Department of Social and Health Services
Children's Administration
Response To Office of Family and Children's Ombudsman's (OFCO) Report: "Crisis in Confidence in Child Welfare System in Colville"
June 29, 2009

OFCO Recommendations	CA Response and Implementation Plan
1. Require the Division of Children and Family Services (DCFS) to provide Child Protection Team (CPT) members with source documentation from service providers on cases subject to consultation and provide legal basis for withholding information if it is not being shared.	CA is seeking clarification regarding confidentiality and what information cannot be shared with CPT members that have signed confidentiality agreements. The Colville office has taken the following actions in regards to CPTs. • Colville DCFS staff was provided CPT training which included clarification of roles and responsibilities. • Colville DCFS is actively recruiting new CPT members specifically within the medical community. On May 22, 2009 the area administrator recruited a physician from North East Washington Medical Group who has committed to return to the CPT in September 2009. • Prior to February 2008 a DCFS staff member was facilitating the north county CPT and case plans were developed prior to the CPT. In February 2008, a community member began facilitating the CPT and case plans were generated within the CPT meeting itself. This community member recently resigned to take another position outside the area. An existing CPT community member is currently temporarily facilitating the CPT meetings. A community professional was recruited to be the CPT facilitator and is currently receiving training to assume the CPT facilitator role in September 2009. • The regional CPT coordinator will provide an ongoing review of the CPT process and audit CPT volunteer records for completeness. Ongoing training will be provided to staff and CPT members. • In May 2009, DCFS social workers began bringing case files to CPT meetings to respond to questions needing further clarification.

	• DCFS social workers will have up to date release of information documents signed by all parties, as necessary, to allow for sharing of information vital to decision making.
2. The Attorney General's Office (AGO) should collaborate with the defense bar and statewide CASA program to conduct improved and ongoing training of DCFS on confidentiality requirements under the law as they relate to dependency process. Encourage DCFS workers and supervisors to staff issues of confidentiality with AGO if uncertain whether information may be shared.	• The Colville area administrator requested the AGO provide training to social workers on confidentiality requirements. The area administrator has also requested training from the AGO regarding the preparation of court reports, providing court testimony and discovery. It is anticipated that the training will occur in July or August 2009. • An assistant attorney general is assuming half time legal representation responsibility for Stevens County beginning June 8, 2009. Colville staff will consult with the assistant attorney general when there are issues of confidentiality in question.
3. Colville demands full-time local leadership to address problems. Require DCFS to appoint a full-time area administrator.	• The DCFS area administrator was assigned to Colville DCFS full time as of May 18, 2009.
4. Establish weighted case loads for DCFS caseworkers to account for long distances traveled in rural areas.	To alleviate high caseload size two additional social workers have been hired. On June 15, 2009, one new social worker was assigned to the Child and Family Welfare Services (CFWS) unit and on June 1, 2009 the other new social worker was assigned to Child Protective Services (CPS) unit. Additionally, an after hours social worker position has been filled to provide after hours coverage for Stevens and Ferry counties. *Note: Workload studies completed in this state show that rural areas do not experience significantly increased workloads because of distances traveled. The time taken to cover distances in rural counties is comparable to the time taken to move through traffic in more urban areas.*
5. DCFS adhere faithfully to notice requirements, ensure parents are represented by an attorney, treat families with dignity and respect even when it may take more time to do so, and	• Colville and Ferry county staff have completed Solution Based Casework (SBC) training. A SBC consultant is providing additional training to individual units in the offices and will work with individual DCFS staff beginning in September 2009. • The Family to Family program components are being expanded and include

address parents' concerns by communicating with them in a clear, compassionate manner.	Family Team Decision meetings. • The area administrator and supervisors will respond to and track complaints from the community to continue to assess for problems and address concerns as they arise. This incorporates contacts with CA Constituent Relations staff. • The Office of the Public Defense (OPD) has employed a half time social worker to assist parents in understanding the dependency and family court process. Parents are provided with verbal and written instructions by OPD staff at the shelter care hearing on how to obtain a court appointed attorney to represent them in the court process. Parents are also provided this information by their assigned CA social worker.
6. DCFS must communicate clearly and consistently with parents and providers not only the services which are court ordered, but the concerns which they are designed to address.	The Colville office has been working on improved communication with parents and community providers by: • Expanding the Family to Family program that includes FTDMs. • Holding shared planning meetings. • Participating in settlement meetings (aka pre-hearing conference) prior to scheduled hearings, facilitated by the AAG and OPD. Parents, social workers, CASA and attorneys attend the meeting to address proposed case plans and court ordered services. • Receiving Solution Based Casework training and applying SBC practices that with families that clearly connect services with safety threats and risk identified during assessment. During Family Team Decision meetings (FTDM) DCFS staff communicate the reason(s) why the family is involved with DCFS and develop a plan, collaboratively with the child's parents, relatives and other FTDM participants to address child safety issues. The OPD has employed a half time social worker to assist parents in understanding the dependency and court process. Parents are provided with instruction on how to obtain a court appointed attorney to represent them in the court process at the shelter care hearing. Parents are provided copies of their Individual Service and Safety Plan.
7. The judiciary and parties must ensure	DCFS social workers will continue to collaborate with parents to address child

that services ordered are specifically designed to address the parental deficiencies which led to the need for removal of the child from the home.	safety issues and to develop a case plan with applicable services that best meet the specific child safety and welfare needs within a family. This is a major focus of the Solution Based Casework training and ongoing case consultation that is occurring within the Colville office at this time. Regional management will work with the Colville office, judiciary and community partners to assess their county's service needs and gaps to address the specific needs of children and families within their community and extended communities. See response to number 23.
8. Provide resources to increase judicial officers, attorneys, and CASAs so that an added perspective can be brought to dependency and termination cases, cases can be heard on a timely basis and contested issues can be more effectively addressed. Also ensure that sufficient resources are available to allow parents to engage in services without delay.	CA supports the recommendation to increase resources (i.e., judicial officers, CASAs, attorneys, etc.) to improve service delivery to children and families. We agree that there is a delay for child permanency due to contested issues or hearings. CA also agrees that ideally, all communities should have sufficient resources available to allow parents to engage in services without delay. However, this recommendation requires CA and other child welfare partners to work collaboratively to identify service needs and gaps in order to develop readily available, pertinent and sustainable services. The department will continue to work with other community partners to address this recommendation.
9. Provide ongoing training to DCFS workers and supervisors, including at Academy, and to CASA on respective roles, rights, and responsibilities of parties and other stakeholders to a dependency.	The Colville area administrator: • Had all program consultants (CPS, CFWS, Behavioral Rehabilitation Services, Independent Living Services, Family Reconciliation Services and Adoptions) conducted training in the Colville office regarding their authority, roles and responsibilities beginning in October 2007. When policy changes or there is a need, the program consultants conduct applicable training in the office. • Arranged for team building and "Lessons Learned" training by CA headquarters staff on June 29-30, 2009 for DCFS staff. • Consults with regional program administrator regarding complex and difficult child welfare cases routinely. • Since May 2009 is meeting weekly with the CASA supervisor to expand communication, build relationships and address any ongoing concerns.

	• Has also contacted the director of Washington State CASA to seek clarification regarding the CASA's role and pertinent policies. • Scheduled training in August 2009 with the director of the Stevens County CASA program and the director of the Ferry County CASA program to provide training at an all staff meeting.
10. Parties need to clarify the investigative power of CASA to ensure CASA is not interpreting its investigative powers beyond statutory intent and standards established by the Washington State CASA program. DCFS and CASA should develop a mutually agreed upon and legally permissible protocol on the scope of CASA's independent investigatory power.	The department is committed to cross training efforts between CASA and DCFS staff. As stated in the response above (#9), the Colville area administrator has contacted the director of Washington State CASA to seek clarification regarding the CASA's role and pertinent policies. She has also scheduled an all staff training in August 2009 where the directors of the Stevens County and Ferry County CASA programs are presenting training around the CASA's role and responsibilities. The Memorandum of Understanding between Children's Administration and CASA and related expectations will be reviewed with Colville staff August 2009.
11. Create clear standards by mutual agreement between local DCFS and CASA offices with input from state-wide CASA program, and Attorney General's office on what information CASA is entitled to from DCFS case record and establish clear protocol for DCFS to provide clear and timely notice to CASA and other parties if certain information will not be released, the basis for that decision, and the agreed upon process for parties to further seek such information.	In the past, DCFS allowed CASAs unannounced access into DCFS work areas to copy case files without any restrictions. This practice was recently changed due to client confidentiality issues. CA recognizes the CASAs authority to have complete information concerning a child's case as provided in RCW 13.34.105 (3) which states, "Except for information or records specified in RCW 13.50.100(7), the guardian ad litem shall have access to all information available to the state or agency on the case." However, some information in records is confidential, even from the CASA. The office has established appropriate professional protocols for discovery and sharing information with the CASA. • The Memorandum of Understanding (MOU) between Children's Administration and CASA is reviewed annually. The next review is scheduled for August 2009, during a training which includes local CASAs. • The area administrator and supervisors have requested training from the AGO on discovery of client information. • In April 2008 the AGO developed a protocol for timely discovery to CASA.

12. Require DCFS to inform parent both verbally and in writing what relatives the agency has considered for placement and the outcome of that consideration.	DCFS will continue to provide written notification to the parent(s) and to the court regarding relative search information and outcomes through the Individual Service and Safety Plan (ISSP). DCFS staff will also continue to discuss the parent(s) placement considerations and their respective outcomes. The department is not allowed to share a relative caregiver's home study with the parents, unless the relative caregivers sign a release of information. Relatives going through the home study process are provided a copy of the home study for their review and confirmation of information prior to finalization. This review and confirmation process promotes positive working relations with caregivers and improves accuracy of information contained in the home study.
13. Require DCFS to consistently inform relatives in writing as to the reason the agency is not recommending the child be placed with the relative.	The department agrees that it is best practice to provide potential relative placements the reason(s), verbally or in writing, for denial of placement. The department also supports the inclusion of relatives in FTDM's to discuss placement options and considerations, when appropriate or possible. In the Colville office, relatives going through the home study process are provided a copy of the home study for their review and confirmation of information prior to finalization. This review and confirmation process promotes positive working relations with caregivers and improves accuracy of information contained in the home study. The finalized home study documents the reason(s) a placement is approved or denied and is placed in the relative's case file. In some cases, there may be several relatives who all receive a positive home study and the department, along with guardian ad litem or CASA input, makes the placement decision based upon which caregiver best meets the child's needs. The department agrees to meet with those relatives who are not selected to explain the basis for the placement selection.
14. When funds become available, require DCFS to provide additional support staff in local offices to ensure that parties and care providers receive timely and consistent notice of hearings and	The Colville office currently has two full time administrative support staff. One administrative support staff was on extended leave and it is believed that a complaint was generated during this time of staff shortage. Colville supervisors have recruited three practicum students over the past year to

meetings, copies of ISSPs, and timely discovery to parties that is updated on a regular basis.	assist social workers with various administrative support duties. Administrative support staff created a tracking system to monitor due dates for court reports (i.e., ISSP) and court hearings. Administrative support staff send out reminders to supervisors and staff regarding upcoming hearings and mails ISSPs to all parties. Discovery is currently completed by the assigned social worker in the Colville office. Discovery is time consuming. The Colville office records do not indicate late or untimely discovery requests.
15. Provide all care providers (foster and relative) with a minimum of 5 days written notice of DCFS intent to remove child from home unless there is imminent risk of harm. Notice should include a clear explanation as to the reasons for the agency's decision to remove a child.	CA's Case Services Policy Manual 5650 states, *Whenever a child has been placed in a foster family home for at least ninety (90) consecutive days, DCFS shall notify the foster family that the child is to be moved at least five (5) days prior to moving the child unless:* • *A court order has been entered requiring an immediate change in placement.* • *The child is being returned home.* • *The child's safety is in jeopardy.* • *The child is residing in a receiving home or a group home. RCW 74.14A.020; RCW 74.13.300* The department would also not provide notification when a foster parent or relative caregiver Requests immediately removal of the children from their home. Although it is not in policy, the department does apply the above standards with relative caregivers and other suitable persons. CA Case Services Policy Manual 5650 also states: • *If the child has resided in a foster family home for less than 90 days or, if due to one or more of the circumstances enumerated above, it is not possible to give five (5) days notification, the department shall notify the*

	foster family of proposed placement changes as soon as reasonably possible. RCW 74.14A.020; RCW 74.13.300 • *Rules about notification of foster parents do not require that court hearings be held before changing a child's foster care placement nor to create any substantive custody rights for the foster parents. RCW 74.14A.020; RCW 74.13.300* This policy has been reviewed with all Colville DCFS staff in December 2008. Staff will follow policy and provide clear explanation for reason for removal of children. When there is a risk of moving children a Family Team Decision meeting is held that would include DCFS, DLR (if it is a licensed home) CASA, caregivers and relatives to see if the placement can be stabilized. The staffing will discuss the health and safety concerns, placement options, transition and communication plans.
16. Require DCFS to convene a sit down, face-to-face meeting with a care provider, who is the subject of a child abuse or neglect referral that could lead to removal of the child, to explain the nature of the allegations and give care provider a reasonable opportunity to respond to the allegations.	CA is currently required by WAC 388-15-021(2) and policy (Practices and Procedures Guide, Investigative Standards 2331.D.17) to complete an in-person meeting with the caregiver(s) or alleged subjects(s) following an intake alleging child abuse or neglect, when reasonably available. Alleged subjects of investigations are given the opportunity to respond to all the allegations as part of this meeting. CA is also required to; *Notify the alleged perpetrator of the allegations of CA/N at the earliest point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation (Practices and Procedures Guide, Investigative Standards 2331.D.16).* DLR/CPS may coordinate interviews with local law enforcement agencies or child advocacy centers in accordance with local community protocols that may authorize interview of alleged subject by a person other than the social worker.
17. Prohibit DCFS from removing children from relative care providers unless CPS has made a finding that the relative has	The department respectfully disagrees with this recommendation. The decision to remove a child from a home occurs when a safety issue is identified or when risk is high. For example, a decision might be made to remove a child from a

abused or neglected the child or clearly violated a court order, or the child is at imminent risk of harm.	caregiver when the caregiver is abusing drugs or alcohol to the extent that it interferes with their ability to nurture or care for the child. A decision might also be made to remove a child from a caregiver if there is a pattern of increasingly harsh and physical discipline. Neither of these situations would rise to the level of risk of imminent harm or that abuse or neglect has occurred but, if the family did not respond to intervention, there may be grounds to remove a dependent child from a substitute caregiver. The department should not be required to wait until the child was actually abused or neglected to intervene. See also response to recommendation number 15.
18. Provide relatives with the right to an administrative review when children who have been in their care for 6 months or longer are removed from their care.	Placement moves are discussed in both Family Team Decision meetings and in open court hearings. Relatives are invited to participate in both decision-making forums. If relatives are the caregiver for children in a dependency action, they are given notice of court hearings and receive copies of the ISSP. In addition to these processes, relatives and other interested parties have a right to request a review of CA's decisions through Constituent Relations, through the chain of authority in CA, and through Office of the Family and Children's Ombudsman. CA does not agree that placement decisions should go before an Administrative Law Judge. It is the purview of the dependency court to determine if case plans (including placement decisions) are in the best interests of the child. Dependency courts may take action after an issue is raised by a party or on its own initiative to ensure that case plans are in the best interests of the child.
19. Encourage DCFS to promote visitation between relatives and dependent children by incorporating into Academy training research-based teaching on current best practice for decision-making regarding contact between relatives and dependent children and facilitating regular and beneficial contact.	The department understands the value extended family members contribute to dependent children and their parents. This value is incorporated throughout academy curriculum and has been emphasized with Colville staff. Staff continues to search for relatives and include relatives, where appropriate, in critical decisions. Effective July 2009, CA is enhancing the relative search process by requiring social workers to: • Ask parents about possible relative resources or suitable persons prior to the

Incorporating relative and child testimonials on this subject could be a powerful teaching tool.	Shelter Care Hearing, within 72 hours. • Complete a comprehensive relative search within 30 days of a child's removal from parent's custody • Provide notification to every adult relative (identified through the diligent search efforts) of the possibility of their serving as a placement resource for the identified child or children. This notification also provides an opportunity for the relative or suitable person to be an ongoing resource and contact with the child and family using the Relative Notification letter form (DSHS 15-330). This information will be incorporated into Academy curriculum prior to the next academy training.
20. Allow relatives who have an established relationship with a dependent child in out of home placement to petition the court for visitation when visits are mutually agreed to by the child and relative.	CA values extended family that can be a resource to children in out of home care. Family members that have an established relationship with the child and pass background checks may have visits with the child if it is determined in the best interest of the children. Additionally, adoptive families are encouraged to maintain a child's relationship with their biological families whenever it is in their best interest. Current CA policy allows relatives of a specified degree, who have an established relationship with a child, to request visits after parental rights have been terminated. The area administrator has communicated to staff the importance of maintaining family connections where appropriate.
21. Use an outside professional mediation service that is mutually agreed upon by DCFS, the CASA program, and the medical community to help rebuild trust, encourage dialogue, and address specific issues needing repair.	The department agrees with this recommendation and the Colville office will work with the CASA program and the medical community to explore individuals who can facilitate this mediation.
22. Require Colville DCFS to use local community resources unless a mutually agreed upon provider agrees in writing that there is a compelling reason for use of resources outside the local	When possible and appropriate, Colville DCFS staff utilizes local community resources for children and parents. Social workers must have some discretion to seek second opinions to best serve the needs of the children and their families as identified in lessons learned from other cases statewide.

community. If local resources are consistently found not to be sufficient, efforts should be made for DCFS to identify funding sources to augment local resources so they can be developed sufficiently over time to meet the capacity and needs of the community.	Stevens County currently does not have a pediatrician, in-patient chemical dependency treatment, anger management or domestic violence treatment providers and has limited ability to provide non regional support network (RSN) mental health treatment. Stevens County also does not have a provider to conduct parent bonding assessments and psychological evaluations. Colville DCFS and regional contracts staff will make every effort to recruit professional service providers to fill these service gaps. The regional contracts staff will be providing information to the community via a brown bag lunch scheduled for July 20, 2009 at the county courthouse.
23. Judiciary should enforce the requirement under the law that parties select a "mutually agreed upon provider" and if a provider cannot be agreed upon, the judge selects the provider so that parties in a dependency action have a level field. This will encourage parents to comply with services and help neutralize allegations that DCFS is "shopping" for providers who are supportive of their objectives.	As part of the court improvement process that began in August 2008, social workers meet with parents and the OPD during settlement meetings to discuss and agree upon service providers. Colville DCFS records reflect that this is an isolated incident and is not a standard practice in this office. The department will continue to notify and work with the CASA and courts regarding services and service providers. In the event there is a disagreement regarding necessary services or service providers the court should select the provider or services. Since being assigned to the Colville office in October 2007, the area administrator has been in discussion with regional contracts staff for the purpose of recruiting additional service providers in Stevens County. See response to recommendation number 22. DCFS always reserves the right to seek second opinions and expert review. Consulting with a broader range of experts assists with improved child safety, permanency and wellbeing outcomes. See response to number 7.
24. CA continues its review of policy and practice for conducting DLR/CPS investigations to improve practice in this area.	DLR continues to work with foster parents and OFCO regarding any practice concerns raised. CA will continue to work with OFCO in evaluating practice trends and respective policies in order to develop or modify training, policy or practice, when needed.
25. Recognize accountability is a shared responsibility.	CA continues to identify areas of practice that need improvement and will provide specialized training to staff. CA recognizes the responsibility for accountability lies

	at all levels within the organization and with community partners.
26. The judiciary is respected by all parties. Encourage the judiciary to take a leadership role in addressing accountability and information sharing by creating a culture of compliance, encouraging a dialogue about mutual accountability as a shared responsibility, and spearheading training on conflict of interest considerations among parties. Provide specific training to judiciary on availability of sanctions under the law to enforce court orders and compliance with other law, policy, and procedure.	This recommendation will be raised at the monthly "Table of 10" meeting and the quarterly Child Welfare Overview Committee meeting. The "Table of 10" is an innovative training concept designed to maximize the desire to link results based outcomes with training while at the same time being cognizant of adult learners needs to be internally motivated. Each "Table of 10" consists of 10 individuals who are viewed as being leaders in a particular county's child welfare legal system. These individuals could be judicial officers, lawyers, GALs, CASAs, social workers, service providers, or any other person who is viewed in the community as a leader in the field. Table of 10 members choose a single data point to work on improving in the county and develop objective goals and implementation strategies as part of the program. Each table of 10 is supported by Court Improvement Training Academy (CITA) on a quarterly basis with access to training by an expert in the field the Table of 10 designates. The Child Welfare Overview Committee is a multidisciplinary team that focuses on child welfare systemic issues and processes. The area administrator will ensure all Colville staff has ethics training by September 2009.
27. Encourage judiciary to conduct monthly operations meetings between significant stakeholders to encourage regular communication and help set a tone of civility and respect among stakeholders.	There are two existing meetings in which the judiciary may consider leading: "Table of 10" meetings are held once a month and have been meeting since the summer of 2008. CITA oversees this meeting and assists the group by providing practical and evidenced based solutions, upon request or when needed. The Child Welfare Overview Committee meets once per quarter and has been meeting since December 2007. The Attorney General facilitates this meeting. The department is supportive of a judiciary lead for either one of the above existing meetings.
28. Create a diverse community advisory board including members who are not connected to the child welfare community to provide advice to DCFS.	Colville DCFS is developing a diverse community advisory board as outlined in the Family to Family model. The initial meeting with identified stakeholders was held on June 15, 2009.