



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF CHILDREN'S OMBUDSMAN
LANSING

RYAN SPEIDEL
ACTING DIRECTOR

Report of:
Findings and Recommendations
Jackson County Department of Health and Human Services involvement with [REDACTED]
[REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED]

September 15, 2020

Under state law a record of the Office of Children's Ombudsman's is confidential, shall only be used for purposes set forth in this act, is not subject to court subpoena, and is not discoverable in a legal proceeding. Additionally, a record of the Office of Children's Ombudsman's is exempt from disclosure under the Freedom of Information Act.

Summary:

On December 10, 2019, the OCO opened an investigation into Jackson County DHHS' involvement with [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. This investigation was based on a complaint from a public source.

The OCO reviewed confidential records and information that was in MiSACWIS, which includes but is not limited to service reports, Maltreatment in Care investigation (MIC) reports, medical records, social work contacts Foster Care case files and trauma assessments. The OCO also spoke with Child Protective Services and foster care staff, and multiple other witnesses with information about and direct involvement with the children.

The objective of this review was to investigate the specific allegations of the complainant and to identify areas for improvement in the child welfare system. By looking at Jackson County DHHS' handling of this family's case and the involvement of staff, court personnel, physicians and law enforcement. This review reinforces the safety and well-being of a child is the shared responsibility of the family, community, law enforcement and medical personnel aiding children and families. It is not intended to place blame, but to highlight areas of concern regarding the handling of this case and advocate for changes in the child welfare system on behalf of similarly situated children.

Scope of Investigation:

After speaking with the OCO complainant to hear the concerns of the complainant and to center the focus of the investigation, the Ombudsman's Investigator concentrated on

the following:

- Did the trauma assessment that took place assessing [REDACTED] and [REDACTED] [REDACTED] trauma document concerns about their placement in the [REDACTED] home?
- Did the Jackson County MDHHS act in the best interest of [REDACTED] and [REDACTED] [REDACTED] in their placement decisions?
- Were appropriate services provided to [REDACTED] [REDACTED]
- Were required face to face visits made with [REDACTED] [REDACTED] and [REDACTED] [REDACTED] by the Jackson County foster care worker.

To answer these questions the OCO investigator spoke with multiple witnesses and specialists and reviewed related documentation from multiple sources.

To protect the anonymity and confidentiality of the OCO witnesses and sources of information the names of those interviewed have been removed from this report.

Office of Children's Ombudsman Finding(s):

As stated in the Scope of the OCO Investigation section, the Ombudsman investigator attempted to answer 4 questions raised from concerns expressed by the complainant. Based on its investigation the OCO found the answers to these questions are as follows:

1. Did trauma assessments take place on [REDACTED] and [REDACTED] [REDACTED] document concerns about their placement in the [REDACTED] home?
 - a. Yes, trauma assessments for both [REDACTED] and [REDACTED] took place at the Child Trauma Assessment Center (CTAC) in mid-2018. Both assessments stated concerns around stress in the [REDACTED] home.
2. Did the Jackson County MDHHS act in the best interest of [REDACTED] and [REDACTED] [REDACTED] in their placement decisions?
 - a. With multiple competing best interest factors at play the Jackson County MDHHS made a decision that they believed was best for [REDACTED] and [REDACTED] based on the evidence they had. It should be noted that this is a difficult question to answer. When making a placement decision one cannot simply look at one best interest factor but must incorporate and evaluate all best interest factors and the totality of the circumstances.
 - b. When simply looking at the behaviors of the girls and the results and recommendations from the CTAC assessments, the answer would seem that the girls should have been removed from the [REDACTED] home. Evidence

shows that the main source of trauma experienced by the girls was a result of witnessing domestic violence in the parental home. It also seems apparent from the case documentation and interviews conducted that the difficult behaviors of the girls eb and flowed due to the visitation schedule and visitation type with their parents. There is no evidence that the [REDACTED] caused the original trauma but that trauma to [REDACTED] in particular, might have been continuing to take place because the [REDACTED] were ill-equipped to the challenges presented by [REDACTED] and [REDACTED] in a household with four other children.

Jackson County MDHHS was certainly aware of all of this and stood by their decision to leave the [REDACTED] girls in the [REDACTED] home. The Jackson County MDHHS believed, based on all the evidence they had, that moving the girls from the [REDACTED] home would have most likely caused additional trauma due to the separation. In addition, [REDACTED] [REDACTED] was making efforts to learn how to best work with the girls due to their trauma. Moving [REDACTED] and [REDACTED] [REDACTED] from the [REDACTED] home would have been the fourth placement. Additionally, the OCO learned that the [REDACTED] intended on adopting [REDACTED] and [REDACTED] which fulfilled the overall goal of permanency.

It is clear in the OCO investigation that Jackson County MDHHS was aware of a policy in the Children's Foster Care Manual, policy FOM 722.03 (Placement Selection and Standards) states that placement decisions should be made that "minimize the trauma experienced by the child". However, the same policy goes on to say, "The placement selection should minimize the number of placements for the child. Whenever possible, the initial placement should become the ongoing placement for the child with the potential for permanency if needed". Additionally, policy also states that siblings should not be placed apart.

All of these represent best interest factors that need to be taken into consideration in each case. Although trauma has been listed as a best interest factor for quite some time in policy, it is only fairly recently that the Trauma Assessment Checklist has been included in foster care policy and is a means to try and measure this best interest factor. Having a tool to try and measure a best interest factor like trauma and additionally to have experts to conduct trauma assessment is a tremendous benefit. There may be a tendency to give a best interest factor that can now be measured by a tool and experts more weight in placement decisions but FOM 722.03 clearly states, "All factors outlined in this policy item must be evaluated to ensure that the selected placement is safe and in the child's best interest. Depending on the circumstances in each case and the specific needs of each child, certain factors should be given more weight

than others. In no case is any one factor to be given sole consideration.”

- c. It is the OCO’s finding that this case exemplifies the difficult competing best interest factors that can be present in a foster care case. Although the department ultimately decided to keep [REDACTED] and [REDACTED] in the [REDACTED] home until the adoption process began, an equal argument to move the girls to a different placement in light of the trauma assessments could have been justified.
 - d. These difficult placement decisions occur against a background of a finite number of available foster parents and foster homes with the skills and knowledge to address complex issues such as those presented in this case.
3. Were appropriate services provided to [REDACTED] [REDACTED]
- a. In reviewing the case documentation in MiSACWIS, the foster care placement of [REDACTED] reported no concern during the majority of the 2 years. It was also documented that [REDACTED] reported things going well and did not demonstrate any major problems with the removal and placement into foster care. In interviews conducted the OCO learned that after parental right termination [REDACTED] behavior was unexpectedly good. [REDACTED] was evaluated for therapy and because of his behavior it was determined he did not need therapy. The OCO found that [REDACTED] behavior began to deteriorate when [REDACTED] recognized that he would be moving out of the foster home and into a relative adoption. Appropriately, the Jackson County DHHS was the catalyst in getting [REDACTED] into therapy which continues to this day. From this investigation, the concern of [REDACTED] not receiving needed/appropriate services does not appear to be founded.
4. Were required face to face visits made with [REDACTED] [REDACTED] and [REDACTED] [REDACTED] by the Jackson County foster care worker?
- a. In review of MiSACWIS documentation and evidence uncovered during the investigative interviews only 1 face to face visit in the foster care case was missed for each of the three children over a 24-month period. It was established through the OCO’s investigation that the Jackson County MDHHS had an intimate knowledge of the [REDACTED] children’s welfare and addressed it appropriately. The OCO found that in conducting interviews and reviewing evidence the assertion of habitually missed contacts is not supported.

Office of Children’s Ombudsman Recommendation(s):

When considering best interest factors for a child(ren)’s placement into a foster care home It is recommended that the department continue to wrestle with ALL best interest

factors for each case and for each and every placement decision.

Cases such as the [REDACTED] children should be reviewed and used to spark conversation around which best interest factors can or should carry more weight and when.



Christopher Kilmer, Acting Deputy Director & Investigator
Office of Children's Ombudsman
401 S. Washington Sq., Suite 103
Lansing, Michigan 48909



Ryan Speidel, Acting Ombudsman
Office of Children's Ombudsman
401 S. Washington Sq., Suite 103
Lansing, Michigan 48909



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

November 23, 2020

Mr. Ryan Speidel
Acting Children's Ombudsman
Office of Children's Ombudsman
The Arbaugh Building, Suite 103
401 S. Washington Square
Lansing, MI 48933

Dear Mr. Speidel:

The following is the Michigan Department of Health and Human Services (MDHHS) response to the Office of Children's Ombudsman (OCO) Report of Findings and Recommendations regarding Jackson County's handling of the [REDACTED] case.

This report contains confidential case specific information from a Children's Protective Services file. The Michigan Child Protection Law [MCL 722.627, section 7(3)] prohibits the release of this information to any individual/entity not authorized under Section 7(2) of the law. Pursuant to Section 13(3), release of this confidential information to an unauthorized individual/entity may subject you to criminal and/or civil penalties.

Office of Children's Ombudsman Finding(s):

As stated in the Scope of the OCO Investigation section, the Ombudsman investigator attempted to answer 4 questions raised from concerns expressed by the complainant. Based on its investigation the OCO found the answers to these questions are as follows:

1. Did trauma assessments take place on [REDACTED] and [REDACTED] document concerns about their placement in the [REDACTED] home?
 - a. Yes, trauma assessments for both [REDACTED] and [REDACTED] took place at the Child Trauma Assessment Center (CTAC) in mid-2018. Both assessments stated concerns around stress in the [REDACTED] home.
2. Did the Jackson County MDHHS act in the best interest of [REDACTED] and [REDACTED] in their placement decisions?
 - a. With multiple competing best interest factors at play the Jackson County MDHHS made a decision that they believed was best for [REDACTED] and [REDACTED] based on the evidence they had. It should be noted that this is a difficult

question to answer. When making a placement decision one cannot simply look at one best interest factor but must incorporate and evaluate all best interest factors and the totality of the circumstances.

- b. When simply looking at the behaviors of the girls and the results and recommendations from the CTAC assessments, the answer would seem that the girls should have been removed from the [REDACTED] home. Evidence shows that the main source of trauma experienced by the girls was a result of witnessing domestic violence in the parental home. It also seems apparent from the case documentation and interviews conducted that the difficult behaviors of the girls eb and flowed due to the visitation schedule and visitation type with their parents. There is no evidence that the [REDACTED] caused the original trauma but that trauma to [REDACTED], in particular, might have been continuing to take place because the [REDACTED]'s were ill-equipped to the challenges presented by [REDACTED] and [REDACTED] in a household with four other children.

The Jackson County MDHHS was certainly aware of all of this and stood by their decision to leave the [REDACTED] girls in the [REDACTED] home. The Jackson County MDHHS believed, based on all the evidence they had, that moving the girls from the [REDACTED] home would have most likely caused additional trauma due to the separation. In addition, [REDACTED] [REDACTED] was making efforts to learn how to best work with the girls due to their trauma. Moving [REDACTED] and [REDACTED] from the [REDACTED] home would have been the fourth placement. Additionally, the OCO learned that the [REDACTED]'s intended on adopting [REDACTED] and [REDACTED] which fulfilled the overall goal of permanency.

It is clear in the OCO investigation that Jackson County MDHHS was aware of a policy in the Children's Foster Care Manual, policy FOM 722.03 (Placement Selection and Standards) states that placement decisions should be made that "minimize the trauma experienced by the child". However, the same policy goes on to say, "The placement selection should minimize the number of placements for the child. Whenever possible, the initial placement should become the ongoing placement for the child with the potential for permanency if needed". Additionally, policy also states that siblings should not be placed apart.

All of these represent best interest factors that need to be taken into consideration in each case. Although trauma has been listed as a best interest factor for quite some time in policy, it is only fairly recently that the Trauma Screening Checklist has been included in foster care policy and is a means to try and measure this best interest factor. Having a tool to try and measure a best interest factor like trauma and additionally to have experts to conduct trauma assessment is a tremendous benefit. There may be a

tendency to give a best interest factor that can now be measured by a tool and experts more weight in placement decisions but FOM 722.03 clearly states, "All factors outlined in this policy item must be evaluated to ensure that the selected placement is safe and in the child's best interest. Depending on the circumstances in each case and the specific needs of each child, certain factors should be given more weight than others. In no case is any one factor to be given sole consideration."

- c. It is the OCO's finding that this case exemplifies the difficult competing best interest factors that can be present in a foster care case. Although the department ultimately decided to keep [REDACTED] and [REDACTED] in the [REDACTED] home until the adoption process began, an equal argument to move the girls to a different placement in light of the trauma assessments could have been justified.
 - d. These difficult placement decisions occur against a background of a finite number of available foster parents and foster homes with the skills and knowledge to address complex issues such as those presented in this case.
3. Were appropriate services provided to [REDACTED]?
- a. In reviewing the case documentation in MiSACWIS, the foster care placement of [REDACTED] reported no concern during the majority of the 2 years. It was also documented that [REDACTED] reported things going well and did not demonstrate any major problems with the removal and placement into foster care. In interviews conducted the OCO learned that after parental right termination [REDACTED]'s behavior was unexpectedly good. [REDACTED] was evaluated for therapy and because of his behavior it was determined he did not need therapy. The OCO found that [REDACTED]'s behavior began to deteriorate when [REDACTED] recognized that he would be moving out of the foster home and into a relative adoption. Appropriately, the Jackson County DHHS was the catalyst in getting [REDACTED] into therapy which continues to this day. From this investigation, the concern of [REDACTED] not receiving needed/appropriate services does not appear to be founded.
4. Were required face to face visits made with [REDACTED] by the Jackson County foster care worker?
- a. In review of MiSACWIS documentation and evidence uncovered during the investigative interviews only 1 face to face visit in the foster care case was missed for each of the three children over a 24-month period. It was established through the OCO's investigation that the Jackson County MDHHS had an intimate knowledge of the [REDACTED] children's welfare and addressed it appropriately. The OCO found that in conducting interviews and reviewing

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evidence the assertion of habitually missed contacts is not supported.

Office of Children’s Ombudsman Recommendation(s):

When considering best interest factors for a child(ren)’s placement into a foster care home It is recommended that the department continue to wrestle with ALL best interest factors for each case and for each and every placement decision.

Cases such as the [REDACTED] children should be reviewed and used to spark conversation around which best interest factors can or should carry more weight and when.

MDHHS Response to OCO Recommendation: The OCO’s assessment of the [REDACTED] case highlights the difficult decisions foster care staff make on a daily basis regarding their cases in collaboration with Judges, Prosecutors, Attorneys, L-GALs, and numerous other service providers.

Additionally, MDHHS agrees that all best interest factors and placement selection criteria should be considered when determining placement for a child in out-of-home care. Foster care policy supports reviewing each criteria individually for each child, weighing criteria dependent on the circumstances of the case and individual child’s needs, and states “*All factors outlined in this policy...must be evaluated to ensure that the selected placement is safe and in the child's best interest. Depending on the circumstances in each case and the specific needs of each child, certain factors should be given more weight than others. In no case is any one factor to be given sole consideration.*”

In 2019, the Children’s Service Agency began ChildStat, a management accountability and quality improvement process which routinely analyzes cases similar to the [REDACTED] case, helps identify gaps in case services, and informs changes needed to systems and practices at the state and local level.

Thank you for the opportunity to respond to this Report of Findings and Recommendations. If you have questions or concerns, please feel free to contact me at 517-881-4983.

Sincerely,



JooYeun Chang
Senior Deputy Director
Children’s Services Agency