



Office of Children's Ombudsman

Fiscal Year 2019

Annual Report



Message from the Acting Ombudsman

In May 2019, I accepted the position of deputy director for the Office of Children's Ombudsman (OCO), serving under the appointed ombudsman, Lisa McCormick. In February 2020, Gov. Whitmer appointed Lisa to the 30th Circuit Court of Ingham County. In the interim, I am honored to serve as the acting ombudsman until a new appointment to the office can be made.

I am very proud to have served under Lisa and know she will continue protecting children as the Honorable Lisa McCormick. Part of Lisa's legacy is the purposeful development of strong relationships with partners and stakeholders both inside and outside of Michigan's child welfare system. I aim to keep that legacy intact.

Over the last year, I have learned a lot about the position our office holds within state government and the good that can come out of the work we do for Michigan's most vulnerable children. In my short tenure as deputy director and acting ombudsman, we have achieved so much, as evidenced in our annual report. We have implemented new policies that are published to our website, developed a new complaint intake process, and we are in the midst of developing a records management system to better serve the public.



Beyond these organizational achievements, I challenge my staff every day to ask themselves, "Did we do right by the child or children involved?" Advocating for children is the most important thing the OCO is doing, and this responsibility is very important to me. The Office of Children's Ombudsman should be a voice for children within state government.

With appreciation,

A handwritten signature in dark ink, consisting of a large, stylized loop followed by a series of smaller, connected strokes.

Ryan Speidel, Acting Director
Office of Children's Ombudsman

About the Office of Children's Ombudsman

The Office of Children's Ombudsman (OCO) is an autonomous agency created to advocate for effective change in policy, procedure, and legislation; to educate the public and to review the actions of the Michigan Department of Health and Human Services (MDHHS), child placing agencies and/or child placing institutions. To be autonomous from MDHHS the OCO was placed under the Department of Technology, Management and Budget.

The Children's Ombudsman, Lisa McCormick, was appointed by Gov. Gretchen Whitmer on January 1, 2019 with the advice and consent of the Michigan Senate.

Authority

The Children's Ombudsman has the authority to investigate administrative actions of child protective services, foster care programs and agencies, adoption services and juvenile justice programs. The Ombudsman has no authority once a court has made a ruling.

After an investigation, the Children's Ombudsman may make a finding and a recommendation to the agency it investigated. The goal of the Ombudsman is to formally or informally influence policy and rule changes for the betterment of all children involved with the child welfare system.

As required by law, the Ombudsman provides the agency it investigated the opportunity to respond to the findings and recommendations. The responding agency has the ability to agree or disagree with the findings and recommendations.



Our Mission:

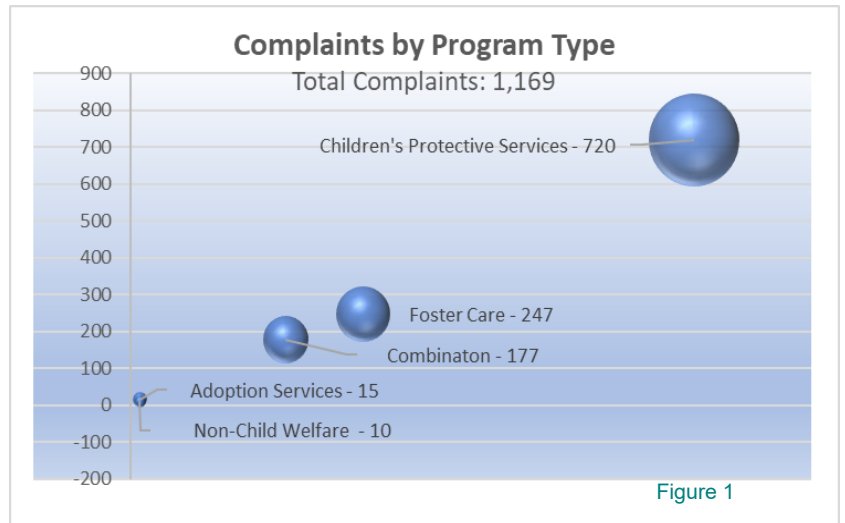
The mission of the Office of Children's Ombudsman is to assure the safety and well-being of Michigan's children involved in the foster care, adoption, children's protective services and/or juvenile justice programs, and to promote public confidence in the child welfare system.

Our Vision:

The vision of the Children's Ombudsman Office is to advocate for children by transforming the office to accomplish influence within Michigan's child welfare system.

Fiscal Year Highlights

In fiscal year (FY) 2019, the OCO logged 1,169 complaints. These complaints included child death alerts and complaints from the public. Of those complaints, the OCO opened 184 investigations, 163 of which were child death case reviews. The OCO opened 21 investigations generated from public complaints.



Additionally, the OCO staff provided the public with information regarding the child welfare system, answered general questions and referred individuals to the appropriate agency to handle their complaint/concerns.

In FY 2019, the OCO received 318 child death alerts. Of those child death alerts, 170 involved unsafe sleep practices.

Figure 1 shows the complaints received by program type. The majority of complaints received by the Ombudsman's office were regarding children's protective services and foster care. The OCO received no complaints regarding juvenile justice in FY 2019.





How We Help

Case #1: A mother contacted our office because her children were removed from her care and the agencies involved had not accommodated her disability. The mother is blind and had requested the children's protective services (CPS) reports relating to her children's removal in braille. The mother reached out to the OCO and we began to mediate on her behalf. The OCO reached out to the agencies involved with the goal of having them provide documents in braille. The agencies then identified a service that would translate the reports. With successful communication and collaboration, the mother received her reports in braille from the agency.

Case # 2: A child disclosed to a caregiver that he/she had been abused and/or neglected in the past by a prior caregiving relative. The current caregiver reported this to the police and CPS. The police and CPS were unable to determine where the alleged events occurred based on the limited description provided by the young victim. The current caregiver contacted the OCO for help. Based on the information in the police, CPS and OCO investigation, a possible location for the alleged incident(s) was identified. The OCO investigator called the investigating police agency and CPS central intake to provide the location details. As a result, the police agency and CPS were able to reopen their investigation.

Case #3: During a child death case investigation, the OCO discovered that the original CPS complaint was showing a current caregiver's name. After reviewing the facts, it became apparent that the current caregiver was not associated with any of the child abuse and/or neglect allegations. Because the current caregiver was associated with the opening of the CPS investigation, records showed that the caregiver was a part of a substantiated child abuse/neglect allegation. The OCO worked with the MDHHS Office of Family Advocate (OFA) to correct the record. The OCO and OFA successfully mediated the case and the caregiver was unassociated with the substantiated child abuse/neglect allegations.

The United States Ombudsman Association's (USOA) Governmental Standards recommend that a credible review process allow an ombudsman the discretion to act informally to resolve a complaint.

The cases above are examples of how the OCO has collaborated with MDHHS to develop an informal mediation process.

In these cases the OCO acted informally to resolve public complaints. This can only be achieved through trust and open dialogue with the agencies involved. The OCO will continue to support positive relationships with its partners to advance Michigan's child welfare system.

For more information about the USOA Governmental Standards, visit:
<http://www.usombudsman.org/wp-content/uploads/USOA-STANDARDS1.pdf>



"Every child deserves a champion; an adult who will never give up on them, who understands the power of connection and insists that they become the best they can possibly be." - Rita Pierson

A New Vision – A New Time - A Year in Review

It is an honor to be appointed by Governor Gretchen Whitmer as the children's ombudsman. Serving the people of Michigan is a privilege that I do not take lightly. Working for the betterment of families and children is truly an honor. Being your ombudsman is an important responsibility and I have been guided by Governor Gretchen Whitmer's leadership and vision for our great state.

Leadership is built on listening, hearing and collaborating with partners. Leadership requires challenging yourself to find new ideas and changing policies that are no longer effective. On day one as the ombudsman, I started by asking questions, listening to answers, and contemplating new ideas. Regardless of the role one plays in our child welfare system, we must strive for the highest standards and demand the best outcomes for any child that enters our care.

Building relationships and collaborating with MDHHS were among my first priorities as children's ombudsman. MDHHS local offices work tirelessly to protect children. Listening to staff from these offices and hearing their input on ways in which the ombudsman can make an impact were essential to revamping how the ombudsman handles cases. Expanding our review and processes to bring more access to the public, while addressing concerns on how to keep kids safe are priorities for me and this office.

As I heard from MDHHS employees across the state, from directors of MDHHS county offices to the state's front-line caseworkers and centralized intake call takers, my vision for the office became clear. We need to be the voice for children, we need to have a seat at the table, and we must look at long-term recommendations that will impact children in the future. With that vision in mind, we must advocate for children by transforming the Office of Children's Ombudsman to meaningfully influence Michigan's child welfare system.

A New Process

To accomplish our vision and make recommendations that improve outcomes for children involved in Michigan's child welfare system we realized we needed to hear from you. To process inquiries from the public and hear your complaints, we have developed a new intake process. The new process tasks our intake analysts with reviewing all complaints made to the ombudsman. Each complaint is then reviewed by our management team. Based on policy, the complaint may get assigned to an investigator. This has increased the amount of cases that are reviewed by the ombudsman and will allow the ombudsman to analyze trends and outcomes for children who enter care. Families who have children or relatives in care should receive an independent impartial review of facts surrounding cases involving children.

When a case is assigned to an investigation, we must ensure our investigators have the training and ability to complete an independent, impartial investigation. For our investigations to be credible, they must be independent, objective and include findings based in facts that are devoid of assumptions. We must seek out and interview all who are pertinent to an investigation, never limiting our investigations to only an MDHHS caseworker. This thorough and comprehensive investigation is necessary when making a determination that a change is needed to improve future outcomes for children.

To make an impact, the ombudsman cannot look at one case in a vacuum. We must look at practices and policies in their totality, with a statewide perspective, while leaving our own personal beliefs and biases at the door. Going forward, I will make recommendations that are intended to start a discussion with MDHHS, the Legislature and the Governor. These discussions have the ultimate goal of improving future outcomes and reducing recidivism with families who enter care.



A New Complaint Management System

To provide more concise, usable data without asking for additional appropriations, we have developed a new record management system known as the Michigan Child Advocate Investigation System (MiCAIS). MiCAIS is a complete investigation and complaint management application that is scheduled to be implemented within FY 2020. This application will be vital to our investigations and will also provide accurate data on the number of investigations, recommendations and outcomes of those investigations. This will allow the Ombudsman's Office to reflect on historical information as we continue to make improvements to child welfare.

Accessibility

As your ombudsman, all individuals, regardless of their native language, should have access to this office to raise concerns about children in care. We now have information about our office in Spanish and Arabic. We also provide interpretation services in any language, for any person.

Thank you

The ombudsman serves a vital role in future outcomes for children who enter care. Regardless of who your ombudsman is, this office will continue to strive every day to continue this vi-sion. Our children deserve a champion, those we serve must demand it.

With gratitude,



Lisa McCormick

Children's Ombudsman 2019-2020

At the time of the printing of this annual report Governor Gretchen Whitmer appointed Lisa McCormick to a judicial seat at the Ingham County Circuit Court.



Our Recommendations and MDHHS responses

Recommendation #1 – Development of Vulnerable Children Unit

The OCO recommends that the Michigan Department of Health and Human Services (MDHHS) implement a unit within the Children's Services Agency that specializes in the handling of cases involving vulnerable children. These children are at a higher risk for abuse and neglect.

The OCO recommends that caseworkers assigned to vulnerable children's cases have a predetermined minimum amount of case management experience, additional specialized/medical training and a reduced caseload. This will allow a case manager to more accurately service a vulnerable child, document and ensure all their needs are being met, make the required contacts with medical professionals, identify and address all needs of the child and caregiver, document and accurately report all concerns of a child's placement to the court, and take action upon receipt of information that their safety and well-being is at substantial risk of harm in their current placement and a placement change is warranted.

MDHHS Response to Recommendation #1: MDHHS agrees that infants and children with disabilities or special needs may be at higher risk for abuse and neglect. In recognition of this, policy requires staff to take additional steps to investigate complaints involving these children. Those requirements include contacting individuals with knowledge of the child's needs, assessing the caregiver's ability to meet the needs of the child, and assessing if the child has unmet medical, mental health or safety needs. Based on the circumstances of the case, CPS may take additional steps to thoroughly investigate the allegations and ensure safety of children with unique vulnerability.

In 2020, additional training will be provided to assure all staff have adequate information to respond to cases involving young children. The department will offer training to staff called "Medical Issues Related to Child Abuse and Neglect Investigations". This training was developed in coordination with pediatric child abuse specialists and members of the Medical Advisory Committee. These trainings will begin in Wayne and Kent counties and then be offered regionally throughout the state.

The department recently initiated a Front-End Redesign project which will analyze Centralized Intake and CPS investigation processes and make improvements to better protect children and support families. The system redesign will include changes to procedures for responding to complaints, including those involving infants and children with disabilities or special needs.

Recommendation #2 – Development of Training Curriculum due to policy changes

On January 1st, 2019 PSM 713-01 with regard to contacting mandated reporters when they file a complaint stated:

“When a complaint is received from a mandated reporter, the assigned worker must make contact with the reporter for additional information or for clarification/verification of information received, as soon as possible.” And “Contact with this mandated reporter is required”.

The above language was removed from policy and PSM 713-01 was amended in February of 2019. The new language stated that “Collateral contacts may be made to assess complaint allegations and safety of the child(ren). Examples of individuals who may be able to provide information pertinent to the investigation and/or child(ren) are:

- ◆ Witnesses to the alleged abuse/neglect.
- ◆ Putative parent(s).
- ◆ Relatives.
- ◆ Non-parent adults.
- ◆ Teachers/other school officials.
- ◆ Medical provider(s).
- ◆ Mental health provider(s).
- ◆ Neighbors.
- ◆ Reporting person(s).”

In March of 2019, PSM 713-01 was again changed to state, “Collateral contacts should be made to thoroughly assess complaint allegations and safety of the child(ren). Examples of individuals who may be able to provide information pertinent to the investigation and/or child(ren) are:

- ◆ Witnesses to the alleged abuse/neglect.
- ◆ Putative parent(s).
- ◆ Relatives.
- ◆ Non-parent adults.
- ◆ Teachers/other school officials.
- ◆ Medical provider(s).
- ◆ Mental health provider(s).
- ◆ Neighbors.
- ◆ Reporting person(s).”

With regard to contacting witnesses, reporting sources, and other collateral contacts, the ombudsman is of the opinion that conducting a thorough investigation of fact finding is accomplished by contacting all parties involved that have knowledge about a particular incident, a child (children), and/or the family involved. Reporting sources are often firsthand witnesses to incidents or injuries. It is vital that interviewing reporting sources is recognized by the Michigan Department of Health & Human Services as a necessary function of most, if not all, investigations.

Recommendation #2 continued

Reporting sources often have additional information and/or evidence that may influence the investigator and/or agency's decision-making process. Additionally, contact with the reporting source may also provide the investigator with an indication of the complaint's veracity. The ombudsman recognizes that field staff are often faced with barriers to contacting the reporting sources and other witnesses due to time constraints; however, the ombudsman believes this should not come at the cost of a child's safety.

The ombudsman recommends that bringing attention to this important aspect of an investigation can be accomplished by highlighting interviews of reporting sources and collateral contacts in the training atmosphere. Both in the training of new CPS staff and in conducting in-service trainings, the value of interviewing witnesses should be stressed and taught as the fabric of any investigation. Interviewing reporting sources and collateral contacts should become the norm and part of the culture of a CPS investigation. The investigator must also be taught and provided examples in training of the important questions to ask. It is recommended that in developing training, the MDHHS develops real-world curriculum to discuss what questions an investigator can use. It is also recommended that the department employs scenario-based training, using veteran investigators as actors. To be effective, the scenario-based training should be conducted in smaller groups, and the teams of veteran investigators can be used after the scenarios to debrief the employees being trained. The debriefing of the scenarios should go over what the trainee did that was not successful, but also what the trainee did that was successful. The use of scenario-based training, coupled with debriefing of the scenarios, will help cement the importance of conducting these interviews during investigations.

MDHHS response to OCO recommendation #2: MDHHS agrees that contacts with reporting sources and collateral contacts lead to more thorough investigations, accurate dispositions, and appropriate services and supports. CPS obtains significant information from every mandated reporter at the point of intake and when necessary, makes additional contacts with reporters during the investigation. The department also agrees that an examination of the current training curriculum regarding investigative interviews is warranted.

In late 2019, the Children's Services Agency began an initiative to redesign child welfare training statewide. The initiative will look at ways to enhance the child welfare certificate program, explore the feasibility of involving universities with new worker pre-service and on-going training, and examining the role for mentoring/post training support for new staff.

The OCO recommendations regarding investigatory contacts and scenario-based training will be considered at all levels of the redesign.





Principles and Standards

The OCO operates according to four key principles and related procedures in accordance with the standards set forth by the United States Ombudsman Association. The four key principles are as follows:

Independence: The OCO must be free from outside control or influence. This standard enables the ombudsman to function as an impartial and critical entity that reports findings and makes recommendations based solely on a review of facts and law, in the light of reason and fairness.

Impartiality: The OCO receives and reviews each complaint in an objective and fair manner, free from bias, and treats all parties without favor or prejudice. This standard instills confidence that complaints reviewed and investigated by the OCO will receive a fair review and encourages all parties to accept the ombudsman's findings and recommendations.

Confidentiality: The OCO maintains the confidentiality of complainants and may not be compelled to testify or to release records. The OCO maintains the confidentiality of individuals from whom information is acquired, except as necessary to perform the duties of the office. These confidentiality protections encourage individuals to come forward with information and concerns without fear of possible retaliation by others.

Credible Review Process: A credible review process promotes respect and confidence in the OCO's oversight of Michigan's child welfare system. The OCO is qualified to analyze issue and matters of law, administration, and policy. The OCO has collective experience and expertise in child welfare law, social work, mediation, clinical practice, and in conducting investigations. The OCO has been granted authority and responsibility necessary to thoroughly investigate complaints and conduct a credible review process under MCL 722.921 et seq. For the OCO to conduct a credible review process, the OCO shall be permitted to have direct contact with individuals, evidence, and records that the ombudsman deems relevant and necessary to an OCO investigation.

Inside the Office of Children's Ombudsman

The Office of Children's Ombudsman is made up of 12 staff members with experience in the child welfare system, the legal system and law enforcement.

Lisa McCormick– Director, Ombudsman

Ryan Speidel– Deputy Director

Tobin Miller– Chief Investigator

Brooke Brantley-Gilbert– Investigator

Tiffany Jackson– Investigator

Paula Cunningham– Investigator

Scott Clements– Investigator

Toni Dennis– Investigator

Chris Kilmer– Investigator

Pamela Bryant– Analyst

Michelle Brandel– Analyst

Becky Taylor– Senior Executive Management Assistant

OCO staff members sit on a number of committees and participate in meetings to assist in the continuance of improving the child welfare system. These committees include:

- * Michigan Child Death State Advisory Team
- * Michigan Infant Safe Sleep Advisory Committee
- * Court Improvement Program Task Force
- * Safe Delivery Advisory Committee
- * Adoption Oversight Committee
- * PIP Training Redesign Workgroup
- * Preservice Institute Redesign Subgroup
- * Tribal Court Relations Committee
- * DTMB Diversity and Inclusion Committee
- * Citizen Review Panel Panel

Contact the OCO

Office of Children's Ombudsman

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