complain to anyone other than a supervisor. The survey also revealed that caseworkers receive no formal or regular training on the complaint policy.

DSHS Response to 1997 Recommendation #2

Complaint Information: The Children's Administration has developed a new complaint brochure and "Client's Rights" poster that describe the department's internal complaint process, as well as how to contact OFCO. The poster will be displayed in the waiting room of each local office. The brochure will be distributed to local offices with instructions for dissemination to clients.

Child's Guide to Foster Care: With the assistance of a group of adolescent foster children, the Children's Administration is developing a brochure for older children in foster care. The adolescent group has requested that the brochure include information on: 1) commonly asked questions; 2) kids' rights; 3) self-care; and 4) quotes from kids. The brochure is scheduled to be completed by June 1999. Copies of the brochure will be distributed to local offices with instructions for dissemination to children age 12 and older. The brochure will include information on how to contact OFCO.

Guide to Child Protective Services: The Children's Administration is updating the information in its Child Protective Services brochures for clients, relatives, and foster parents. The administration will be updating this material by June 1999.

DSHS Internet Site: The department's new brochures will be linked to the Children's Administration "overview" page so they can be accessed through the Internet.

Toll-Free Complaint Information Number: The Children's Administration will not establish a toll-free complaint information number at this time, but will wait to see if dissemination of the new complaint brochures is sufficient to inform individuals about the department's complaint process.

Training: The Children's Administration will add training on the department's complaint procedures to the Children's Administration Academy's basic training curriculum.

Complaint Tracking and Client Satisfaction

1997 RECOMMENATION #3: The Children's Administration within DSHS should ensure that the Office Constituent Relations (OCR) continues to track the volume and nature of complaints it receives and should use this information as a tool to continuously improve and assure the department's quality of services. Moreover, consideration should be given to providing complaint data to the department's Risk Management unit for review.

BASIS: The Children's Administration currently is required by RCW 74.13.045 to compile complaint-resolution data, including the nature of the complaint and the outcome of the process. The department is also required to submit semi-annual reports containing this data to the Legislature. Although the department has produced the required reports, OFCO has found that it has used neither this nor other complaint data to assist in identifying and eliminating the cause of complaints. According to the Attorney General's Office (AGO), tort lawsuits against the Children's Administration have significantly increased in recent years, particularly with respect to wrongful adoption cases, children injured in foster care, and Child Protective Services worker cases (both for illegally taking children from their homes and for failing to remove them from abusive homes.) The AGO believes this increase reflects the tendency toward increased liability generally, plus the effects of several court decisions in the past five years which have specifically increased the scope of the department's liability.

DSHS Response to 1997 Recommendation #3

The Office of Constituent Relations (OCR) will continue to track the complaints it receives. Starting with the first quarter of 1999, OCR will begin providing each regional administrator with a quarterly statewide report that includes the following information: 1) the number and nature of complaints received by OCR; 2) the local offices and program units that are the subject of complaints; 3) how the complaints were resolved; 4) identified concerns or trends.

The Children's Administration will not share complaint information with the department's Risk Management unit as recommended by OFCO. The Children's Administration does not want child welfare policy and practice to be driven by liability concerns. The Children's Administration and the Attorney General's Office were required by 1998 legislation to develop

statutory proposals for reducing or limiting the state's increased liability for damages in child welfare cases.¹

1997 RECOMMENDATION #4: Area managers should establish formal or informal mechanisms for monitoring the volume and nature of complaints received by caseworkers and supervisors, and should begin using this information to help identify and eliminate the cause of complaints. Moreover, regular surveys should be conducted at the local office level to assess the satisfaction of clients (parents and children) with the services provided. Local complaint and survey information should be integrated into the department's overall quality improvement and assurance activities.

BASIS: The department's complaint policy states that each region shall submit a monthly statistical report on the number and type of complaints, and the level at which resolution occurred. Through its area manager survey, OFCO found that complaints are rarely tracked in local offices because they object to the increased workload associated with this activity. Moreover, OFCO found that most area managers do not monitor the volume, type, or resolution of complaints that do not reach their level. One area manager stated that, because the department's policy is to work a complaint up the chain of command until it is resolved, he assumes problems have been resolved if they don't reach him. OFCO has also found that the department last conducted a Child Protective Services client survey in 1995. One of the findings in this statewide survey stated that future surveys might be more useful if the feedback was focused at the office level, so that supervisors were provided with "the information they need to make changes and/or appreciate their successes."

DSHS Response to 1997 Recommendation #4

Local Complaint Monitoring: At this time, the Children's Administration will not require area managers to establish mechanisms for monitoring complaints to local offices as recommended by OFCO. However, the Quality Steering Committee will consider by the end of 1999 whether to initiate a project aimed at developing a new local complaint monitoring procedure. In the meantime, the Assistant Secretary has issued a directive to regional administrators and area managers to ensure that complaints are taken seriously by staff and receive a timely response.

Client Surveys: The Children's Administration plans to conduct another survey of Child Protective Services clients at some point, but has not yet decided when. The survey will collect data by office. In 1998, the administration convened six focus groups with children age 11 to 17 who were in foster care. Information gathered during these focus groups formed the basis of a report which was issued by the administration in June 1998. Information from these groups was also used to inform recent revisions to the department's administrative rules that are aimed at providing "normalcy" for children in foster care. Contracted providers of family preservation

¹ A proviso to the 1998 supplemental budget for DSHS directed the department and the Attorney General's Office to jointly make recommendations "to reduce or limit the state's liability for damages in child welfare cases, including shelter care and dependency proceedings." The recommendations were to be submitted to the Legislature by December 1, 1998. *1998 Laws of Washington, Ch. 454, sec. 202 (17) (uncodified)*. The department and the Attorney General's Office developed seven recommendations aimed at clarifying state law to ensure that DSHS "is treated in the same manner as any other potential defendant in a civil case rather than being subjected to the broader, unique liability exposures recently imposed by our appellate courts." Proposals for Reducing or Limiting Liability for Damages in Child Welfare Cases, p. 4.

services (FPS), intensive family preservation services (IFPS), and alternative response system (ARS) services continuously solicit client satisfaction information.

OFCO Shield Law

1997 RECOMMENDATION #5: OFCO investigative records and testimony should be shielded by statute from court subpoena and civil discovery requests.

BASIS: RCW 43.06A.050 provides that OFCO's investigative records are confidential and exempt from public disclosure requirements. However, these provisions may not provide protection against court subpoena and civil discovery requests. OFCO is concerned that investigative records developed as part of its targeted Wenatchee review may become the subject of discovery requests in any of the several pending civil lawsuits against DSHS. Moreover, OFCO's future investigations may involve matters that may also be the subject of pending or future civil litigation against state agencies. OFCO has found that the records of ombudsmen's offices in other states, including Michigan's Office of the Children's Ombudsman, are protected by statute from court subpoena.

Response to 1997 Recommendation #5

The 1998 Legislature unanimously approved legislation that shields most investigation-related information, including the identities of OFCO complainants and witnesses, from civil discovery and judicial and administrative subpoena. Governor Gary Locke signed the legislation into law on April 2, 1998.²

1997 Issues of Concern

In its 1997 Annual Report, OFCO identified several issues of concern, which were to receive further review and possible investigation in 1998. The following is an update on the status of these concerns.

Children At Risk of Chronic Neglect

1997 CONCERN #1: Child Protective Services often does not respond or intervene sufficiently to protect children who are at risk of chronic neglect and about whose situations its has received multiple referrals from multiple referents. Children who are the victims of chronic neglect often suffer serious long-term effects, including delayed growth, increased illness, attachment problems, and neurological impairments. Chronic neglect also places children at greater risk of injury and death from preventable accidents.

DSHS Response to 1997 Concern #1

The Children's Administration agrees that the state's response to chronic neglect needs improvement. The administration has been attempting to identify and implement improvements. For example, in mid-1997, the administration established a task force to modify the Risk Assessment Matrix to ensure that it incorporates the risk factors associated with chronic neglect. The task force also developed tools for identifying and developing service plans for chronic neglect cases. In early 1998, the administration sponsored a statewide conference on chronic

² Codified at Chapter 43.06A RCW.

neglect. In addition, an issue of the administration's Practice Digest was devoted to best practices for dealing with chronic neglect cases. Finally, each region is implementing at least one local improvement project on chronic neglect issues. The results will be used to identify necessary changes in statewide policy and practices.

CURRENT STATUS: The Children's Administration is taking meaningful steps to improve its response to chronic neglect cases. OFCO is especially interested in learning the results of the local improvement projects. Notwithstanding these efforts however, this issue remains of concern to OFCO. For example, one ongoing concern is that Child Protective Services workers sometimes appear to rely too heavily upon the reports of in-home service providers regarding the safety of children at risk of chronic neglect, and close cases prematurely, or without first verifying compliance with services or visiting the child. Because chronic neglect involves serious child safety issues, OFCO will continue to monitor the administration's efforts in this area. In addition, OFCO investigators are reviewing several Child Protective Services cases involving chronic neglect for the purpose of identifying possible policy and practice issues that may affect child safety.

Children Denied Representation in Legal Dependency Actions

1997 CONCERN #2: Many children who are subject to a legal dependency action (an action to determine whether the child should become a dependent of the state due to alleged caretaker abuse, neglect, abandonment, or inability to care for the child) are represented by neither a guardian ad litem nor an attorney, as required by RCW 13.34.100. Children who are denied representation are left without a voice in court proceedings whose decisions may dramatically affect their lives. Moreover, the court is left to proceed with incomplete information in deciding whether the department's placement, service, treatment, and permanency recommendations are in the child's best interest and/or, if the child is 12 or older, consistent with his or her wishes.

OFCCO Response to 1997 Concern #2

In 1998, OFCO conducted an investigation to determine the number of children in legal dependency proceedings who are not represented by a guardian ad litem (GAL). In January 1999, OFCO released the results of this investigation in its *Report on Guardian Ad Litem Representation of Children in Child Abuse and Neglect Proceedings*. (See p. 36.) The report found that approximately one-third of Washington children who are involved in child abuse and neglect proceedings do not have a GAL to represent their best interests. The report contained several recommendations, including a recommendation that the number of GALs be increased to a level that is sufficient to ensure appointment for all children who are involved in child abuse and neglect proceedings. The report's findings and recommendations were presented to state policy makers and agency officials for consideration.

Confusion Regarding Duty to Report Possible Abuse and Neglect

1997 CONCERN #3: There appears to be confusion among service professionals about their duty to report possible child abuse and neglect under the state's mandatory reporting law, RCW 26.44.030. This confusion has led to the filing of tardy and incomplete reports and, in some cases, had led to the failure to make a required report. The failure to report and the filing of delayed or incomplete reports could seriously undermine the state's efforts to protect children.

DSHS Response to 1997 Concern #3

The Children's Administration is interested in obtaining more information in this area. The administration does not know the rate of compliance with mandatory reporting laws in Washington State, but notes that the national rate is only about 60 percent. Currently, local DCFS offices provide, within available resources, information on Child Protective Services to the community. A high non-compliance rate should be responded to with a statewide public information campaign. The administration is interested in working with OFCO and community agencies to make improvements in this area.

CURRENT STATUS: In the summer of 1998, OFCO conducted a survey of school districts in Washington State regarding their policies and procedures for school personnel reporting of child abuse and neglect. Through this survey, OFCO found that the policies and procedures of a significant number of the school districts surveyed are inconsistent with the requirements and intent of the state's mandated reporting law. As a result, OFCO has proposed a recommendation concerning school district policies and procedures. (*See p. 19.*) Because the issue of service professionals' compliance with the mandated reporting law continues to be of concern, OFCO will continue working to identify and analyze potential policy, training, and practice issues that may affect compliance with the law.

Non-Compliance with the Indian Child Welfare Act

1997 CONCERN #4: Many decisions made by the DSHS Children's Administration involving Native American children and their families appear to be inconsistent with the federal Indian Child Welfare Act (ICWA). Through ICWA, Congress intended to end a nationwide history of family and cultural breakdown caused by the unwarranted removal of Native American children from their families and subsequent placement in culturally inappropriate homes. Non-compliance with ICWA may place Native American children at risk of emotional and social problems, deprive children of their treaty rights, and harm Native American families.

DSHS Response to 1997 Concern #4

The Children's Administration would like to receive more information in support of this concern. The administration has worked closely with the tribes to implement ICWA, and to address those improvement areas identified by the tribes in the state Title IV-B plan and CA 7.01 plan. The administration reviewed all ICWA cases in the Fall of 1997, and each region has taken action to address identified practice issues. For example, some regions have established specialized ICWA units. New staff has received ICWA training; advanced training is being offered in each region through September 1999.

CURRENT STATUS: OFCO applauds the Children's Administration for providing basic and advanced ICWA training to social workers, and for the other steps recently taken to improve the state's compliance with ICWA. This issue continues to be of concern to OFCO however, particularly with regard to the placement of Native American children. OFCO will provide the Children's Administration with additional information as requested, and will monitor and assess the administration's progress in implementing practice improvements in this area.

Insufficient Training for Foster Parents of Children Who Need Special Care

1997 CONCERN #5: The Children's Administration appears to provide insufficient training for foster parents who care for children with serious behavioral problems and/or special needs. The lack of appropriate training for foster parents who care for these children undermines the state's ability to ensure their safety, health and well being while in foster care.

DSHS Response to 1997 Concern #5

The Children's Administration agrees that foster parents need additional training to deal with the complex needs and behavioral issues of the children in their care. Specific skill training for foster parents has recently been enhanced. The Division of Licensed Resources (DLR) will continue to assess foster parent training needs and develop training to meet these needs as resources allow.

CURRENT STATUS: Foster parent competency and training is receiving a considerable amount of attention by the Children's Administration. For example, the administration recently mandated that all licensed foster parents complete basic training, known as SCOPE.³ In addition, the Division of Licensed Resources (DLR) has begun to provide foster parents with: 1) basic and advanced training on fetal alcohol syndrome/effect (FAS/FAE) issues, including a special video that is being made available to Native American foster parents; and 2) training on positive behavior support for children with developmental disabilities. Unfortunately, according to DLR officials and foster parent advocates, the number of DLR trainers is not adequate to meet the current demand for foster parent training. In addition to the DLR training, foster parents may be able to access specialized training that is available in their region. Each region in the state is provided with \$30,000 annually for special training projects, which may include topics of particular interest to the foster parents in that region.

Finally, as mentioned earlier, the Children's Administration is establishing a work group to examine a variety of foster care issues. In addition to developing conflict of interest guidelines, the group will examine different types of foster care, including professional foster care, and exceptional cost issues. Because foster parent competency and training is vital to ensuring the safety, health and well being of children in state care, OFCO will continue to monitor this issue.

³ The administration is now considering whether to replace SCOPE with an alternative training model called PRIDE. The PRIDE model is described as "providing a standardized, consistent, structured framework for the competency-based recruitment, preparation and selection of foster parents and adoptive parents."



SECTION 4 1998 RECOMMENDATIONS AND CONCERNS

IN ADDITION to acting upon specific complaints, OFCO is statutorily charged with developing recommendations for improving the state child protection and welfare system. Based on further investigation of the concern identified in OFCO's 1997 annual report relating to the statutory duty of service professionals to report possible child abuse and neglect, OFCO has developed a recommendation concerning policies and procedures established by local school districts for reporting child abuse and neglect. In addition, based upon its complaint-related work during the reporting period, OFCO has identified three additional concerns for further review.

Recommendation

Local school districts should review their policies and procedures relating to mandated reports of suspected child abuse and neglect by professional school personnel to ensure that they are in compliance with the requirements and intent of the state's mandatory reporting law. School districts that have not adopted the model reporting policy and procedure developed by the Washington State School Directors' Association (WSSDA) should consider doing so.¹ (See Appendix C).

Basis

STATE LAW: Under Washington law, certain professionals – including professional school personnel – who have reasonable cause to believe that a child has suffered abuse or neglect are required to report the incident, or to cause a report to be made, to law enforcement officials or Child Protective Services.² An immediate oral report must be made at the first opportunity, but no later than 48 hours after there is reasonable cause to believe that the child has suffered abuse or neglect.³ Any person who, in good faith, makes a mandated report of alleged child abuse or

¹ The Washington State School Directors' Association (WSSDA) was established in state statute to "effect a coordination of policymaking . . . of the school districts in the state." RCW 28A.345.040. The membership of the association is comprised of local school board officials. RCW 28A.345.020. WSSDA Policy 3421 and Procedure 3421P (Child Abuse and Neglect Prevention) were first adopted in 1990, and have since been periodically updated. The definition of "child abuse or neglect" in Policy 3421 is currently under revision to make it consistent with the definition set forth in state law, RCW 26.44.020.

² RCW 26.44.030(1)(a). According to Washington law, the term "professional school personnel" includes, but is not limited to "teachers, counselors, administrators, child care facility personnel, and school nurses." RCW 26.44.020(7). The WSSDA model policy does not define this term, but it is intended to hold all school district personnel to the same standard and practice for reporting child abuse and neglect. WSSDA, *Policy News*, October 1998.

³ RCW 26.44.030(1)(d), RCW 26.44.040. A professional who has made a report may request and receive from Child Protective Services a status report of the matter, including the disposition of the information provided by the professional. *Division of Children and Family Services (DCFS) Practices and Procedures Guide*, ch. 2000, sec. 2331(D)(19). In addition, upon request, and if the department determines it is in the child's best interests, the worker must conduct case planning and consultation with the reporting professional. RCW 26.44.030(7).

neglect is immune from liability arising out of the report.⁴ Any person who knowingly fails to make, or to cause to be made, a mandated report is guilty of a gross misdemeanor.⁵ The mandated reporting law is intended to "ensure that there will be professional involvement [i.e., law enforcement or Child Protective Services] to determine whether child abuse or neglect has occurred with the accompanying provision of services for prevention and treatment."⁶

BACKGROUND: In its 1997 annual report, OFCO identified as a concern the confusion among service professionals about their duty to report possible child abuse and neglect under the state's mandatory reporting law. Of particular concern was the apparent lack of understanding among professional school personnel regarding their reporting obligations. In several instances, OFCO encountered teachers and counselors who indicated that their duty is to report their suspicions of possible child abuse or neglect to the school principal or other school personnel. These teachers and counselors expressed the belief that it is the responsibility of the principal, or other designated school personnel, to determine whether their suspicions are reasonable and should be reported to law enforcement or Child Protective Services. According to these school professionals, this procedure is standard practice in their schools, and has been formally established in policy. In OFCO's experience, this practice has led to the filing of tardy and incomplete reports and, in one situation, led to the failure to make a required report.

OFCO'S SURVEY: Because the aforementioned reporting practices appear to violate the requirements and intent of the state's mandated reporting law, and may result in children being left at risk of preventable harm, OFCO conducted an informal survey of school districts' reporting policies and procedures. The purpose of the survey was to determine whether school districts have formally established these problematic reporting practices in policy and procedure.

Time and resources allowed OFCO to survey 130 of Washington's 296 school districts. Those contacted included urban, suburban and rural districts that were diverse in terms of their geographic location and enrollment size; 95 of these school districts provided OFCO with a copy or description of their reporting policies and procedures.⁷

FINDINGS: Of the 95 school districts that reported their policies and procedures, OFCO found:

- Almost half (45) have a policy that requires school personnel to report suspected child abuse to the principal or the principal's designee. Of these, 22 school districts have policies that authorize the principal/designee to determine whether a report should be made to law enforcement or Child Protective Services, while the policies of 8 school districts do not specify the principal/designee's duty once he or she has received a report; 15 of the 45 school districts require the principal/designee to make the report to law enforcement or Child Protective Services.

⁴ RCW 26.44.060(1)(a).

⁵ RCW 26.44.080.

⁶ Washington State Department of Social and Health Services, *Protecting the Abused and Neglected Child: An Explanation of the Washington State Mandatory Reporting Law on Child Abuse* (revised 8/95).

⁷ Appendix D identifies the school districts that were contacted by OFCO, and those that provided OFCO with their reporting policies and procedures. The school districts were contacted in July and August 1998. OFCO received information from at least one school district in each of Washington's 39 counties. The number of responding districts represents about one-third of all school districts in Washington State, while the 1998 student enrollment in these districts represents over one-half of the state's total public school enrollment.

- Eighteen specify in policy or procedure that the principal/designee will interview the child to "find out if there seems to be a reasonable explanation of the conditions or circumstances" that are of concern.⁸
- Seventeen do not specify in policy whether school personnel shall or may go forward with a report to law enforcement or Child Protective Services when the principal/designee decides that a report is not warranted, but the staff member still reasonably believes that abuse or neglect has occurred. The policies of six districts provide that school personnel may still choose in this situation to make a report to law enforcement or child protective services.

Conclusion

The policies and procedures of a significant number of school districts surveyed are inconsistent with the requirements and intent of the state's mandated reporting law. These inconsistencies can cause misunderstanding among professional school personnel about their reporting obligations, which may result in children being left at risk of harm.

DETERMINING REASONABLE CAUSE: Requiring professional school personnel to report to the principal/designee is inappropriate if it is intended that the principal/designee shall determine whether a report will be made to law enforcement or Child Protective Services. Having the principal/designee interview the child for the purpose of making this determination is also problematic. State law requires teachers, counselors and other professional school personnel to make a report, or cause a report to be made, to law enforcement or Child Protective Services when they have reasonable cause to believe that a child has been abused or neglected. Policies that place the reporting decision with the school principal/designee are clearly inconsistent with this requirement, and may subject school personnel to criminal liability and loss of the person's teaching or other certificate for failing to report. Further, having the principal/designee interview children about possible abuse or neglect places that person in the role of investigator, which is contrary to the purpose of the mandated reporting law.

The Washington State School Directors' Association (WSSDA) has adopted a model reporting policy and procedure that gives effect to the requirements and intent of the state's reporting law. The model policy provides that:

- Staff are legally responsible for reporting all suspected cases of child abuse and neglect. For that reason, under state law staff are free from liability for reporting instances of abuse or neglect and are criminally liable for failure to do so. Staff need not verify that a child has in fact been abused or neglected. Any conditions or information that may reasonably be related to abuse or neglect should be reported. Legal authorities have the responsibility for investigating each case and taking such action as is appropriate under the circumstances.

The WSSDA model procedure directs staff to contact Child Protective Services or law enforcement immediately when they have reasonable cause to believe that a student has suffered abuse or neglect. Staff are also directed to advise the principal or the nurse of suspected abuse or neglect. Staff who are unsure whether there is reasonable cause to make a report are directed to "discuss the circumstances with an employee of CPS [Child Protective Services] for assistance in determining if a report should be made." The model procedure emphasizes that "Child Protective

⁸ Significantly, 17 of these school districts require that a report be made to law enforcement or child protective services only "if there is a reasonable likelihood of abuse or neglect."

Service has the responsibility of determining the fact of child abuse or neglect. Any doubt about the child's condition shall be resolved in favor of making the report."

PRINCIPAL/DESIGNEE AS REPORTER: Requiring professional school personnel to report to the principal/designee is also of concern if it is intended that the principal/designee shall be the one to make the report to law enforcement or Child Protective Services. Although this policy and practice is technically in compliance with the mandated reporting law, it is better practice to have the report initiated by the school professional who has first hand knowledge. Direct communication from the primary source is more likely to produce a thorough and accurate report than a report from a secondary source. Thorough and accurate reports are more helpful to law enforcement and Child Protective Services investigators.

Concerns

In addition to the foregoing recommendation, OFCO has identified three other issues of concern, which will receive further review and possible investigation in the upcoming year.

- **CONCERN #1:** OFCO received a significant number of complaints during the reporting period involving the inability of both dependent and non-dependent children to access in a timely way appropriate long-term residential mental health services. In the course of investigating these complaints, OFCO learned that the average waiting period for a Children's Long Term Inpatient (CLIP) bed in some regions is three months. In a few cases in which OFCO was involved, children had to wait between six and nine months for services. The inability to access appropriate residential services in a timely manner may place mentally ill youth at risk of serious harm to themselves and others.
- **CONCERN #2:** A pattern of complaints emerged during the reporting period involving the protection of adolescents. A number of complaints received by OFCO involved adolescents who were left in the care of their parent(s) even though they appeared to be at risk of abuse or neglect. In the course of investigating these complaints, OFCO learned that there is a severe shortage of foster placements available for older children. OFCO is concerned that adolescents may sometimes be left in dangerous situations due in part to the lack of available placement resources.
- **CONCERN #3:** OFCO received a significant number of complaints involving the lack of appropriate residential placements available for children that are unable to live at home, and are not appropriate for foster care. Lacking appropriate placement options, DSHS Division of Children and Family Services (DCFS) social workers are often unable to assist families in crisis with a child whose behavior cannot be controlled due to mental health or other issues, and who clearly poses an ongoing risk of harm to themselves and others. Many of these children stay at risk unless and until an appropriate placement can be located. In the course of a complaint investigation, OFCO found that Region 4 DCFS regularly houses "sleepovers" in its central office building in Seattle. Sleepovers in 1998 included children ages 8 to 18 for whom a placement could not be located, or who had been refused or kicked out of a placement.



SECTION 5

COMPLAINT INTERVENTION AND INVESTIGATION SUMMARY

A CENTRAL FUNCTION of the Office of the Family and Children's Ombudsman (OFCO) is to assure that government agencies fulfill their obligations to children and families in an appropriate and timely manner. Because the state's response to children in need of protection and to families who are the subject of allegations or findings of child abuse or neglect is so critical, OFCO dedicates most of its efforts toward activities that result in a state agency's direct and immediate response to their needs. This section provides a summary of OFCO's activities from December 2, 1997 to August 31, 1998. It describes those who initiated contact with OFCO, children affected by an agency's act or omission, the nature of complaints received, and OFCO's efforts to assist children and families through case-specific interventions. It also describes activities associated with OFCO's administrative and systemic investigations.

Initial Contacts

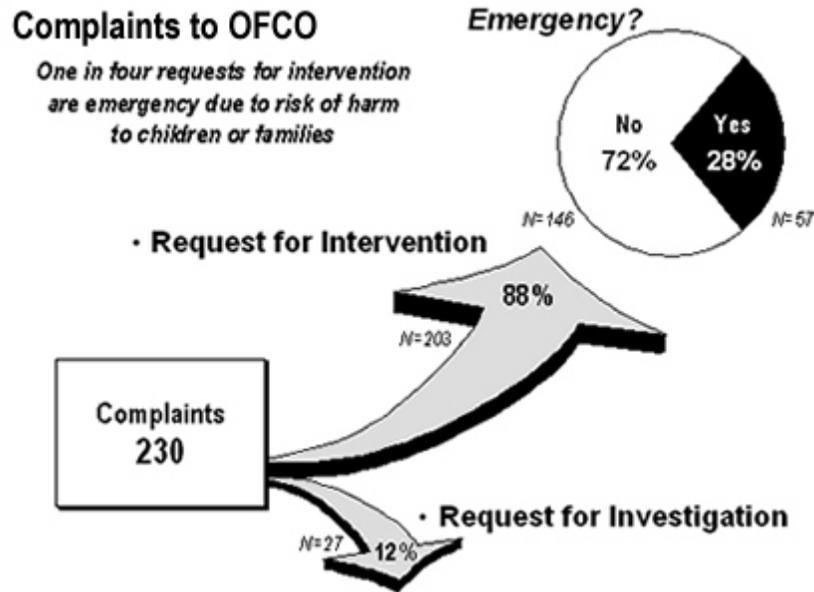
OFCO received 863 contacts during the reporting period. Of these, 67 percent were:

- Requests for information on laws, policies, or procedures affecting children in need of state protection, and families and children involved with the state due to child abuse and neglect issues; and/or
- Requests for OFCO information and complaint forms.

The remaining 33 percent of contacts were either:

- Complaints requesting either an intervention or investigation (27 percent of all contacts); or
- Inquiries or requests for assistance on issues outside OFCO's jurisdiction (6 percent).

OFCO responded directly to inquiries and complaints, and referred all non-related inquiries to other agencies. Complaints arrived at the rate of about 6 per week, a 28 percent increase over the preceding reporting period. These complaints provide the mechanism through which OFCO is able to identify children and families at risk of harm and in need of assistance due to an agency's act or omission, and to pinpoint recurring and systemic problems that adversely affect children and families.



Office of the Family and Children's Ombudsman

April 1999

Complaints

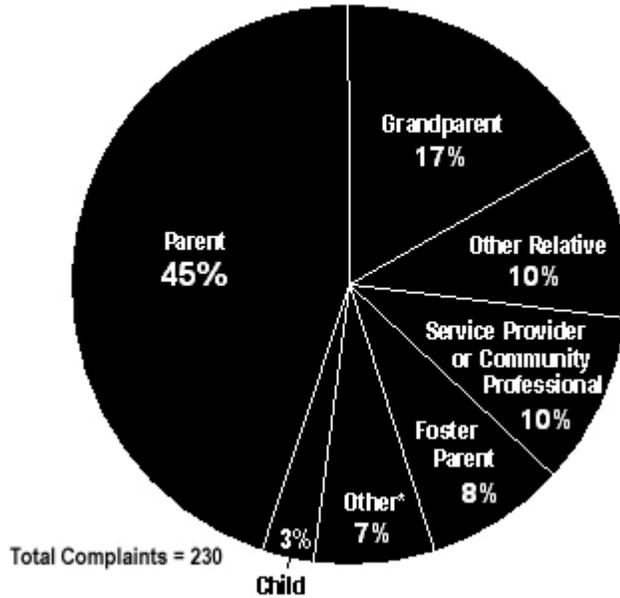
Of the 230 complaints received by OFCO, 88 percent were requests to intervene in an ongoing matter for the purpose of preventing or mitigating harm to a child or family resulting from an agency's alleged act or omission. One-fourth of the requests identified the matter as emergent, and sought OFCO's immediate assistance. The remaining 12 percent of complaints received by OFCO were requests to conduct an administrative investigation of a specific matter, or an investigation of a potential systemic issue.

Source of Complaints

Complaints arriving at OFCO were made mostly by parents (45 percent) who were directly affected by an agency's act or omission, or by grandparents and other relatives (27 percent). Community professionals and service providers accounted for 10 percent of complaints, while foster parents accounted for 8 percent. Complaints were evenly balanced with the state population as a whole; 78 percent of the state's population resides in western Washington, and 76 percent of the contacts were from western regions. The profile of OFCO's clientele is provided in the following tables and charts.

Persons Who Contacted OFCO

December 2, 1997 to August 31, 1998



Office of the Family and Children's Ombudsman

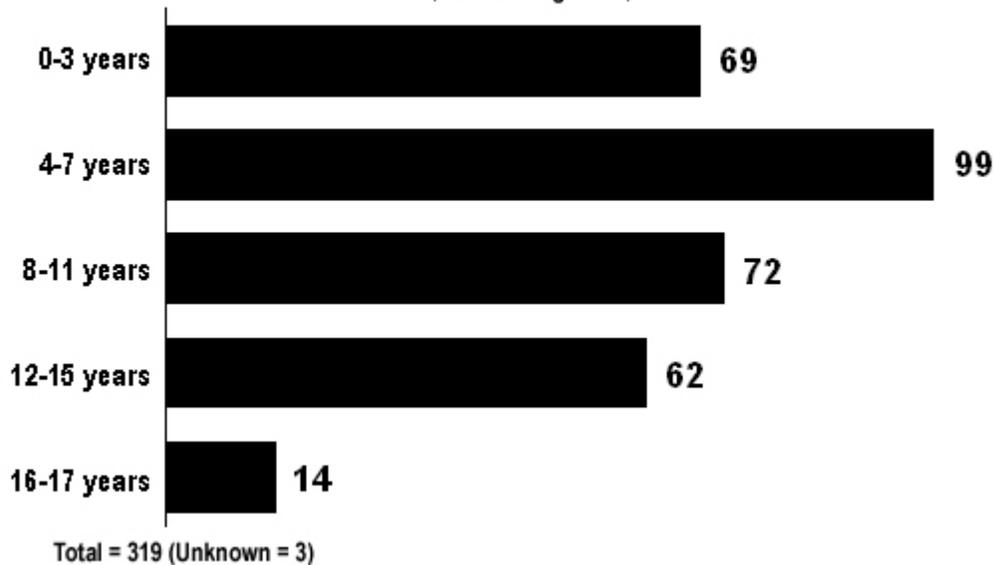
April 1999

Affected Children

Complaints received by OFCO involved 319 children. Children were typically young, over half were age seven or younger. About one child in four was from a racial minority group, and about one child in seven was Hispanic. One in three also had some type of physical, mental, developmental, and/or other disability.

Number of Children by Age Group

December 2, 1997 to August 31, 1998

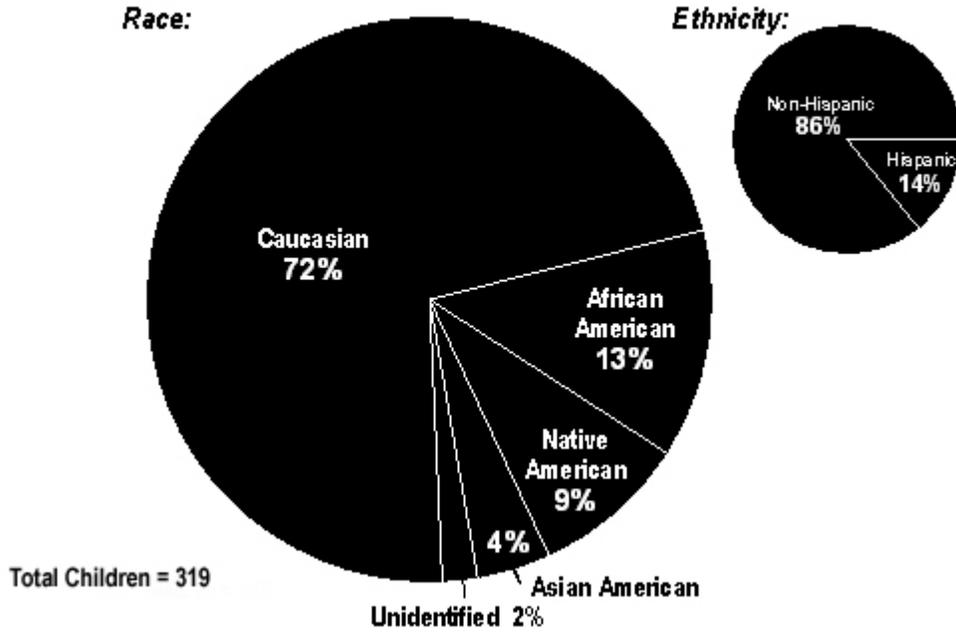


Office of the Family and Children's Ombudsman

April 1999

Race, Ethnicity of Children

December 2, 1997 to August 31, 1998



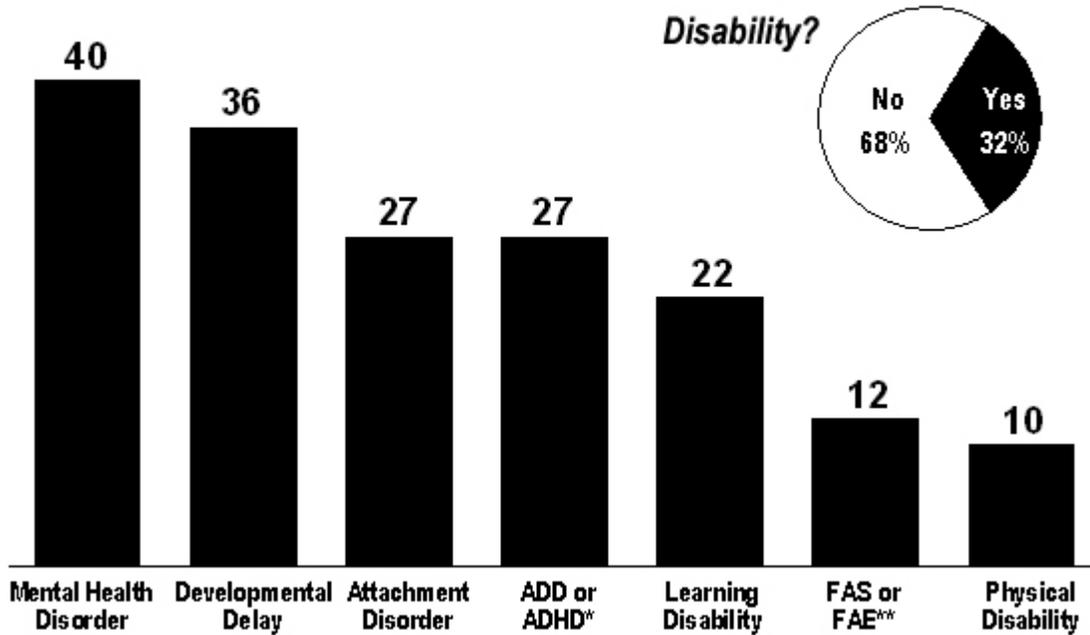
Office of the Family and Children's Ombudsman

April 1999

Types of Disabilities Among Children

Total Children = 319

Total Children with Disabilities = 102 (NOTE: Half of these had multiple disabilities)



Office of the Family and Children's Ombudsman

April 1999

Issues Identified by Complainants

The most frequently identified complaint issue during this period regarded child protection and safety; the next most frequent complaint issue was of unnecessary family separation and failure to reunify, followed by issues relating to children's well-being in foster care.

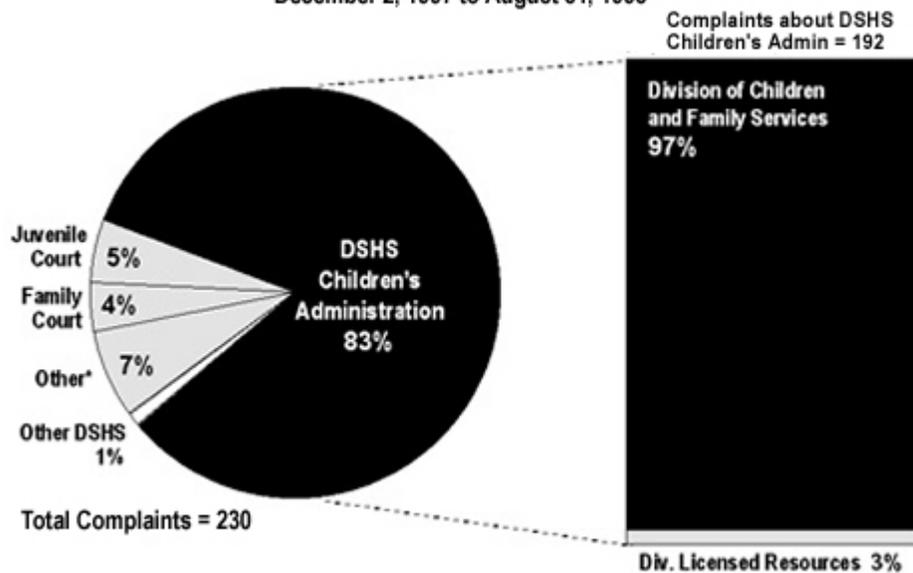
Frequently Identified Issues

Frequently Identified Issues	Number of complaints that raised the issue*
Child Protection and Safety	65
Child in need of protection due to suspected physical abuse	18
Child in need of protection due to suspected neglect	18
Child in need of protection due to suspected sexual abuse	11
Child in need of protection because parent not capable	7
Child in non-relative foster care at risk of abuse or neglect	6
Child safety at risk due to recommendation to return home	5
Family Separation and Reunification	57
Failure to make reasonable efforts to reunify family	19
Child inappropriately removed from parent's care	18
Failure to place child with relative	16
Failure to provide appropriate family-child contact	4
Foster Care Issues	22
Unnecessary or inappropriate change in child's foster placement	18
Failure to provide for child's mental health needs	4
Adoption Issues	14
Relative not considered/recommended to adopt	9
Foster parent not considered/recommended to adopt	5

*Some complaints raised more than one issue.

Children and Family Services Was the Subject of Most Complaints

December 2, 1997 to August 31, 1998



*Includes social service agency, hospital, school, the Attorney General's Office, criminal court, and Tribal Government.

The DSHS Children's Administration was the subject of 83 percent of complaints received by OFCO. Of these, the vast majority, 97 percent, were directed at the Division of Children and Family Services (DCFS,, which includes child Protective Services), while 3 percent were directed at the Division of Licensed Resources (DLR0. The information on the next page shows the distribution of complaints across the state

Children's Administration Complaints by Region, Office

Children's Administration Headquarters 5					
	DCFS	DLR		DCFS	DLR
Region 1	23	2	Region 4	36	0
Regional Office-Spokane	13	2	Kent/King South	12	
Moses Lake	3		Regional Office-Seattle	8	
Newport	3		Bellevue/King Eastside	5	
Colville	2		Seattle Central	4	
Wenatchee	2		Seattle South	4	
			Seattle North	3	
Region 2	20	2	Region 5	39	0
Toppenish	7		Regional Office-Tacoma	26	
Yakima	5	1	Bremerton/Kitsap	13	
Richland/Tri-Cities	4				
Sunnyside	2		Region 6	38	1
Regional Office-Yakima	1	1	Regional Office-Lacey/Olympia	10	1
Walla Walla	1		Vancouver	8	
			Aberdeen	6	
Region 3	26	0	White Salmon	5	
Alderwood/Lynnwood	6		Shelton	4	
Regional Office-Everett	5		Centralia	2	
Oak Harbor	4		South Bend	2	
Bellingham	3		Tumwater	1	
Monroe/Sky Valley	3				
Mount Vernon	2		TOTAL COMPLAINTS	187	5
Arlington/Smokey Point	1				
Everett	1				
Friday Harbor	1				

DCFS = Division of Children and Family Services

DLR = Division of Licensed Resources Office of the Family and Children's Ombudsman April 1999

Office of the Family and Children's Ombudsman

April 1999

DSHS Regions



Interventions

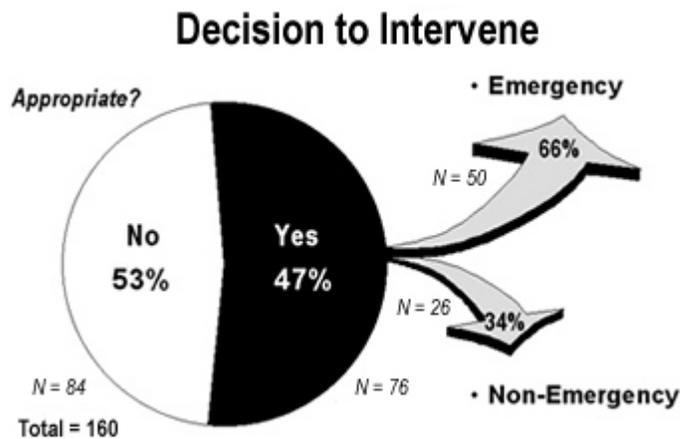
OFCO's decisions to intervene in a matter are grounded in its unique role as an independent voice for children and families. Consistent with this role, OFCO intervenes in matters when, after a preliminary investigation, the office has concluded that an agency's act or omission has clearly placed the interests or well being of a parent or child at risk of harm. Irrespective of the particular outcome sought by the complainant, OFCO's interventions are aimed at preventing or mitigating harm to the child or family.

Preliminary Investigation

Prior to intervening in a matter, OFCO conducts a preliminary investigation of the agency's alleged act or omission to determine whether it: 1) occurred as alleged; 2) constitutes a violation of law, policy or procedure; 3) is unreasonable under the circumstances; and/or 4) has had an adverse impact on a parent or child. OFCO conducts a preliminary investigation of each complaint received. A preliminary investigation generally includes a review both of the materials provided by the complainant and information available on the DSHS automated Case and Management Information System (CAMIS), as well as interviews of the complainant, front-line workers and supervisors, and others as appropriate. It may also include a review of DSHS and/or other agency case files.

Team Review

Team review meetings are held three times each month for the purpose of reviewing new requests and providing updates on matters in which OFCO has intervened. Each new request for an intervention is presented to the team by the lead ombudsman, who also describes the results of his or her preliminary investigation and provides a recommendation on whether and how OFCO should intervene. After the team discusses and evaluates the request, the director ombudsman decides whether and how OFCO will intervene. This decision is informed by team members' diverse expertise, experiences and perspectives.



If not appropriate, reason why:

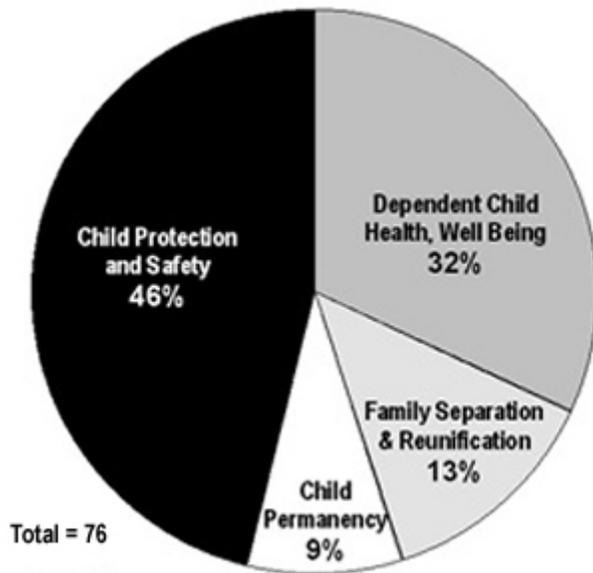
- No clear risk of harm to family or child, 69%
- Follow-up determined issue was outside OFCO jurisdiction, 22%
- Issue resolved, 8%
- Desired outcome unachievable, 1%

Interventions

OFCO intervened in 47 percent of the 160 complaints requesting an intervention that were closed as of September 1, 1998. Of these interventions, 66 percent were conducted on an emergent basis, where there was reason to believe that children or families might be in imminent peril without immediate action. Issues relating to child protection and safety most frequently prompted an intervention, followed by issues relating to the health and well being of children in the state's care.

Issues that Prompted an Intervention

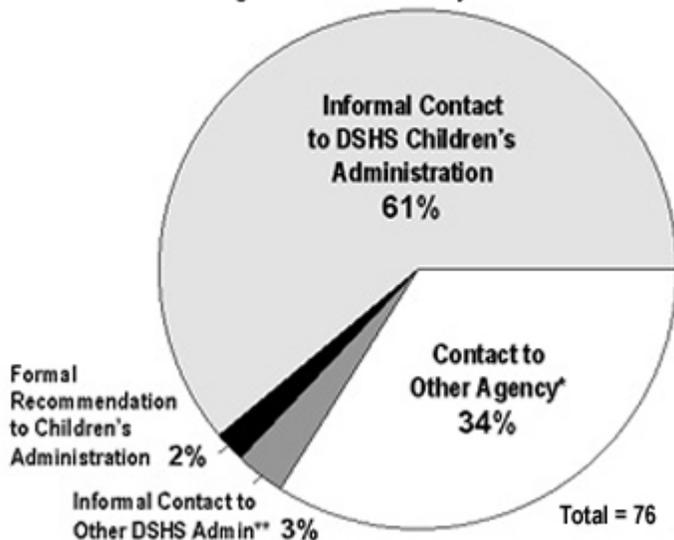
December 2, 1997 to August 31, 1998



- Most of OFCO's interventions consisted of an informal contact with the DSHS Children's Administration.
- In most cases, it was not necessary for OFCO to contact anyone in the administration above the supervisory level.

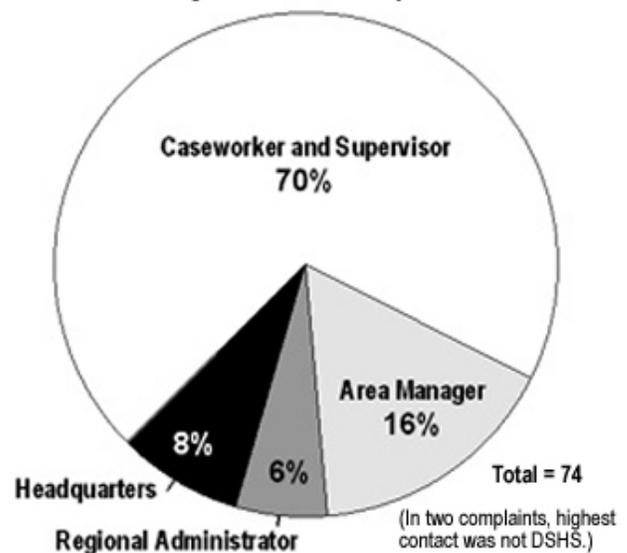
OFCO Intervention Type

Categories are not mutually exclusive



Highest Level of Contact to DSHS Children's Administration

Categories are not mutually exclusive



* Includes court appointed special advocate/guardian ad litem program, the Attorney General's Office, law enforcement agency, hospital, public school, and other social service agency.

** Health and Rehabilitative Services Administration, Juvenile Rehabilitation Administration, Medical Assistance Administration.

Intervention Results

Although OFCO does not have authority to impose its recommendations directly on an agency, OFCO's interventions resulted in an agency changing its position to address OFCO's concerns in 58 percent of the 76 interventions that were completed as of September 1. Well over half of the issues OFCO gets involved in result in changes in an agency's position.

In the 32 instances where the agency did not change its position, OFCO concluded that the agency's initial position was appropriate in 26 cases, and in six complaints the agency's position was consistent with existing law or policy, but the result was nevertheless problematic. Most of these related to the unavailability of an appropriate placement resource.

Intervention Examples

- A 12 year-old girl, who ran away from her father's home alleging that he had abused her, was taken into CPS custody pending disposition. At the hearing to determine if she should be returned to her father's care or to foster care, a CPS worker testified without having interviewed the child and without having read the child's record, which included very recent threats of suicide if returned to her father's care. The court sent the child home and a minister who met with the child called OFCO. Upon investigation, OFCO learned of the recent suicide threats and recommended that a face-to-face interview be conducted. A second hearing was held during which the court was fully informed.
- A professional child therapist called OFCO to advise that a DCFS social worker was in a pattern of inactivity regarding a family whose child was in an in-home dependency. As a result, the child was often unsupervised, had poor hygiene, and the family's most powerful asset (a grandmother) had not been enlisted into the cause. The social worker was not responsive to the therapist's concerns about the child's safety, nor to those expressed by other service providers. OFCO intervened and the social worker agreed to place the child with the grandmother and to arrange a parenting evaluation for the mother.
- A dependent teenager with a serious disability called OFCO to assert that his social worker had inappropriately rebuked him in front of others concerning hygiene issues related to his disability. Lacking confidence that this social worker understood his special needs, the teenager had requested a new social worker, but was denied. Upon investigation, OFCO obtained confirmation of the rebuke from others who were present, and intervened to support the teenager's request. Following the intervention, a new caseworker with greater understanding of the disability was assigned.
- A school counselor called OFCO concerned that several children were at risk of harm, including sexual abuse, in their home. She had made a CPS referral two-and-a-half months earlier, but no action had been taken to protect the children. She had since tried calling the worker on several occasions because she felt the children were still at risk. The worker had not returned any of her several calls, nor would anyone else from the department return her calls. OFCO investigated and learned that there was no open CPS case on the children, nor was there any evidence to indicate that the investigation of the counselor's referral had ever been completed. OFCO found that the case had been mistakenly closed two months earlier after the assigned worker transferred to another unit. Since then, additional referrals on the children had been received, but not acted upon by the department. Upon calling this to the department's attention, the case was reactivated, a worker assigned, and a full investigation was completed, yielding a voluntary service plan designed to address the needs of the family.

- A mother of a seriously troubled older teen called OFCO to say that her son was about to be discharged from an inpatient mental health facility and she was unable to care for him due to his behavior and her illness. DCFS declined to provide a foster home. OFCO investigated and corroborated the situation with the teen’s therapist at the inpatient facility, who emphasized that, while the teen needed to be discharged, he needed the support of an appropriate placement, which his mother could not provide. OFCO called the matter to the attention of the DCFS supervisor, who initially said that DCFS had nothing to offer the family, but eventually agreed to file a new CPS referral. This in time led to a suitable placement for the teen and a cooperative relationship between the department and the family.
- A father of a five year-old girl called OFCO to say that CPS had taken custody of his daughter based on allegations of sexual abuse which he said were prompted by the girl’s mother. He explained that all the allegations had already been dealt with in previous CPS investigations and in the family court custody dispute in which the court awarded custody to him. OFCO investigated and suggested that CPS immediately convene a Child Protective Team (CPT) – a committee of community professionals who review all the evidence and advise CPS on the need for placement of a child or return home. In this case, after reviewing the history, the current situation, and hearing from all parties, the CPT recommended that the child be returned to her father.

Declines

Of the 160 complaints closed during the reporting period, OFCO declined to intervene in 52 percent. Although these complaints did not result in an OFCO intervention, each received a thorough investigation and careful evaluation. (Each complaint in which OFCO declined to intervene received on average almost 3 hours of preliminary investigation and evaluation.) Moreover, information from these complaints, including the subject of the complaint and the issues raised, were entered into OFCO’s automated complaint tracking system to help identify trends and patterns. Where OFCO declined an intervention, it was because OFCO:

- Found insufficient evidence that an agency act or omission had clearly placed a child or parent at risk of harm (69 percent of declined complaints);
- Determined that the issue was outside OFCO jurisdiction (22 percent);
- Found that the issue had been resolved (8 percent);
- Concluded that OFCO could not achieve the requested outcome (1 percent).

Investigations

In addition to intervening in particular matters to prevent or mitigate harmful administrative errors, OFCO conducts administrative and systemic investigations. Administrative investigations are aimed at assessing agency compliance with law, policy or procedure, while systemic investigations are aimed at identifying system-wide problems and recommending solutions. OFCO’s investigations may be commenced upon receipt of a complaint, or upon its own initiative.

Administrative Investigations

Because OFCO dedicates most of its efforts toward direct case intervention, OFCO conducts administrative investigations only when the case clearly involves agency conduct or systemic issues that are chronic and/or seriously harmful to children and parents. As with case-specific interventions, decisions about whether to undertake a case-specific administrative investigation

are made after a preliminary investigation and team review have been conducted. OFCO did not accept any of the 30 requests for an administrative investigation that were closed during the reporting period. OFCO declined to conduct a full-scale investigation of these complaints because OFCO:

- Found insufficient evidence to conclude that the allegations were credible, or that they involved agency conduct or systemic issues that are chronic and/or harmful (67 percent of declined complaints);
- Determined that the complaint was outside OFCO's jurisdiction (20 percent);
- Found that the complaint had been resolved (10 percent);
- Addressed the systemic issues raised in the complaint in OFCO's review of the Wenatchee child sexual abuse investigations (3 percent).

Although OFCO did not undertake any administrative investigations during the reporting period, the office initiated several preliminary investigations that may result in full-scale administrative investigations in the upcoming year.

Systemic Investigations

In light of OFCO's limited resources, it is not possible for the office to investigate all of the potential system-wide issues that adversely affect children and families. Accordingly, OFCO has, with the assistance of its advisory committees, developed criteria for selecting among potential systemic issues. These criteria give priority to issues that appear to have a seriously adverse impact on the safety, well being or permanence of children, and/or their families, and have been:

- Identified as a pattern or trend in the complaints received by OFCO;
- Identified as a problem by another source, but that have not been adequately investigated or addressed, and OFCO's unique features (neutrality, independence, cross-system perspective) would make it effective in addressing the issue; or
- Identified as an "invisible" problem by OFCO because they are not likely to be the subject of complaints to OFCO.

OFCO received only one complaint requesting a systemic investigation. Utilizing the criteria above, OFCO decided to conduct a preliminary investigation of the systemic issue raised in that complaint. In addition, the criteria provided the basis for OFCO's initiation of the following two systemic investigations:

Review of 1994-95 Wenatchee Child Sexual Abuse Investigations

OFCO director, Vickie Wallen, announced on October 23, 1997, that her office would review the involvement of the state Department of Social and Health Services (DSHS), Children's Administration, Division of Children and Family Services (DCFS), in the 1994-95 Wenatchee child sexual abuse investigations. OFCO's review was prompted by a petition received in June 1997, within days after the office became operational. The petition alleged that DSHS social workers had inappropriately assisted law enforcement investigations of child sexual abuse allegations in various ways. An independent review of state social workers' actions was requested.

The Wenatchee Investigations

The Wenatchee child sexual abuse investigations were conducted jointly by local law enforcement officials and DCFS Child Protective Services (CPS) workers. These investigations involved allegations against more than 80 adults, and led to the prosecution of 38 people in 1994 and 1995 in Chelan and Douglas counties.

Many of the cases involved allegations that groups of adults had sexually abused their own and others' children. Ultimately, 25 people were convicted of crimes involving sexual abuse against children. In addition, these investigations led to the temporary or permanent removal of at least 42 children from the care of their parents.

The Wenatchee investigations have been the focus of intense and enduring controversy. Techniques allegedly employed by law enforcement and CPS investigators in eliciting statements from suspects and alleged child victims have come under public criticism, and formed at least part of the basis for state appellate court decisions to reverse or vacate criminal convictions. Law enforcement officials and CPS social workers, however, have consistently maintained that their investigative techniques were appropriate. In July 1998, a civil jury determined that law enforcement and CPS investigators did not violate the civil rights of the children and acquitted defendants who had filed suit.

OFCO's Review

OFCO's review represents the first full-scale independent review of the Wenatchee investigations by a government agency. In early 1996, United States Attorney General Janet Reno declined a request by then-Governor Lowry to undertake a review of the investigations for potential criminal civil rights violations. Reno said her office lacked jurisdiction because the allegations stated that psychological coercion, not actual physical force, had been used by investigators to elicit statements.

After conducting a four-month preliminary investigation into the issues raised in the petition, OFCO announced in October 1997 that it would conduct a targeted review of the Wenatchee cases for the purpose of identifying potential systemic problems with respect to:

1. How CPS social workers conducted themselves in child sexual abuse interviews.
2. How those interviews were documented by CPS social workers.
3. The provision of state-contracted mental health services to possible child sexual abuse victims.

Specifically, OFCO sought to determine whether new or stronger safeguards are needed to protect children who are the subject of investigative interviews, and to ensure that possible child sexual abuse victims are provided with appropriate mental health services.

OFCO's review commenced in April 1998 and concluded in November 1998. During this period, OFCO's investigative team reviewed over 60,000 pages of documents and interviewed over 40 individuals. To assist in understanding the diverse and complex issues presented by the Wenatchee investigations, OFCO convened a multidisciplinary panel of professionals from Washington State and across the country.

Findings and Recommendations

OFCO's findings and recommendations are set forth in a report entitled, *1998 Review of the 1994-95 Wenatchee Child Sexual Abuse Investigations*.¹ In the report, OFCO found that the 1994 and 1995 Wenatchee child sexual abuse investigations present a progression with regard to the kinds of allegations that are made in child sexual abuse cases. Specifically, the investigations present a progression from the types of allegations that are:

- **Common:** Abuse of a child by a single family member or friend, to those that are
- **Less Common:** Abuse of several children by both parents, and/or their friends, to those that are
- **Uncommon:** Organized and systematic abuse of many children by many community members.

Whether the uncommon allegations occurred as alleged, or something went wrong in the child abuse investigative system resulting in factual distortions, could not be determined through OFCO's review. The CPS investigations were not well enough documented to allow the ombudsman's office to ascertain whether the kinds of mistakes that can cause factual distortions occurred. In addition, insurmountable constraints encountered by OFCO investigators during the course of the review made it impossible to establish the underlying facts with a reasonable degree of confidence.

Nonetheless, OFCO's review produced the following findings and recommendations:

Interview Documentation: OFCO found that current law and CPS documentation policies are not sufficient to ensure that interviews are documented in a manner that permits meaningful external review. OFCO recommended that that CPS social workers be required to document interviews in a verbatim or near-verbatim manner that captures which questions are asked, in what order, and the exact answers given to the questions.

Child Interview Techniques: OFCO found that current law and CPS policies do not require that all CPS social workers receive specialized and ongoing training in effective interviewing techniques. Also, state-contracted mental health therapists who evaluate and treat children in state care who are possible victims of sexual abuse are not required to have specialized or on-going training about sexual abuse. OFCO recommended that specialized and on-going training in interviewing techniques be required of all CPS social workers, and that the DSHS Children's Administration study whether state-contracted therapists should be required to have specialized and ongoing sexual abuse training.

Cross Discipline Collaboration: OFCO found that CPS social workers currently collaborate with law enforcement agencies and other disciplines on child abuse investigations without the benefit of specific guidance or formal training on the goals, expectations, and limitations of such collaboration. OFCO recommended that local jurisdictions be required to establish collaborative protocols for various disciplines involved in child abuse investigations, and that joint training opportunities be enhanced for CPS social workers and other professionals.

In addition to these findings and recommendations, OFCO's report includes a description of documented and alleged events in Wenatchee that are illustrative of investigative errors that

¹ The report may be obtained by contacting OFCO, or by accessing OFCO's web page at: www.governor.wa.gov/ofco.

experts agree can increase the possibility of factual distortion. The report was released to Governor Locke, the Legislature, and DSHS officials December 1998.

Guardian ad Litem Representation

OFCO's investigation into the issue of children's representation by guardians ad litem (GAL) was prompted by a pattern of complaints received by the office in which the affected child was reported as having no one to represent him or her in child abuse and neglect proceedings.

Federal Funding Requirements

The federal Child Abuse Prevention and Treatment Act (CAPTA) requires states receiving CAPTA grants to certify that the state has in effect, and is enforcing, a state law that for every case involving an abused or neglected child which results in a judicial proceeding, a GAL be appointed to represent the child. It is the role of the GAL "to obtain first-hand, a clear understanding of the situation and needs of the child, and to make recommendations to the court concerning the best interests of the child." Washington State receives approximately \$1.25 million per biennium in CAPTA grants, and has made the required certification.

State Law

Consistent with CAPTA requirements, Washington law requires the court to appoint a GAL for children who are the subject of a dependency proceeding. However, Washington law also allows the court to decide not to appoint a GAL if it finds for "good cause" that the appointment is unnecessary. Washington State is the only state in the country with a statutory good cause exception.

OFCO's Investigation

OFCO commenced its investigation in July 1998. OFCO investigated the number of children who are not represented by a GAL in child abuse and neglect proceedings by collecting data on the number of children in Washington State who are the subject of such proceedings, and the number that have been appointed a GAL to represent their best interests. The Washington Office of the Administrator for the Courts (OAC) provided OFCO with numerical data in several areas. OAC data were clarified, verified, and augmented in telephone interviews with county officials.

Findings

OFCO's investigation produced the following findings:

- **Children Not Represented by a GAL:** OFCO found that approximately one-third of Washington children who are involved in child abuse and neglect proceedings do not have a GAL to represent their best interests. These children are concentrated in seven Washington counties: Benton, Franklin, Clark, King, Kitsap, Snohomish, and Spokane. Over one-half of the children involved in proceedings in King, Snohomish and Spokane counties did not have a GAL during the one-year time period surveyed by OFCO.
- **Caseload Concerns:** Information obtained during OFCO's survey of county officials indicates that children in three counties are served by professional GALs with extremely high caseloads. In Pierce County, each professional GAL represents about 140 children at one time, while Spokane County reports that at least one professional GAL has a caseload of about 90 children. Yakima County reports that the single, full-time professional GAL represents about 400 children, while a half-time professional represents about 150 children.

Recommendation

Based on these findings, OFCO made three recommendations:

- **Increase the Number of GALs:** OFCO recommended that the number of GALs be increased to a level that is sufficient to ensure appointment for all children who are involved in child abuse and neglect proceedings. OFCO also recommended that state policy makers consider appropriating funds to establish or expand GAL programs involving trained volunteers.
- **Delete the Good Cause Exception:** OFCO recommended that the statutory exception to the state mandate to appoint a GAL be deleted. This will make clear that it is the state's policy that a GAL be appointed to represent the best interests of every child who is the subject of a child abuse and neglect proceeding.
- **Review Caseloads:** OFCO recommended that county officials in Pierce, Spokane and Yakima counties review and take appropriate steps to reduce the caseloads of professional GALs in their jurisdictions. OFCO also recommended that the caseloads of professional and attorney GALs in other jurisdictions be reviewed for this purpose.

These findings and recommendations are set forth in OFCO's *Report on Guardian ad Litem Representation of Children in Child Abuse and Neglect Proceedings*.² The report was released to Governor Gary Locke, the Legislature, and superior court officials in January 1999.

² The report may be obtained by contacting OFCO, or by accessing OFCO's web page at: www.governor.wa.gov/ofco.

APPENDIX A

Role of Legislative Children's Oversight Committee

The Legislative Children's Oversight Committee was established at the same time as OFCO and serves as an administrative oversight committee for the purpose of monitoring OFCO's activities.¹ In fulfilling this function, the Oversight Committee reviews the actions, reports, recommendations, and budget of OFCO. the Ombudsman Office.

The Oversight Committee has the following statutory powers:

- Select Committee officers and adopt rules for orderly procedure;
- Request investigations by the ombudsman of administrative acts;²
- Receive reports of the ombudsman;
- Obtain access to all relevant records in the possession of the ombudsman, except as prohibited by law;
- Make recommendations to all branches of government;
- Request legislation;
- Conduct hearings into such matters as it deems necessary.

The Oversight Committee consists of three senators and three representatives. The following legislators served on the 1998 Oversight Committee:

Representative Suzette Cooke, Chair – 47th District

Representative Marc Boldt – 17th District

Representative Kip Tokuda – 37th District

Senator Jeanine Long – 44th District

Senator Joseph Zarelli – 18th District

Senator Jim Hargrove – 24th District

¹ Codified at RCW 44.04.220.

² Such requests are subject to the same OFCO decision-making criteria set forth on Section 5, Complaint Intervention and Investigation Summary.

APPENDIX B

Press Clippings Sources

- "DSHS begins getting house in order", Seattle Post-Intelligencer, Friday, January 23, 1998.
- "Ombudsman suggests improvements for DSHS", The Tacoma News Tribune, January 23, 1998.
- "State ombudsman for families, children outlines role", Seattle Post-Intelligencer, Sunday, March 22, 1998.
- Social workers to inform, not just investigate, Spokesman-Review, Saturday, July 18, 1998.
- "Sloppy sex-abuse work", The Seattle Times, Saturday, December 26, 1998.
- "Adopt these changes as Wenatchee legacy", Seattle Post-Intelligencer, January 3, 1999.
- "Senate plans new laws in wake of Wenatchee sex-ring report", Post-Intelligencer, January 13, 1999.
- "Volunteers can't fill void for abused kids", The Seattle Times, Friday, January 29, 1999.

APPENDIX C

Washington State School Directors' Association Model Policy

Policy No. 3421
Students

Child Abuse and Neglect Prevention¹

Child abuse and neglect are both a violation of children's human rights and an obstacle to their educational development. The board directs that staff shall be alert for any evidence of such abuse or neglect. For purposes of this policy, "child abuse or neglect" shall mean:

- A. First or second degree custodial interference;
- B. malicious harassment;
- C. child molestation;
- D. sexual misconduct with a minor;
- E. rape of a child;
- F. patronizing a juvenile prostitute;
- G. child abandonment;
- H. promoting pornography;
- I. selling or distributing erotic material to a minor;
- J. custodial assault;
- K. violation of child abuse restraining order;
- L. child buying or selling;
- M. prostitution;

N. or any of these crimes as they may be renamed in the future by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, and that child has been injured, sexually abused, sexually exploited, negligently treated or maltreated. Child abuse can include abuse by another minor and so may be included in incidents of student misconduct.

When feasible, the district will provide community education programs for prospective parents, foster parents and adoptive parents on parenting skills and on the problems of child abuse and methods to avoid child abuse situations. The district shall also encourage staff to participate in in-service programs that deal with the issues surrounding child abuse.

The superintendent shall develop reporting procedures, including sample indicators of abuse and neglect, and shall disseminate the procedures to all staff. The purpose is to identify and report as soon as possible to the proper authorities all evidence of child abuse or neglect.

¹ OFCO Note: The WSSDA definition of child abuse or neglect is being revised to make it consistent with state law.

Professional staff are legally responsible for reporting all suspected cases of child abuse and neglect, and all staff are required to by the district. Under state law staff are free from liability for reporting instances of abuse or neglect and professional staff are criminally liable for failure to do so.

Staff need not verify that a child has in fact been abused or neglected. Any conditions or information that may reasonably be related to abuse or neglect should be reported. Legal authorities have the responsibility for investigating each case and taking such action as is appropriate under the circumstances.

Cross References:	Board Policy 4411	Relations with the Law Enforcement and Child Protective Agencies
Legal References:	RCW 13.34.300	Failure to cause juvenile to attend school as evidence under neglect petition
	26.44.020	Child abuse--Definitions
	26.44.030	Reports--Duty and authority to make--Duty of receiving agency
	26.44.070	Central registry of reported cases of child abuse
	28A.620.010	Community education provisions-- Purposes
	28A.620.020	Community education provisions-- Restrictions
	43.43.830(6)	Background checks--Access to children or vulnerable persons
AGO 1987, No. 9	Children -- Child Abuse -- Reporting by School Officials -- Alleged Abuse by Student	

Adoption Date: 101498
School District Name

Washington State School Directors' Association Model Procedure

Procedure 3421P

Child Abuse and Neglect Prevention

Each school principal shall develop and implement an instructional program that will teach students:

- A. how to recognize the factors that may cause people to abuse others;
- B. how one may protect oneself from incurring abuse; and,
- C. what resources are available to assist an individual who does or may encounter an abuse situation.

To facilitate such a program, staff development activities may include such topics as:

- Child growth and development
- Identification of child abuse and neglect
- Effects of child abuse and neglect on child growth and development
- Personal safety as it relates to potential child abuse and neglect
- Parenting skills
- Life situations/stressors which may lead to child maltreatment
- Substance abuse

Reporting Responsibilities

Staff are expected to report every instance of suspected child abuse or neglect. Since protection of children is the paramount concern, staff should discuss any suspected evidence with the principal or nurse regardless of whether the condition is listed among the indicators of abuse or neglect.

Staff are reminded of their obligation as district employees to report suspected child abuse, and professional staff are reminded of their legal obligation to make such reports. Staff are also reminded of their immunity from potential liability for doing so. The following procedures are to be used in reporting instances of suspected child abuse:

- A. When there is reasonable cause to believe that a student has suffered abuse or neglect, staff shall immediately contact the nearest office of the child protective services (CPS) of the department of social and health services (DSHS). If this agency cannot be reached, the report shall be submitted to the police, sheriff, or prosecutor's office. Such contact must be made within forty-eight (48) hours. Staff shall also advise the principal regarding instances of suspected abuse or neglect and reports of suspected abuse that have been made to state authorities or law enforcement. In his/her absence the report shall be made to the nurse or counselor.

A staff member may wish to discuss the circumstances with an employee of CPS for assistance in determining if a report should be made. The Child Protective Service has the responsibility of determining the fact of child abuse or neglect. Any doubt about the child's condition shall be resolved in favor of making the report.

B. A written report shall be submitted promptly to the agency to which the phone report was made. The report shall include:

1. the name, address and age of the child;
2. the name and address of the parent or person having custody of the child;
3. the nature and extent of the suspected abuse or neglect;
4. any evidence of previous abuse or any other information that may relate to the cause or extent of the abuse or neglect; and
5. the identity, if known, of the person accused of inflicting the abuse.

Abuse Indicators

Physical abuse indicators:

- A. Bilateral bruises, extensive bruises, bruises of different ages, patterns of bruises caused by a particular instrument (belt buckle, wire, straight edge, coat hanger, etc.).
- B. Burn patterns consistent with forced immersion in a hot liquid (a distinct boundary line where the burn stops), burn patterns consistent with a spattering by hot liquids, patterns caused by a particular kind of implement (electric iron, etc.) or instrument (circular cigarette burns, etc.).
- C. Lacerations, welts, abrasions.
- D. Injuries inconsistent with information offered by the child.
- E. Injuries inconsistent with the child's age.
- F. Injuries that regularly appear after absence or vacation.

Emotional Abuse Indicators:

- A. Lags in physical development.
- B. Extreme behavior disorder.
- C. Fearfulness of adults or authority figures.
- D. Revelations of highly inappropriate adult behavior, i.e., being enclosed in a dark closet, forced to drink or eat inedible items.

Sexual Abuse Indicators:

Sexual abuse, whether physical injuries are sustained or not, is any act or acts involving sexual molestation or exploitation, including but not limited to incest, rape, carnal knowledge, sodomy or unnatural or perverted sexual practices. Indicators include:

- A. Child having difficulty sitting down.
- B. Child refusing to change into gym clothes (when he/she has been willing to change clothes in the past).
- C. Venereal disease in a child of any age.
- D. Evidence of physical trauma or bleeding to the oral, genital or anal areas.
- E. Child running away from home and not giving any specific complaint about what is wrong at home.
- F. Pregnancy at 11 or 12 with no history of peer socialization.

Neglect Indicators

Physical Neglect Indicators:

- A. Lack of basic needs (food, clothing, shelter).
- B. Inadequate supervision (unattended).
- C. Lack of essential health care and high incidence of illness.
- D. Poor hygiene on a regular basis.
- E. Inappropriate clothing in inclement weather.
- F. Abandonment.

Some Behavioral Indicators of Abuse:

- A. Wary of adult contact.
- B. Frightened of parents.
- C. Afraid to go home.
- D. Habitually truant or late to school.
- E. Arrives at school early and remains after school later than other students.
- F. Wary of physical contact by adults.
- G. Shows evidence of overall poor care.
- H. Parents describe child as "difficult" or "bad".
- I. Inappropriately dressed for the weather -- no coat or shoes in cold weather or long sleeves and high necklines in hot weather (possibly hiding marks of abuse).
- J. Exhibit behavioral extremes: crying often or never, unusually aggressive or withdrawn and fearful.

NOTE: Behavioral indicators in and of themselves do not prove abuse has occurred. Together with other indicators they may warrant a referral.

Child abuse as defined by the statutes can be inflicted "by any person" and may include student-on-student abuse. These cases also require reporting to CPS, DSHS or law enforcement. Child abuse in this and all other cases requires two elements. First, there must be injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment. Second, there must be harm to the child's health, welfare or safety.

Date: 10/15/98

APPENDIX D

OFCO Survey Participants

Counties	Districts Surveyed	Districts Responding
Adams	Othello	Othello
Asotin	Asotin-Anatone, Clarkston	Clarkston
Benton	Richland	Richland
Chelan	Cascade	Cascade
Clallam	Port Angeles, Quillayute Valley, Sequim	Port Angeles, Sequim
Clark	Camas, Evergreen 114, Ridgefield, Vancouver	Camas, Evergreen 114, Ridgefield, Vancouver
Columbia	Dayton	Dayton
Cowlitz	Kelso, Longview	Kelso, Longview
Douglas	Eastmont	Eastmont
Ferry	Curlew, Inchelium, Keller, Republic	Inchelium, ¹ Keller, Republic
Franklin	North Franklin, Pasco	Pasco
Garfield	Pomeroy	Pomeroy
Grant	Grand Coulee Dam, Moses Lake, Quincy, Royal, Soap Lake, Wahluke, Wilson Creek	Grand Coulee Dam, Moses Lake, Quincy, Royal, Wilson Creek
Grays Harbor	Aberdeen, Elma, Hoquiam, Montesano, North Beach, Quinalt Lake, Taholah, Wishkah Valley	Aberdeen, Elma, Wishkah Valley
Island	Oak Harbor	Oak Harbor
Jefferson	Brinnon, Chimacum, Port Townsend, Quilcene	Chimacum, Port Townsend, Quilcene
King	Bellevue, Highline, Kent, Lake Washington, Mercer Island, Renton, Seattle, Shoreline, Skykomish, Snoqualmie Valley, Vashon Island	Bellevue, Highline Lake Washington, Mercer Island, Renton, Seattle, Shoreline, Snoqualmie Valley, Vashon Island
Kitsap	Central Kitsap, South Kitsap	Central Kitsap, South Kitsap
Kittitas	Cle Elum-Roslyn, Easton, Ellensburg, Kittitas	Cle Elum-Roslyn, Ellensburg, Kittitas
Klickitat	Goldendale	Goldendale
Lewis	Morton, Mossyrock, Napavine, Onalaska, White Pass, Winlock	Napavine, Onalaska
Lincoln	Davenport, Harrington, Odessa, Reardan-Edwall, Wilbur	Davenport, Harrington, Odessa
Mason	Grapeview, Hood Canal, Mary M. Knight	Mary M. Knight
Okanogan	Brewster, Nespelem, Omak	Nespelem
Pacific	Naselle-Grays River Valley, Raymond, South Bend	Raymond, South Bend
Pend Oreille	Cusick	Cusick
Pierce	Bethel, Clover Park, Dieringer, Eatonville, Fife, Franklin Pierce, Peninsula, Tacoma, White River	Bethel, Clover Park, Eatonville, Fife, Franklin Pierce, Peninsula, Tacoma, White River
San Juan	San Juan Island	San Juan Island

¹ Has not adopted written policies or procedures for reporting child abuse and neglect.

Skagit	Anacortes, Burlington-Edison, Concrete	Anacortes, Burlington-Edison, Concrete
Skamania	Mill A, Skamania, Stevenson-Carson	Skamania, Stevenson-Carson
Snohomish	Arlington, Edmonds, Everett, Granite Falls, Lake Stevens, Lakewood, Monroe	Arlington, Edmonds, Everett, Lake Stevens, Monroe
Spokane	Central Valley, Cheney, Spokane, West Valley 363	Spokane, West Valley 363
Stevens	Colville, Kettle Falls	Colville, Kettle Falls
Thurston	North Thurston, Olympia, Rochester, Tumwater	Olympia, Rochester, Tumwater
Wahkiakum	Wahkiakum	Wahkiakum
Walla Walla	Walla Walla	Walla Walla
Whatcom	Bellingham, Ferndale, Mt. Baker	Bellingham, Ferndale, Mt. Baker
Whitman	Oakesdale, Rosalia	Oakesdale
Yakima	East Valley 90, Mt. Adams, Naches Valley, Selah, Sunnyside, Wapato, West Valley 208, Yakima	East Valley 90, Mt. Adams, Naches Valley, Selah, Sunnyside, Wapato, West Valley 208, Yakima
TOTAL	130	96

APPENDIX E

Role of OFCO Advisory Committees

OFCO's Western Washington and Central and Eastern Washington Advisory Committees are made up of diverse individuals with expertise and/or direct experience in child protection and welfare issues. Committee members attend quarterly meetings for which they receive no state reimbursement for their time or travel expenses. Committee members play several important roles. First, they serve as liaisons between OFCO and their geographical, racial, ethnic and/or professional communities. In this role, they provide OFCO with continuous input on community needs, expectations and criteria for success. They also assist in broadening awareness of OFCO in their communities and provide feedback on community perceptions of OFCO. Second, the committees serve as an information resource on broad issues of interest to OFCO. Finally, they provide input and feedback on OFCO's organizational vision and goals. OFCO does not consult with advisory committee members on specific cases or issues under investigation. Meetings of OFCO's advisory committees are open to the public.

Western Washington Advisory Committee

Peter Berliner is the executive director of The Children's Alliance, a statewide children's policy advocacy organization. He also serves on the boards of the Seattle Youth Involvement Network and the National Association of Child Advocates. Prior to joining the staff of the Children's Alliance, Peter was the executive director of Youth Eastside Services in Bellevue.

Shirley Caldwell is a senior clinical consultant and trainer with Therapeutic Health Services in Seattle. Prior to her current position, she served as clinical director and supervisor at Central Area Mental Health. From 1975 through 1990, she was the senior social worker for Children's Hospital and Medical Center at the Odessa Brown Children's Clinic, where she specialized in special needs issues for families of color. Shirley was the 1995 recipient of the Governor's Child Abuse Prevention Award.

Seth Dawson is the governmental affairs liaison for Compass Health. He also serves as president of the board of trustees for the Snohomish County YMCA and as a member of the Snohomish County Children's Commission. Seth formerly served as the executive director of Deaconess Children's Services in Everett. Prior to joining Deaconess, Seth served as the Prosecuting Attorney for Snohomish County from 1983 to 1994.

Kikora Dorsey is the executive director of the Washington Council for Prevention of Child Abuse and Neglect (WPCAAN). She also serves on the board of directors of the National Black Child Development Institute in Washington, D.C. Prior to her position with WPCAAN, Kikora served as the Region 4 administrator for the DSHS Division of Children and Family Services (DCFS) from 1994 to 1997. She was recently recognized as an Outstanding Advocate for Children by the Children's Alliance and the Minority Executive Director's Coalition.

Christine Evans is a family resource coordinator for the Seattle-King County Public Health Center, where she assists families who have young children with special needs. She is a member of the King County Parents Coalition and the parent of two children with special needs, including a child who is in a voluntary dependency. Christine lives in Renton.

Lori Garvin is the founder of Parents Coping With CPS, an advocacy and support group for parents involved with Child Protective Services. Her group includes members from Pierce, King, Snohomish and Kitsap counties. In addition, Lori was a member of the 1996 CPS Symposium Work Group, a group convened to make recommendations to state policy makers on CPS issues. Lori lives in Tacoma.

Patrick Gogerty is the former executive director of Childhaven, a therapeutic childcare agency that serves abused and neglected children. Pat has recently retired from Childhaven after having served as executive director from 1975 to 1998.

Jack Hill is the director of the Pierce County Department of Assigned Counsel, which provides mandated legal services to indigent parents involved in juvenile court dependency and termination proceedings. He also serves on the Sexual Offender Treatment Provider Advisory Committee and was a member of the 1996 CPS Symposium Work Group.

Marie Jamieson is the director of the Washington Families for Kids (FFK) Initiative, a public-private-tribal partnership that seeks to reform the state's foster and adoptive care system. Prior to her work for FFK, Marie was the northwest area director for Lutheran Social Services of Washington and Idaho from 1988 to 1995. The FFK Initiative is based at Children's Home Society in Seattle.

Karil Klingbeil is the director of social work at Harborview Medical Center in Seattle. She is also an associate professor at the University of Washington's School of Social Work and a board member of Childhaven. Karil has presented and written extensively on family violence issues.

Robert Lipke is the director of the Lummi Nation Child Protection Project in Bellingham. In this position, he acts as liaison to organizations and institutions that work in the area of Indian Child Welfare.

Lorna Mike is the chairperson of the Lower Elwah Klallam Tribe in Port Angeles.

Elizabeth Mueller is the Social Services director for the Jamestown S'Klallam Tribe in Sequim. In this position, she oversees all of the tribe's social services and activities. Elizabeth also serves as the chair of the DSHS Indian Policy Advisory Committee (IPAC).

John Neff, M.D., is the director of the Center for Children with Special Needs and Chronic Health Conditions at Children's Hospital and Regional Medical Center in Seattle.

Gary Preble is a private attorney in Olympia whose practice includes representation of parents who are involved with child protective services. Gary has served on the Rules and Procedures Committee of the Washington State Bar Association, and has also served on the CPS Symposium Work Group and Governor Booth Gardner's Task Force on Foster Care.

Linda Selsor is the director of the Seattle/North King County Family Center for Catholic Community Services of King County. Prior to her current position, Linda worked for Children's Home Society as a managed care manager, the western region finance manager, and as the northwest region director of planning and operations.

Gwendolyn Townsend is executive director of One Church, One Child of Washington State. She also serves as vice-president of the Foster Parents Association of Washington State (FPAWS) and as a board member of the Pediatric Interim Care Center. Gwendolyn was selected as Washington State Mother of the Year for 1997.

Louise Vecchio serves as a volunteer guardian ad litem (GAL) for Snohomish County Superior Court. Having served as a volunteer since 1991, Louise is an experienced GAL who provides training to new volunteers and also serves as a mentor.

Central and Eastern Washington Advisory Committee

Greg Casey is a private attorney in Spokane whose practice includes representation of families who are involved in with child protective services. Greg is former president and special counsel for Western Center for Law and Religious Freedom.

Michelle Cutlip is the program coordinator for the Whitman County Court-Appointed Special Advocates (CASA) program in Colfax. Michelle has served in this position for four years. Prior to working with CASA, Michelle worked at Ogden Hall, a shelter for women and children.

Carlos Diaz is the executive director of the Washington State Migrant Council in Sunnyside. The Migrant Council is a non-profit organization that provides services for migrant farm workers and their families.

Judy Hutton is a registered nurse and public health nurse with the Northeast Tri-County Health District. She currently serves as the nursing supervisor in the Ferry County office in Republic. In this position, Judy works with families who are involved with child protective services, as well as with children with special health care needs.

Clara Jimenez is a member of the Toppenish City Council. She also works as a migrant coordinator and educator for the Yakima school district, and serves as an adjunct professor at Heritage College.

Susan Mason is a mental health planner for Walla Walla County Department of Human Services. In this position, Susan assists in developing and coordinating the county's mental health services. She performs these same duties for the county's Birth to Three program which serves infants and toddlers with developmental delays or disabilities.

Senator John Moyer is the former state senator from Washington's Third District. Since leaving the legislature in 1996, Senator Moyer has continued working as an obstetrician in Spokane. While in the legislature, Senator Moyer served on the Human Services and Corrections Committee and on the Health and Long-Term Care Committee.

Patty Orona is a foster parent who lives in Kennewick. She has been a foster parent for 17 years. Patty serves on the board of directors for the Foster Parents Association of Washington State (FPAWS) and also conducts training for foster parents. For over 18 years, Patty has provided direct services to families with special needs children through the DSHS Division of Developmental Disabilities.

Shannon Selland is a childcare provider in Spokane. She also serves as the public policy chair for the Eastern Washington Family Child Care Association and for the Washington Association for the Education of Young Children.

Mary Ann Warren is the manager of the resource and referral program for Catholic Family and Child Service in Wenatchee. In this position, she works closely with child care providers, families and the community to promote the availability of quality child care. Mary Ann also served as president of the Washington State Child Care Resource and Referral Network.