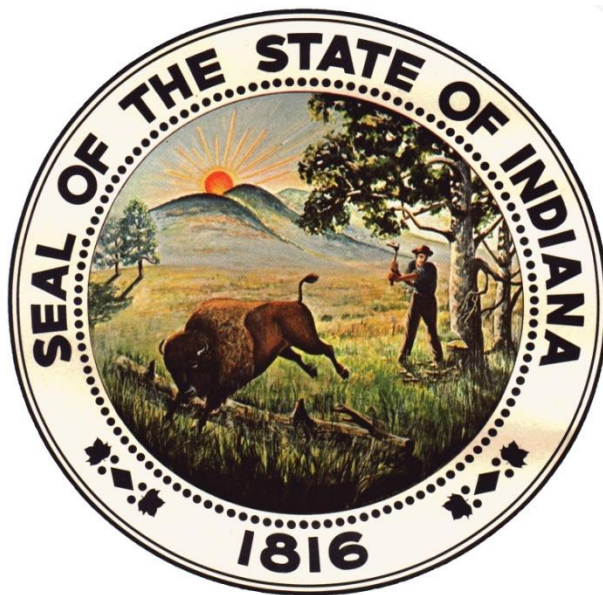


*State of Indiana*

**Department of Child Services  
Ombudsman Bureau**



**2021 Annual Report**

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## **Mission**

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

## **Guiding Principles**

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



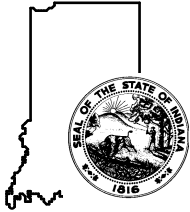
*Report prepared by: Shoshanna Everhart, Director, DCS Ombudsman Bureau*

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*Amanda Fassnacht, Assistant Ombudsman – Editing*



# STATE OF INDIANA

Eric J. Holcomb, Governor

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

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

The Honorable Eric J. Holcomb, Governor  
The Honorable Speaker and President Pro Tempore  
Dr. Rebecca Holwerda, Commissioner, Indiana Department of Administration  
Terry Stigdon, Director, Indiana Department of Child Services

In accordance with my statutory responsibility as the Department of Child Services Ombudsman, I am pleased to submit the 2021 Annual Report for the Indiana Department of Child Services Ombudsman Bureau.

This report provides an overview of the activities of the office from January 1, 2021, to December 31, 2021, and includes information regarding program administration, case activity, and outcomes. Included as well is an analysis of the complaints received, recommendations provided to the Department of Child Services, and the agency's responses to the Department of Child Services Ombudsman Bureau.

I would like to express my continued appreciation for the leadership and support of Governor Holcomb, Director Stigdon, Commissioner Holwerda, and the Indiana State Legislature. We are fortunate to serve in a state that is concerned about and committed to the constituents of the State of Indiana. Appreciation is also extended to the staff of the Department of Child Services and their diligent efforts to support the mission of the Department of Child Services Ombudsman Bureau in 2021. The children and families, and those who serve them in our state, continue to face challenges and struggle with recovery from the vast effects of the pandemic. Those professionals and the staff working with our vulnerable populations during this time are to be commended; their commitment to Indiana's children and families is strong despite the barriers. I am honored to continue my service to the citizens of Indiana as the Director of the Department of Child Services Ombudsman Bureau.

Respectfully,

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

Shoshanna Everhart, MSW LCSW

Director, DCS Ombudsman Bureau

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# **Executive Summary**

## **Introduction**

The global pandemic continued to drastically affect the delivery of services to Indiana families and those around the world in 2021. We became more comfortable working with families and providing services virtually when needed, though not preferred, and the delivery of services did improve throughout the year. The Department of Child Services was required by law to continue to provide responsive services to children and families despite the constraints imposed that were no fault of their own and they did so admirably.

The DCS Ombudsman Bureau also experienced a major change in leadership with the retirement of Alfreda Singleton-Smith near the end of 2020. Ms. Singleton-Smith was an experienced and valued leader in child welfare in the state and nationally. She focused on growing the bureau and creating a staff that continues to be extremely competent and experienced. Her contributions are acknowledged and widely appreciated. We wish her well in retirement.

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

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

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

## **Authority**

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

## **Activity Overview**

During 2021, the primary activity of the office was to respond to complaints, determine findings, provide case-specific and systemic recommendations, and monitor DCS responses. When case findings were determined to have systemic implications, policies and procedures were reviewed and general recommendations were provided. This year the DCS Ombudsman

Bureau responded to 1,198 Information and Referral (I & R) inquiries, conducted 141 Assists, opened 131 Cases, and closed 129 Cases. A total number of 138 cases were reviewed during 2021. One investigation was completed in 2021.

## **Administration**

**Location:** The DCS Ombudsman Bureau is an independent state agency housed in the Indiana Department of Administration (IDOA). IDOA provides office space, furnishings, equipment, and utilities. During this year much of the work was completed remotely due to restrictions that resulted from the pandemic. Staff rotated time in the office to allow for continued workflow and response to constituents in a timely manner. This type of work environment serves our type of work very well; however, the staff returned to the office fully in July of 2021.

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

In late 2016, the Director of the DCS Ombudsman Bureau began steps to increase the Assistant Ombudsman’s job title and salary to attract and retain skilled talent to the DCS Ombudsman Bureau, while enhancing current program service delivery. As a result of this endeavor, the Assistant Ombudsman’s class title of Administrative Assistant was adjusted in the first quarter of 2017 to Program Director 2. This change also included a 4.5 percent annual salary increase. It is believed this has assisted us with retention and we are fortunate to maintain an experienced, talented staff.

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

**Budget:** The DCS Ombudsman Bureau was appropriated \$353,333 in the 2021 - 2022 fiscal year, which is allocated from the general fund. Most of the expenditures are for personnel, with the remainder allocated to supportive services, outreach, and supplies.

## **Program Development**

**Policies and Procedures:** The *Procedures and Practices Guidelines* for the DCS Ombudsman Bureau is posted on the agency’s website. The manual continues to be a viable resource for

sharing information regarding the policies and practices of the DCS Ombudsman Bureau. The manual serves as an important mechanism for guiding the operations of the Bureau pursuant to statute (Indiana Code (IC) 4-13-19) and informing constituents of the agency's policies and practices.

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

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

**Outreach:** In an effort to increase public awareness of the office pursuant to IC 4-13-19-5 (a) (5), the DCS Ombudsman Bureau developed several strategies. Educational presentations continue to be available to the public and can be requested via the website, DCS Ombudsman Bureau email, or staff. The DCS Ombudsman Bureau staff has continued to present workshops and presentations as requested. While these activities significantly decreased in 2021, presentations have been provided virtually when requested, and we hope attend more in-person meetings with groups as the vaccine and other safety efforts are increased. We were recently able to provide training to a DCS provider group of professionals working with our families. Additionally, as a member of the United States Ombudsman Association (USOA), the DCS Ombudsman Bureau participated in national ombudsman best practices member-sponsored surveys/queries. The new Ombudsman Director is an active member of the USOA and has assisted on national efforts to improve the group.

DCS Ombudsman Bureau brochures and posters are available to all local DCS offices and the public. In 2021, the Ombudsman Director presented at an informational meeting for all Regional Managers. Posters and brochures were distributed to place in all 92 DCS county offices. The DCS Ombudsman Bureau Director serves as a statutory member of Indiana's Statewide Child Fatality Review Team, a multidisciplinary team charged with reviewing child fatalities. The DCS Ombudsman Bureau will continue to develop strategies designed to reach constituents, specifically those individuals that are least likely to access DCS Ombudsman Bureau services. These include, but are not limited to, parents, grandparents and other relatives, and service providers.

**Training:** The DCS Ombudsman Bureau continues to participate in educational programs specific to the ombudsman role and child welfare practice. The agency is a member of the United States Ombudsman Association (USOA). The USOA provides opportunity for

consultation, support, and education to all members. The new director, Shoshanna Everhart, completed the New Ombudsman Training provided virtually by this group. Trainings offered through this group are of high quality and staff often participate in these opportunities. The DCS Ombudsman Bureau staff also participates in trainings at conferences hosted by DCS, Indiana Youth Institute, Indiana Association of Resources and Child Advocacy (IARCA), Indiana Statewide Child Fatality Review Committee, Kids Count Indiana, Resource and Adoptive Parent Training (RAPT) Conferences, Marion County DCS Trauma Informed Care Symposium, and a variety of webinars, books, and articles with information of interest to the agency. Any training during 2021 was completed remotely. The USOA annual training in the fall of 2022 is planned as an in-person event.

**Metrics:** The DCS Ombudsman Bureau continues to track the turnaround time for responses to complaints, completions of reviews, and investigations. The metrics indicate that the DCS Ombudsman Bureau continues to exceed the goals established for best practice related to response to constituents in 2021, as defined below.

Identified Task	Goal	2019 Metric (Average)	2020 Metric (Average)	2021 Metric (Average)
<i>Days from Inquiry to Response</i>	1 day	.50 day	.45 day	.52 day
<i>Days Case Open</i>	30-60 days	31 days	25.53 days	24.2 days
<i>Days Investigation Open</i>	60-90 days	66 days	54 days	56.5 days

## Collaboration with DCS

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

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

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



‘human error’ and fostering rich understanding of the complex interdependencies and system interactions that often underly common casework problems.” Implementation of the SSIT has significantly changed the involvement of the Ombudsman Bureau in the review of fatalities. We will continue to work with DCS to monitor the SSIT process and determine if our current level of involvement is appropriate.

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

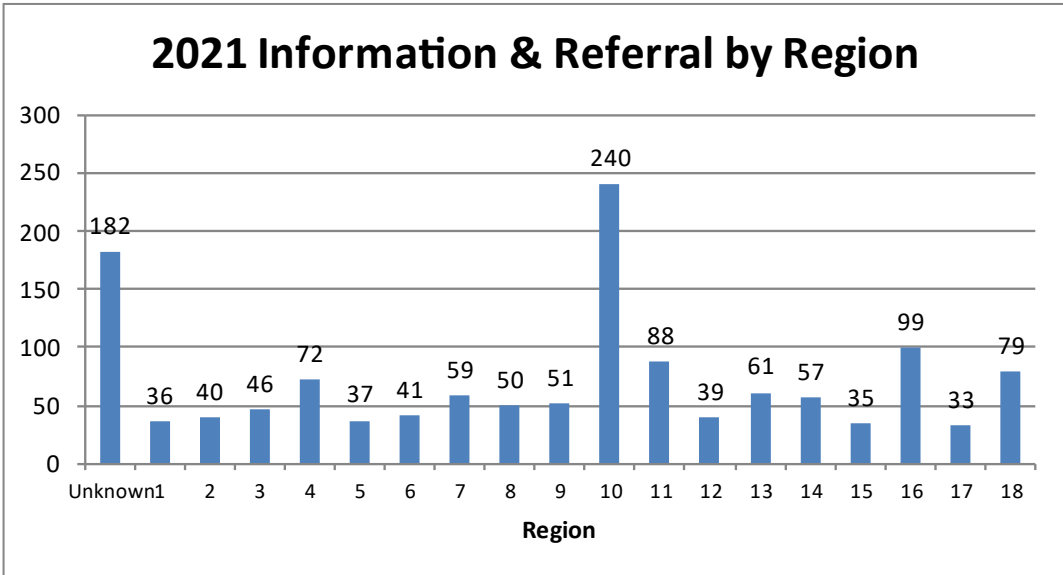
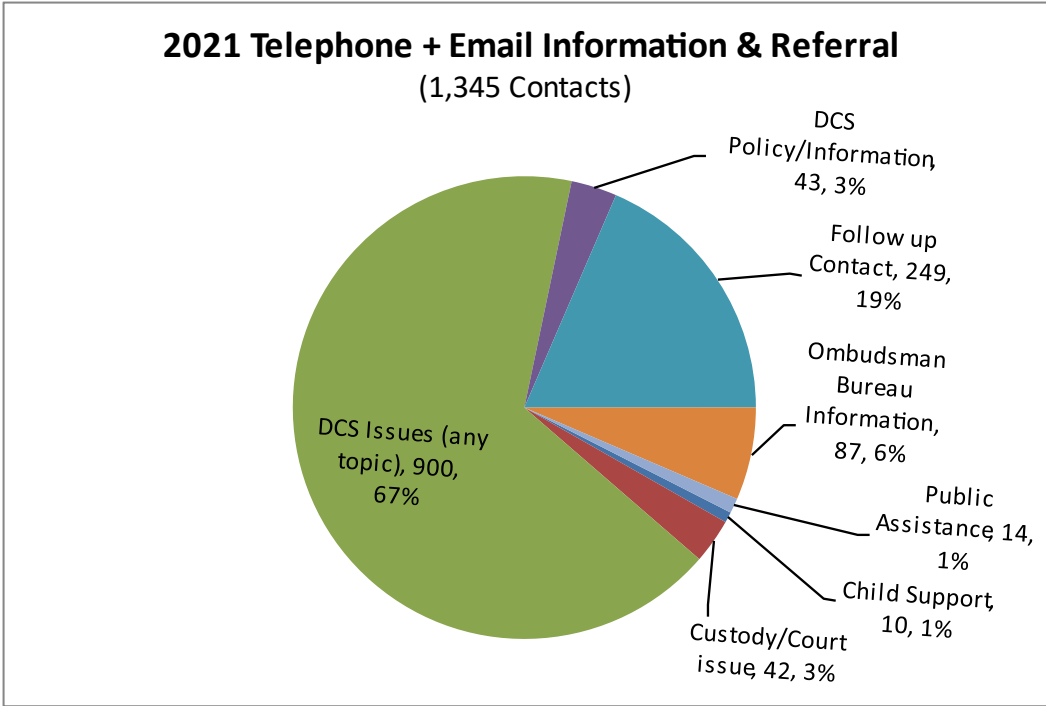
## **Complaints**

### **Process Overview**

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

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

The office received 1,345 I & R Inquiries during 2021, which is an increase of 147 contacts over the 1,198 I & R Inquiries received by the DCS Ombudsman Bureau in 2020. The graphs below illustrate the topics of inquiry and the origin by DCS region.

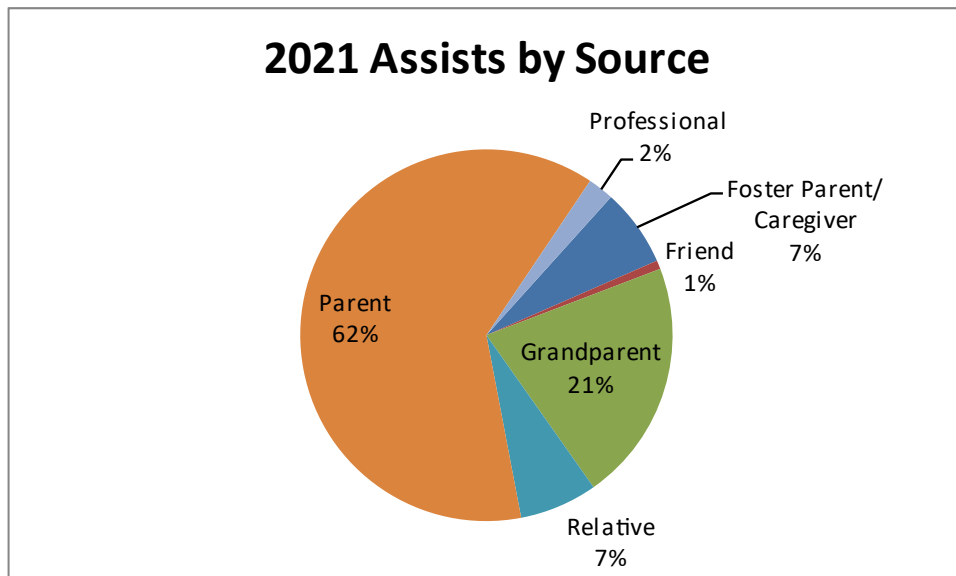
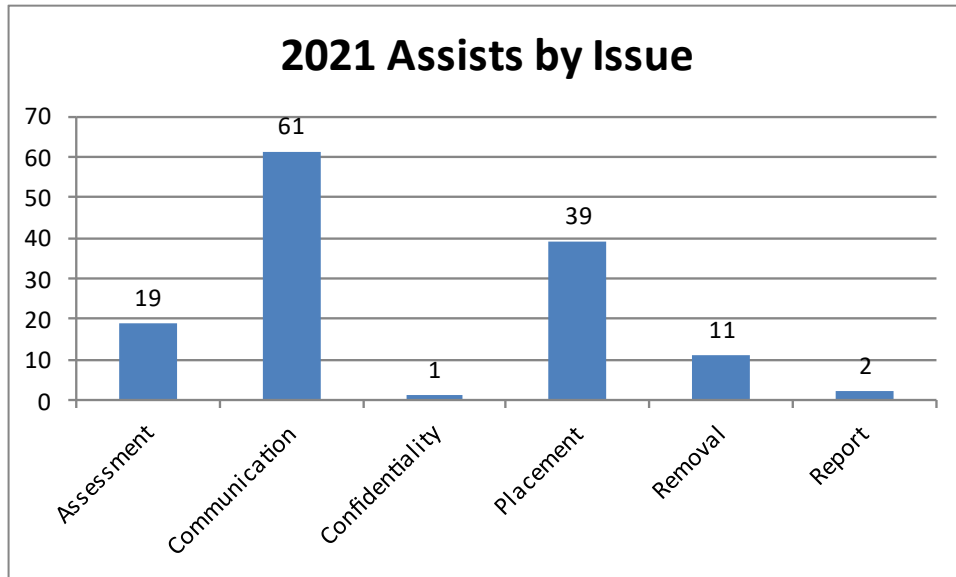


The I & R function has proven to be a valued service for constituents. Providing potential complainants with education regarding the DCS process and/or contact information for DCS staff is often the first step to a successful resolution. See Appendix D for a regional map.

**Assists**

Assists occur when a formal complaint is not necessary but a higher level of involvement than an I & R response is required. Assists are appropriate when communication and/or clarity of

specific aspects of a case are the main concerns. The DCS Ombudsman Bureau completed 133 Assists in 2021. The use of the Assist category continues to demonstrate that communication between complainants and DCS is key to resolving differences between stakeholders. The following graphs illustrate additional details about the Assists.

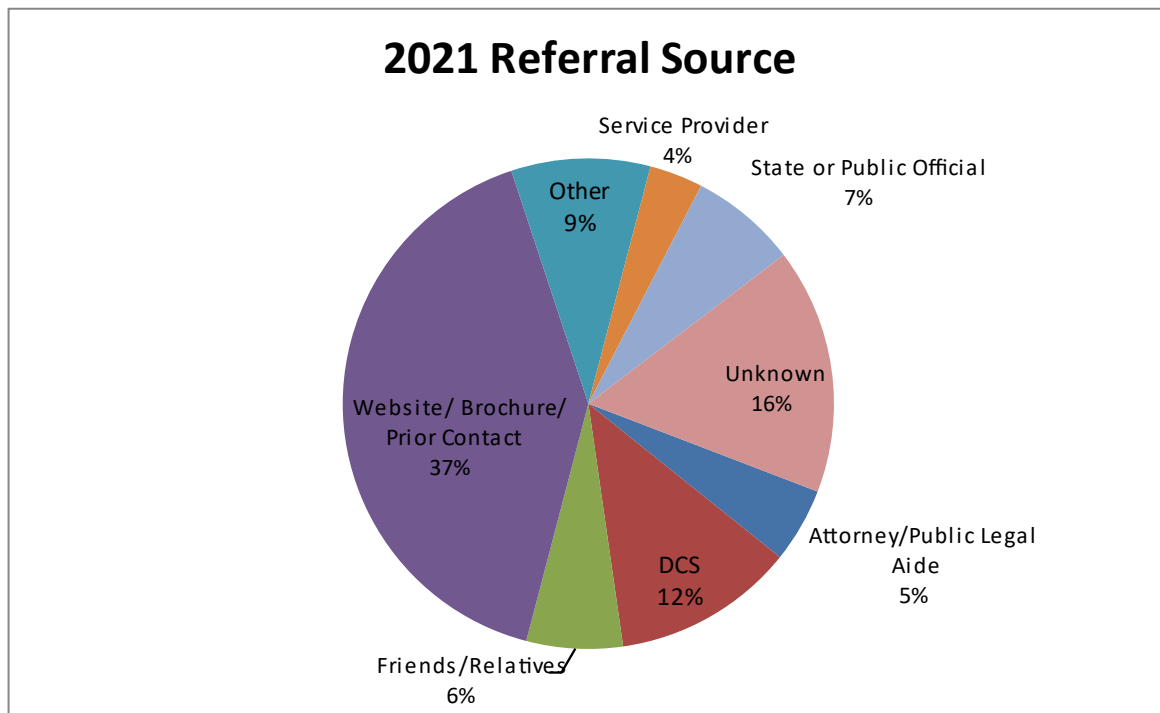


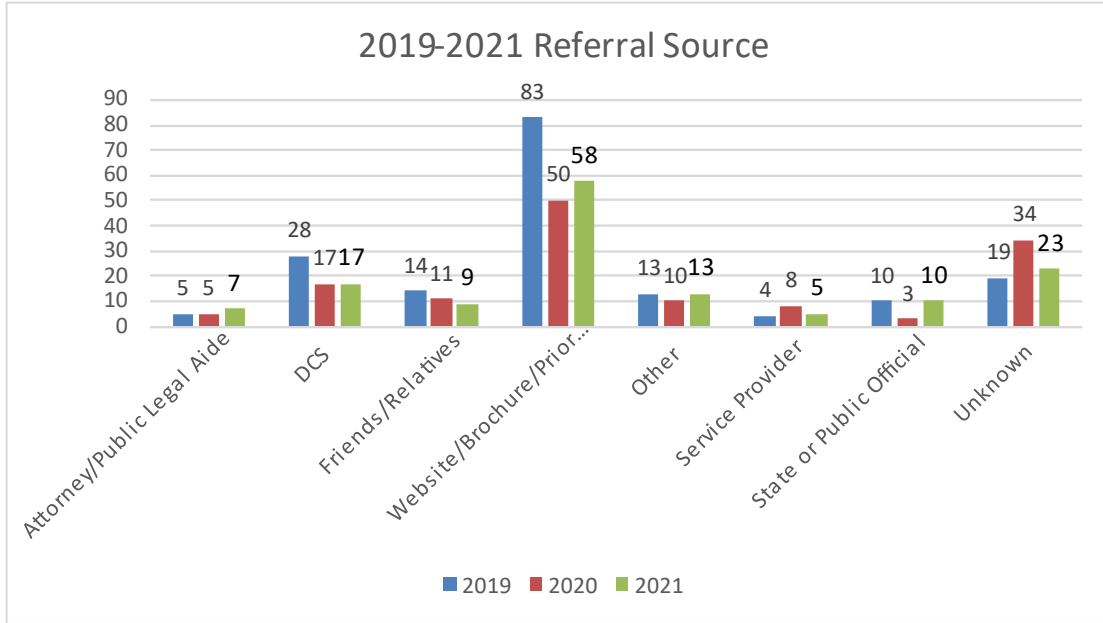
## Cases

During 2021, 132 cases were opened, and 128 cases were closed during the year. The cases were generated following the receipt of a formal complaint. A total of 142 active cases were reviewed during 2021, which included cases carried over from the last quarter of 2020. Two investigations were completed in 2021. The significant number of Assists (133) suggests that the DCS Ombudsman Bureau was able to foster greater problem resolution by actively encouraging communication between the DCS Local Offices and DCS Ombudsman Bureau complainants at the onset of the inquiries. As a result, DCS Ombudsman Bureau staff were able to actively focus on case reviews and investigations that were more complex in nature. It should also be noted that Information and Referrals contacts increased from 1,198 to 1,345 in 2021, and active cases had a slight increase as well (138 to 142) in 2021. These differences can be attributed to specific intake procedures that support communication between the complainant and DCS Central and Local Offices for problem resolution before formal complaints are accepted by the DCS Ombudsman Bureau.

## Referral Source

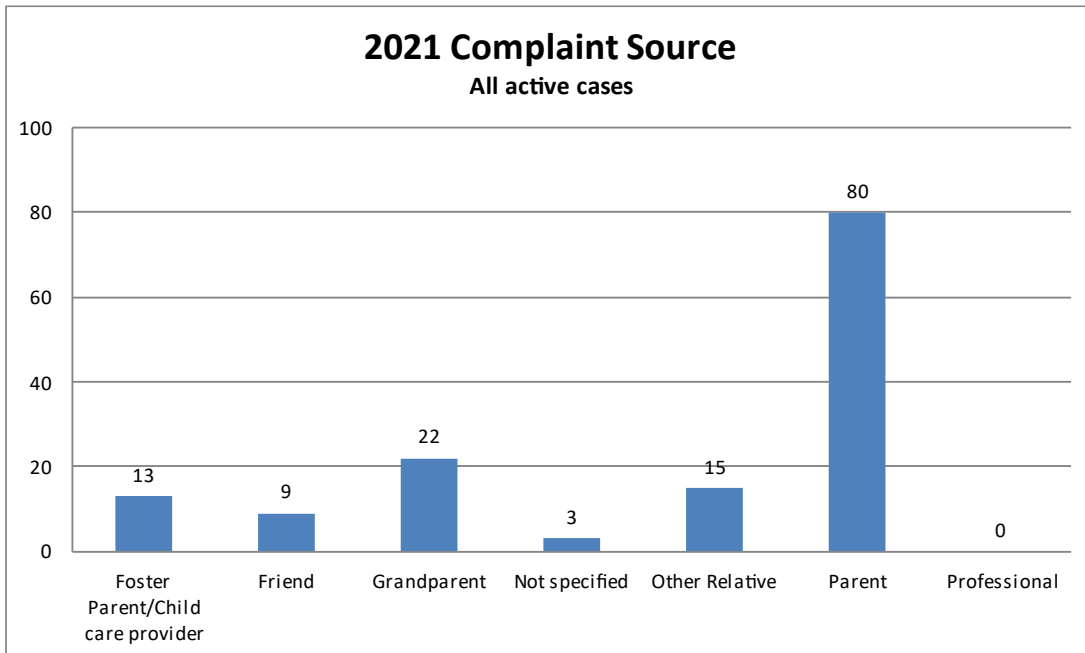
Comparison of 2019-2021 data suggests that Website/Brochure/Prior Contact continues to be the largest source of referrals. Other referral sources have remained constant within one to ten points. The Unknown category reflects those individuals that chose not to identify a referral source during intake discussions with the DCS Ombudsman Bureau or on complaint forms.





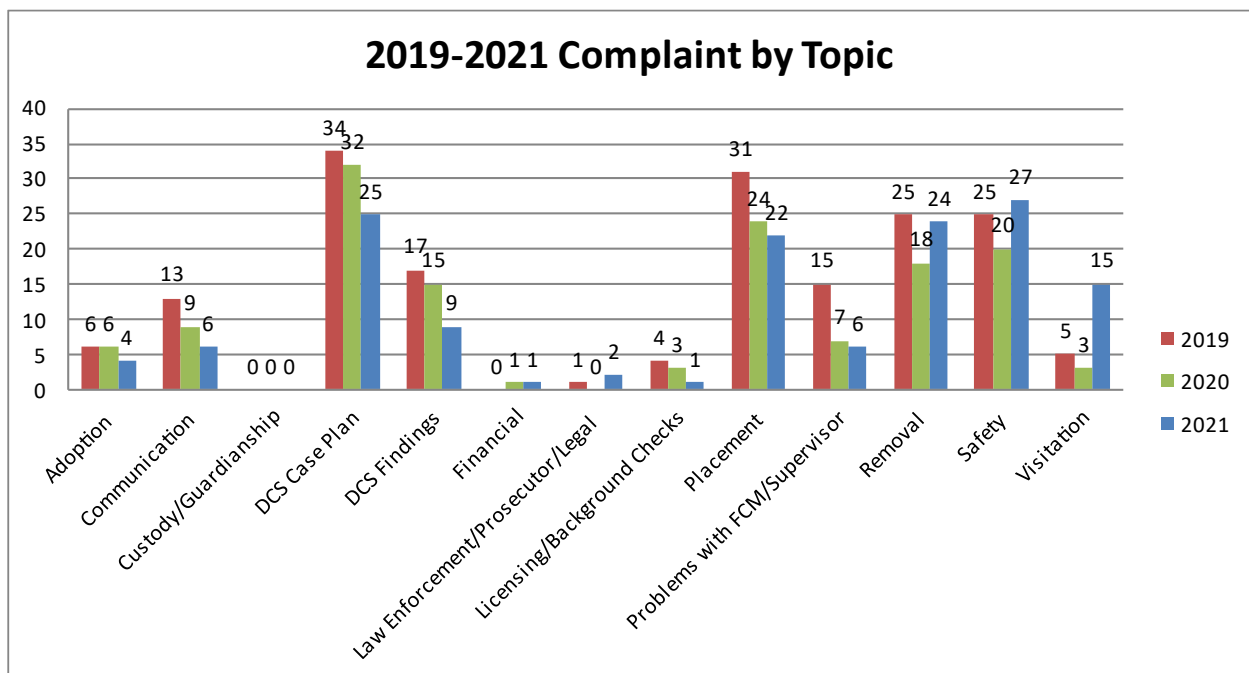
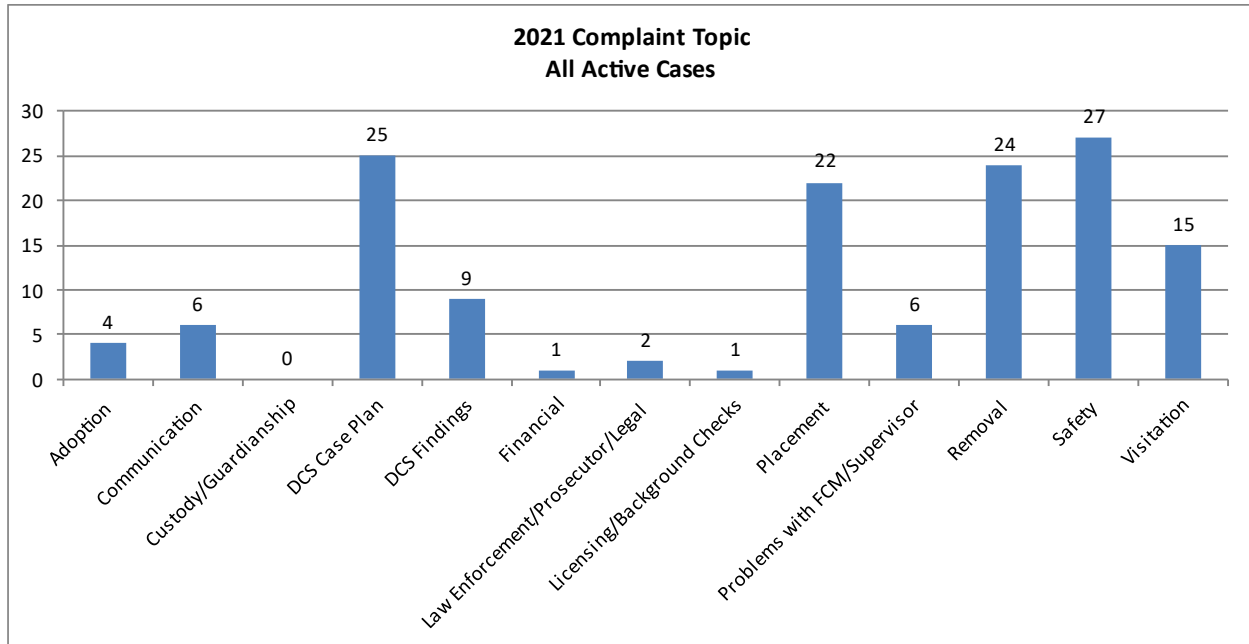
## Complaint Source

Except as necessary to investigate and resolve a complaint, the complainant’s identity is confidential without the complainant’s written consent. The complainant is given the opportunity to provide written consent on the complaint form. During 2021, parents continued to make up the greatest share of complainants followed by grandparents, other relatives, and foster/adoptive parents.



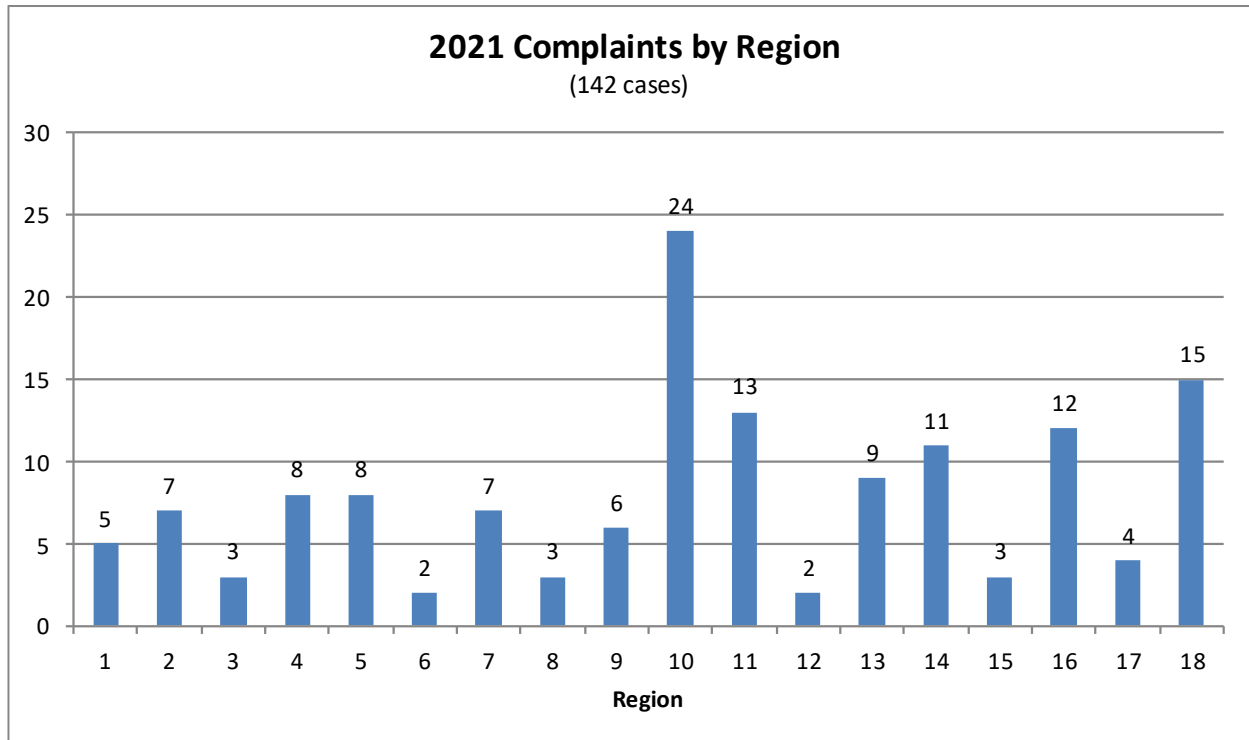
## Complaint Topics

During 2021, the four major complaint topics included Case Plans, Placement, Child Safety, and Removal. There is a continued trend of changes in complaint topics from previous years, as illustrated in the 2019-2021 graph comparison below.



## Complaints by Region

As DCS is organized in regions, the DCS Ombudsman Bureau tracks contacts and cases accordingly. The graph below illustrates the complaint activity in each of the eighteen regions for 2021.



## Response Categories

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

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

**Investigate:** An investigation also involves a review of the case files and documentation provided by the complainant. As needed, DCS staff involved with the case, in addition to the

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

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

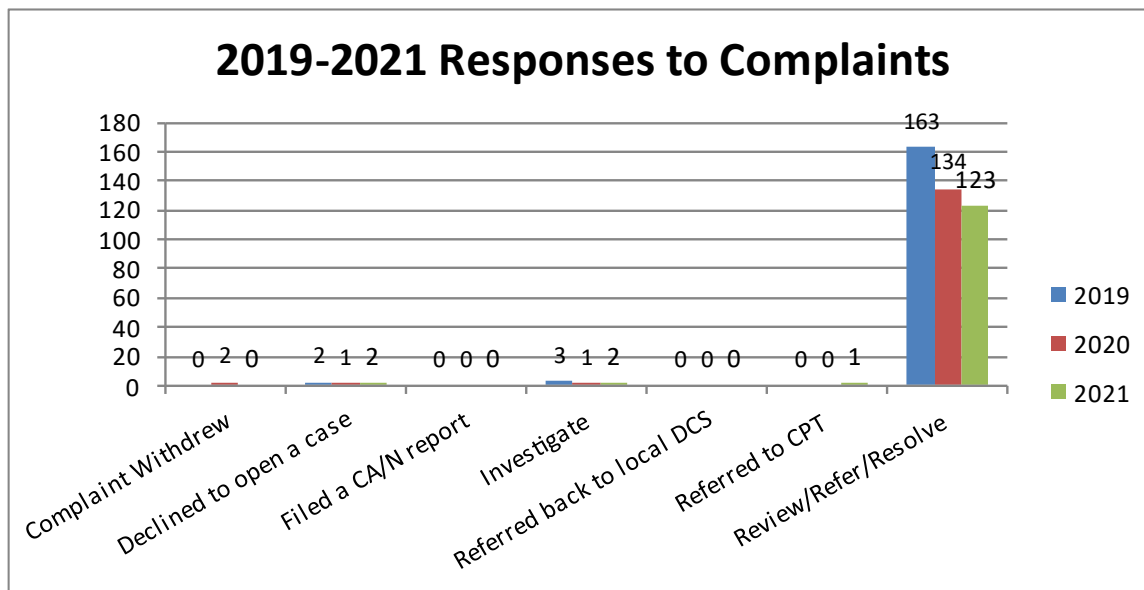
**Close Due to Complainant Withdrawal:** Some cases have been closed prior to completion because the complainant decides to withdraw the complaint during the process.

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

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

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

The following graph illustrates the frequency of each type of response from 2019 -2021.





## Complaint Validity

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

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

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

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

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

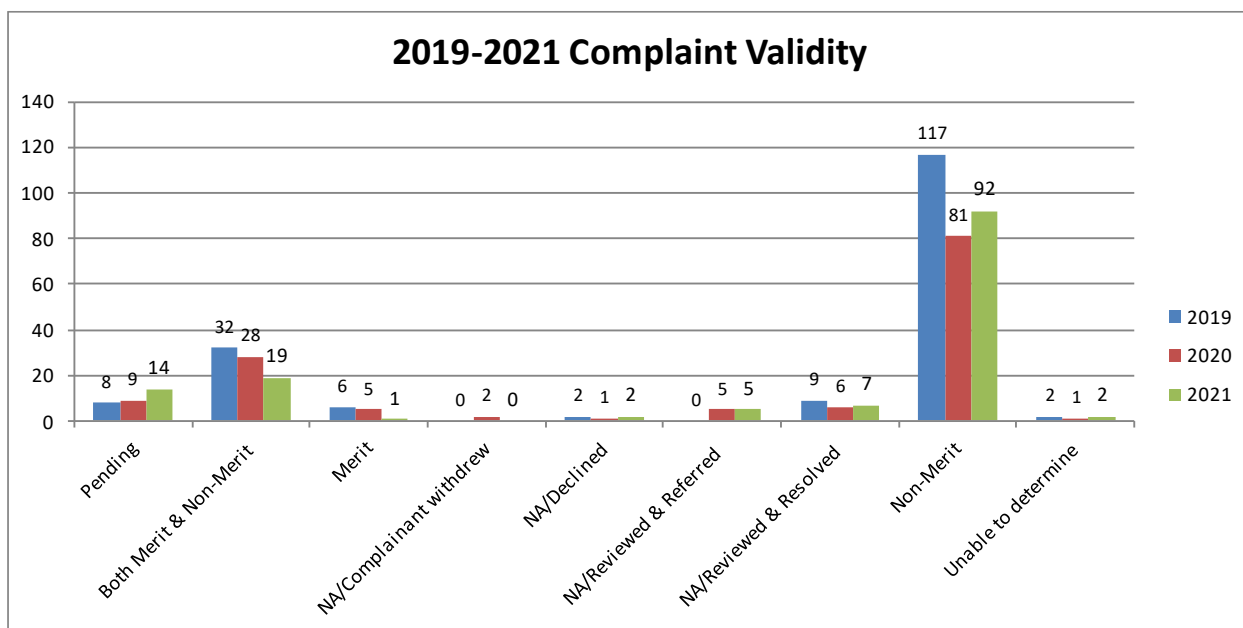
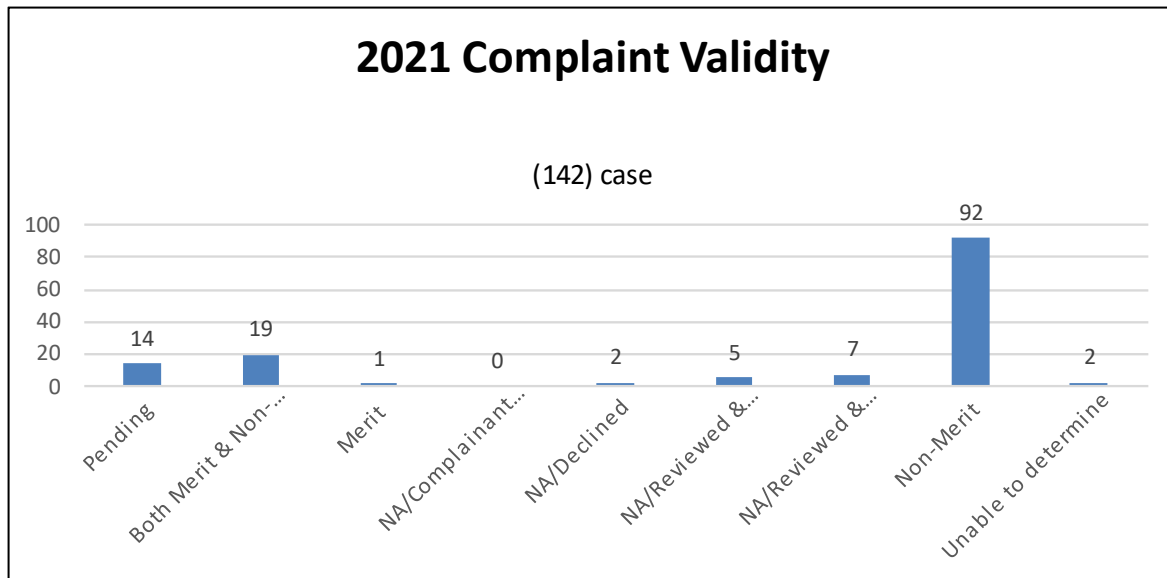
- NA/Complainant Withdrew
- NA/Case Declined
- NA/Reviewed & Referred
- NA/Reviewed & Resolved

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

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

## Outcomes

During 2021, validity designations were determined in 128 cases. Of these cases, 1 was determined to have merit, 19 had allegations that were both merit and non-merit, and 92 were determined not to have merit. The remaining 16 cases fell into other categories. 14 cases were pending determination at year end. Based on this information, it can be generalized that most of the cases (non-merit) that come to the attention of the DCS Ombudsman Bureau are most appropriately managed by completing a thorough review for the purposes of facilitating a resolution or providing a resolution strategy. For these reasons it would be counterproductive to issue a finding. On the other hand, some reviews, and all investigations, involve the depth of analysis that result in detailed findings that generate case-specific and, at times, systemic recommendations (merit). The following graphs provide an illustration of the validity outcomes for 2021 as well as a comparison with prior years.



## DCS Ombudsman Bureau Recommendations and DCS Responses

During 2021, the DCS Ombudsman Bureau offered case-specific recommendations on 20 cases following a review or an investigation. Pursuant to IC 4-13-19-5 (f), "If after reviewing a complaint or conducting an investigation, and considering the response of an agency, facility, or program and any other pertinent material, the office of the Department of Child Services

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

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

DCS is required to respond to the recommendations within a reasonable time, and the DCS Ombudsman Bureau has established 60 days for the response time frame. The following case examples include a sample of case reviews and investigations completed in 2021 in which the allegations were determined to have merit or both merit and non-merit, DCS Ombudsman recommendations, and DCS responses.

## **CASE-SPECIFIC RECOMMENDATIONS**

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

## **REVIEWS**

### **Case Example #1 – Services, Documentation, and Communication**

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

*Findings:* DCS resolved the concern that documentation of the child’s mental health history was not being given to the child’s current mental health providers. DCS gave providers all the mental health records that they had gathered throughout the case, which included hundreds of pages of mental health reports. The DCS Ombudsman Bureau made a finding of no merit regarding the allegation that DCS is not following recommendations of professionals. The previous therapist only recommended more intensive therapy than she was able to provide. A psychologist who evaluated the child also recommended intense therapy and provided recommendations regarding the focus of therapy. During the time of the evaluation, the child was in a residential placement facility. The clinicians at the facility, without having seen the evaluation report, came to the same conclusion and implemented intense therapy and addressed each of the focus items recommended by the evaluator. The evaluator and previous

therapist did recommend family therapy and visitation, which had been put in place but was stopped by agreement of the team, including the family, due to the child needing to focus on individual therapy.

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

The allegation DCS was not communicating fully and honestly with the family was designated as having merit. DCS was allowing the family to make decisions regarding the placement and care of the child, as DCS stated that they were only staying involved to assist the family in obtaining resources to which they would not otherwise have access. The parents were not in agreement with the resources being provided and this caused a breakdown in trust. Further, DCS did not facilitate a CFTM prior to the placement change, which is a critical case juncture, according to *Indiana Child Welfare Policy: 5.7 Child and Family Team Meetings*. Instead, a CFTM was held a month after the placement change.

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

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

### **Case Example #2 – Sibling Placement / Services**

The complainant alleged the child was not given their mental health medication as prescribed while placed in a Foster Family Home (FFH). The complainant alleged DCS failed to place two siblings in the same FFH after Child A was removed from the FFH. The complainant alleged DCS failed to submit a referral for counseling services because the birth mother did not have a cellular phone.

*Findings:* The DCS Ombudsman Bureau found no merit to the allegation that the child was not given his mental health medication as prescribed while placed in the FFH. Per documentation in the case management system, the child's medication concerns were addressed with the Service Providers pursuant to *Indiana Child Welfare Policy 5.10: Family Services*. Per the Local Office, the Licensed Foster Care provider reported the issues to the FCMs, and then the FCMs addressed the issues with the child and their therapist. It has been reported the child does not like to take the prescribed medication and refuses.

The DCS Ombudsman Bureau found no merit to the allegation that DCS failed to keep two siblings placed together after Child A's removal from the FFH pursuant to *Indiana Child Welfare Policy 8.1: Selecting a Placement Option*. Child B remained in the FFH pursuant to *Indiana Child Welfare Policy 8.1: Selecting a Placement Option (6. Least restrictive alternative)*. Per the Local Office, there was not a home available for both children, and it is documented Child B wanted to stay in the FFH. The children's placement has been and continues to be in accordance with the Court's Order.

The DCS Ombudsman Bureau found no merit to the concern DCS failed to submit a referral for counseling services. Upon review, merit was found in the concern that DCS failed to document the Birth mother's refusal to participate in counseling and drug screenings in the case management system. Per *Indiana Child Welfare Policy 5.02: Gathering Case Information*, "as the FCM is gathering case information from the family and service providers, the most accurate and up-to-date information should be documented in the case management system." The Local Office has addressed this matter with this case and created case notes with the information and documentation.

*Recommendation:* It is recommended the DCS staff review *Indiana Child Welfare Policy 5.02: Gathering Case Information* to ensure this policy is understood and implemented by Family Case Managers (FCM) and Family Case Manager Supervisors (FCMS) alike.

*DCS Response:* The Local Office Director advised staff completed a review of the recommended policy and signed acknowledgement forms.

### **Case Example #3 – Services / Visitation / Child & Family Team Meetings / Placement**

The complainant alleged DCS failed to complete a psychological assessment on the child after being placed in the hospital for erratic behaviors. The complainant alleged the children were mandated to visit with a male who the birth mother states is not the children's father. The complainant alleged the Foster Family Home was not included in the Child and Family Team Meeting (CFTM). During the case review, the DCS Ombudsman Bureau determined DCS had failed to visit the children in a timely manner of being placed in a new Foster Family Home.

*Findings:* The DCS Ombudsman Bureau found no merit to the allegation DCS has failed to have a psychological assessment completed. The child was referred for a psychological evaluation pursuant to *Indiana Child Welfare Policy 8.25: Health Care Services (overview)*. Per the service

provider, the Doctor submitted a referral; however, it would take up to six months to be scheduled due to the extensive wait list. Further referrals were submitted for Home Based Therapy since the children have been placed in a new Foster Family Home. The children's behaviors are also documented in the provider notes located in the case management system pursuant to *Indiana Child Welfare Policy 5.2: Gathering Case Information*.

The DCS Ombudsman Bureau found no merit to the allegation the children are required to visit with a male who is not their birth father. The male is listed as their birth father on the children's birth certificates. Therefore, he is the legal father of the children and receiving supervised visitation pursuant to *Indiana Child Welfare Policy 8.12: Developing the Visitation Plan* and *8.13: Implementing the Visitation Plan*. Per the Local Office, the visitation plan has been reported to the Court with no objections from the Court.

The DCS Ombudsman Bureau found no merit to the allegation the Foster Family Home was not included in a CFTM. The Foster Family Home was included in a CFTM pursuant to *Indiana Child Welfare Policy 5.7: Child and Family Team Meetings*.

The DCS Ombudsman Bureau found merit to the concern DCS did not visit with the children within three business days of placement in the Foster Family Home (FFH). The FCM did not return or have a virtual visit with FFH within three business days of the children being placed in the home pursuant to *Indiana Child Welfare Policy 8.9: Placing a Child in Out-Of-Home Care*. Per *Indiana Child Welfare Policy 8.9: Placing a Child in Out-Of-Home Care*, "After the child has been placed with the resource parent, the FCM will: (6.) Conduct a face-to-face contact with the child and placement resource within three (3) business days following placement."

*Recommendation:* It is recommended the DCS staff review *Indiana Child Welfare Policy 8.9: Placing a Child in Out-of-Home Care* to ensure this policy is understood and implemented by FCMs and FCMSs alike.

*DCS Response:* The Local Office Director advised staff completed a review of the recommended policy during their quarterly staffing.

#### **Case Example #4 – Services**

The complainant alleged DCS did not provide the appropriate services to address the child's substance abuse and waited for the relative placement to disrupt and placed the child in residential.

*Findings:* DCS did provide services to the child regarding substance abuse. These services did not end up being sufficient to address the child's needs, and the provider and DCS Clinical Consultant recommended a substance abuse evaluation. The evaluation recommended residential placement. There was merit to the timeliness of services, as DCS had referred the child for a Clinical Interview & Assessment (CIA), but did not receive the report, which recommended additional services, until 40 days after the CIA was conducted. The DCS service

standard is for the report to be sent to DCS within 14 calendar days of the referral being made. DCS missed an opportunity to hold the provider accountable to the service standard.

*Recommendation:* It is recommended DCS staff familiarize themselves with the DCS Service Standards. It is further recommended DCS discuss strategies to hold providers accountable to those standards and provide the DCS Ombudsman Bureau with a plan as to how they will implement those strategies.

*Response:* DCS advised they are setting a date by which staff will have completely read through the service standards and staff will be directed to bring any questions regarding service standards to their next individual staffing with the supervisor. Further, DCS has asked service experts attend all staff or in-service training and have guided discussions on the expectation of providers and strategies to hold providers accountable.

#### **Case Example #5 – Permanency Plan / Relative Notice / Father Engagement**

The complainant alleged DCS had not ensured that the child was being educated while under DCS care. The complainant alleged DCS was allowing the child to make her own decisions though they were not in the child's best interest. The complainant stated DCS did nothing to prevent the child from engaging in inappropriate sexual behavior.

*Findings:* Though there were concerns that the child had several excused absences while placed in emergency shelter care, the child was enrolled in school. The child's laptop was missing while she was placed in foster care and the biological mother found it on the day the child was leaving foster care. The missing laptop made it difficult for the child to complete assignments. No merit was found regarding this concern.

Though it was clear the child engaged in sexual activity as a ward, it was unclear in what setting the sexual activity occurred. The Bureau was unable to determine whether the child engaged in sexual activity while placed in emergency shelter care, while with her biological mother, or in foster care. Merit was found to the Bureau's concern that the mother was not updated on the child's medical status timely as the mother was not notified by DCS about the child's positive sexually transmitted disease status.

*Recommendations:* The Bureau recommended that Local Office staff review *ICWM 5.3 – Engaging the Family*.

*DCS Response:* DCS Local Office acknowledged that opportunities to discuss the child's medical status were missed. Further, it was noted that a review of the policy had taken place with the local office staff.

#### **Case Example #6 – Maintaining Sibling Connections**

The complainant alleged DCS failed to establish a sibling bond by not placing the infant in the pre-adoptive home where the toddler was placed.

*Findings:* The toddler was removed and placed in foster care. The infant was born during the time of the toddler's open DCS case. DCS removed the infant and placed that child in a foster home different from that of the toddler. DCS noted the children were not legally siblings as termination of parental rights (TPR) had occurred regarding the toddler. Further, it was noted that the infant's plan was still reunification and placing the infant in the home where the toddler was placed would make it difficult for mother to visit as the home was located several counties away. Lastly, DCS noted concerns regarding the appropriateness of the toddler's caregiver's behavior.

No merit was found to the concern DCS failed to place the infant in the home where the toddler was to be adopted. DCS did consider the placement; however, DCS found it to be in the child's best interest to place the child elsewhere.

Merit was found to the concern DCS missed an opportunity to establish visitation for the children. DCS policy notes the biological connection between siblings and notes that if siblings cannot be placed together, visitation should be established.

*Recommendations:* Specific to this case, it was recommended that DCS establish an appropriate visitation plan for the siblings given the distance between the two placements. It was also recommended the Local Office staff review *Indiana Child Welfare Manual 10.5 – Maintaining Sibling Connections*.

*DCS Response:* DCS advised the recommended policy was reviewed by all staff. However, it was noted the Magistrate presiding over the case did not grant authorization for the siblings to visit.

### **Case Example #7 – Visitation**

The complainant was concerned DCS agreed to allow the children to visit with their grandmother though the mother was opposed. The complainant had concerns regarding the supervision the child was receiving in the father's care.

*Findings:* The children were placed with the grandmother against mother's wishes. During the placement, mother noted several concerns regarding the grandmother's treatment of the youngest child. No merit was found to this allegation. The mother was reunified with the children and the court ordered the children be allowed scheduled visits with the grandmother. DCS advised the mother she did not have to send the youngest child to the court ordered visits with the grandmother if she did not feel comfortable. Due to these statements regarding optionally following Court orders, this portion of the complaint was found to have merit.

*Recommendations:* Specific to this case, it was recommended that DCS ensure the Court's Order was adhered to if the grandmother wanted to visit all the children. It was recommended that, if DCS was uncomfortable with this, DCS address the Court for a possible modification of the Order.



*DCS Response:* DCS noted visitation would be implemented as ordered by the Court and DCS would notify the Court if the order was not being followed.

### **Case Example #8 – Communication / Home Visits**

The complainant alleged DCS interviewed the children without the parent’s permission. The complainant alleged DCS came to the home unannounced after the complainant told DCS not to come to their home.

*Findings:* The DCS Ombudsman Bureau found merit to the allegation that *State Form 52013 Consent of Parent, Guardian, or Custodian to Interview Child(ren)* was not completed pursuant to *Indiana Child Welfare Policy 4.05: Consent to Interview Child* for Assessment A. The children were interviewed for two separate assessments (“Assessment A” and “Assessment B”); however, the same consent to interview form was used for Assessment A and B. There is concern that *State Form 52013* was signed for Assessment A prior to the Assessment B being opened. Per case documentation, the children were interviewed for Assessment B and a new *State Form 52013* was not signed by the parent. *State Form 52013* states (with emphasis added), “You are hereby advised that the Department of Child Services wishes to obtain a statement from your child(ren) **related to this assessment**, and information obtained may be used in legal proceedings.”

The DCS Ombudsman Bureau found no merit to the allegation DCS should not have made multiple unannounced visits to the home. The FCM visited the home during the two assessments pursuant to policy. The FCM visited the home once per assessment. Per *Indiana Child Welfare Policy 4.13: Assessing Home Conditions*, “a visit or visits to the home to conduct an assessment may be announced or unannounced.”

*Recommendation:* It is recommended DCS staff review *State Form 52013 Consent of Parent, Guardian, or Custodian to Interview Child(ren)* and *Indiana Child Welfare Policy 4.05: Consent to Interview Child* to ensure this policy and State Form is understood and implemented by FCMs and FCMSs alike.

*DCS Response:* The Local Office Director advised *State Form 52013* and *Indiana Child Welfare Policy 4.05: Consent to Interview Child* were individually reviewed with the FCM and FCMS. The policy and State Form were also included in the office’s in-service training for all staff.

### **Case Example #9 – Safety / Services / Visits**

The complainant alleged DCS failed to properly assess allegations reported in the assessment concerning a dog biting the children. The complainant alleged DCS has not been following the Court Order by not allowing in-home visits or phone calls. The complainant alleged the oldest child was emotionally abused while in the Foster Family Home. The complainant alleged the child was denied basic hygiene items and not treated equally as others in the home.

*Findings:* The DCS Ombudsman Bureau is finding no merit to the assertion concerning the allegations not being properly assessed. The assessment was completed pursuant to *Indiana Child Welfare Policy 4.03: Conducting the Assessment – Overview and 4.22: Making an Assessment Finding*. DCS assessment actions/discussions are in alignment with child welfare policies, and the children’s safety has been ensured. A Safety Plan was signed with Foster Family Home concerning the allegations.

The DCS Ombudsman Bureau is finding no merit to the allegation DCS has failed to follow the Court Order concerning home visits. DCS could not progress with the Court Order until the birth mother signed a Safety Plan pursuant to *Indiana Child Welfare Policy 5.21: Safety Planning*. The birth mother has now signed a Safety Plan. A referral for supervised visitation was submitted.

The DCS Ombudsman Bureau is finding merit to the concern supervised phone calls between the child and the birth mother have not been documented in the case management system pursuant to *Indiana Child Welfare Policy 5.10: Family Services*. Per the Local Office and the case management system a referral for Therapeutic Supervised Visits was approved with BPW LLC in mid-March; however, there is no further documentation of this service in the system. The Local Office stated the FCM would follow-up with the Service Provider. About three weeks later there was no documentation in the case management system that follow-up had occurred between the FCM and the Service Provider. Per *Indiana Child Welfare Policy 5.10*, “The FCM will: (7.) Monitor the family’s progress by: a. Maintaining contact with service providers to assess the family’s level of participation in services.”

The DCS Ombudsman Bureau is finding no merit to the allegation the child was emotionally abused in a former Foster Family Home or that the child was denied hygiene products. Referrals were made for the child to have a mentor and therapist to help address the concerns pursuant to *Indiana Child Welfare Policy 5.10: Family Services*. Per case documentation the child admitted to making personal hygiene a priority.

*Recommendation:* It is recommended the DCS staff review *Indiana Child Welfare Policy 5.10: Family Services* to ensure this policy is understood and implemented by FCMs and FCMSs alike.

*DCS Response:* The Local Office Director advised all staff reviewed the policy.

### **Case Example #10 – Assessment and Assessment Report**

The complainant alleged that there were inaccurate dates, documentation, etc., in the assessment report. The complainant alleged DCS photographed the child without permission from the parent(s). The complainant alleged proper protocol was not followed in completing the assessment.

*Findings:* The Bureau found what appeared to be a typographical error of a date in the Assessment of Alleged Child Abuse or Neglect (*State Form 113 / CW 311*). This mistake would not have impacted the outcome of the assessment. Thus, no merit was found in this regard.

It appeared, based on the pictures, that verbal consent or permission was given to photograph the child. However, this office was unable to definitively determine if verbal permission was given. A finding of “unable to determine” was applied to this allegation.

There was concern that no attempts to interview the child’s stepbrother were made. DCS indicated this may have occurred due to a miscommunication between the Family Case Managers (FCM). While this was understood, it is the responsibility of the Family Case Manager Supervisor to ensure the assessment report is complete and accurate. Merit was found in this regard.

Additionally, there was concern there was a missed opportunity to document significant communication that the FCM had with the child. Merit was found in this regard as well.

*Recommendations:* The DCS Ombudsman Bureau recommended the Local Office FCMs, as well as FCMSs, review the Indiana Child Welfare Manual *Chapter 4, Section 25 – Completing the Assessment Report*.

*DCS Response:* DCS ensured all Family Case Manager and Family Case Manger Supervisors reviewed *Indiana Child Welfare Manual 4.25 – Completing the Assessment Report*.

#### **Case Example #11 – Assessment / Safety Plan**

The complainant alleged DCS failed to protect the children by unsubstantiating allegations of sexual abuse. The complainant alleged DCS failed to complete a Safety Plan to ensure the children’s safety during visits between July-October 2020. The complainant alleged DCS failed to refer a screened-out report to a Law Enforcement Agency (LEA).

*Findings:* The DCS Ombudsman Bureau found no merit to the allegation DCS failed to assess the allegations of sexual abuse in January 2021. Per the 311 report, the FCM completed all interviews pursuant to *Indiana Child Welfare Policy 4.04: Required Interviews*. The Local Office made their assessment finding pursuant to *Indiana Child Welfare Policy 4.22: Making an Assessment Finding*. The Local Office made their assessment finding based on the information obtained through all evidence collected during the assessment.

The DCS Ombudsman Bureau found merit to the allegation a Safety Plan was not developed and implemented pursuant to *Indiana Child Welfare Policy 5.21: Safety Planning*. Per *ICWP 5.21: Safety Planning*, a review of the Safety Plan will occur at minimum: (1.) At each Case Juncture (2.) Upon any new allegation of Child Abuse or Neglect (CA/N). Per the case management system documentation, a Safety Plan was not updated between the dates of November 2019 and October 2020. A case juncture of change in visitation did occur between those dates. Therefore, a new Safety Plan should have been developed when therapeutic visitation started in 2020. The children had not had visitation for over a year due to the allegations of sexual abuse.

The DCS Ombudsman Bureau found no merit to the allegation DCS failed to refer a screened-out report to LEA. The Local Office stated the report was referred to LEA.

While reviewing an assessment opened in July 2020, it was noted DCS failed to properly document information pursuant to *Indiana Child Welfare Policy 4.3: Conducting the Assessment – Overview*. Per the 311, the FCM interviewed the children and caregivers; however, these interactions were not noted in the case management system notes. Per *Indiana Child Welfare Policy 4.3: Conducting the Assessment – Overview*, “The Family Case Manager will: (23.) Document all information gathered during the assessment in Case Management System.”

*Recommendation:* It is recommended the DCS Local staff be issued a reminder of policy 5.21: *Safety Planning* to ensure this policy is understood and implemented by FCMs and FCMSs alike.

It is recommended the DCS Local staff be issued a reminder of policy 4.3: *Conducting the Assessment - Overview* to ensure this policy is understood and implemented by FCMs and FCMSs alike.

*DCS Response:* *Indiana Child Welfare Policy 5.21: Safety Planning and Indiana Child Welfare Policy 4.3: Conducting the Assessment – Overview* was reviewed and signed off on by all Local Office staff.

### **Case Example #12 – Safety**

Complainant alleged that DCS failed to thoroughly assess allegations, which has led to the children continually being exposed to domestic violence. Complainant further alleges that one of the children had a bruise on her back and disclosed that the stepparent hit her.

*Findings:* Merit was found to the allegation DCS missed opportunities to ensure that the assessments were conducted thoroughly in two ways. First, there were allegations of the stepparent being violent toward the parent. DCS was interviewing the stepparent and parent about the allegations together. Policy dictates the non-offending parent should be interviewed first, and the interview should be done outside the presence of the offending party. Second, the report indicated the stepparent became violent toward the step-grandparent in front of the children; however, the step-grandparent was never interviewed. Pursuant to DCS policy, the step-grandparent should have been interviewed as a collateral source.

No merit was found to the allegation that DCS did not appropriately assess a bruise on the child. It was specifically stated that there was a bruise on the child and when asked, the child did not know where it came from. One of the other children surmised that it came from a fall at the playground. The child with the injury told DCS that she did not know where the bruise came from. The child indicated being spanked by the stepparent’s hand but specifically stated that she was not hit on the back. DCS unsubstantiated due to lack of preponderance of the evidence.

*Recommendation:* 1. DCS review *Indiana Child Welfare policy 4.04 Required Interviews*. This policy lays out the process for interviews when there are allegations of domestic violence. 2. Another assessment has been opened and the report includes the alleged incident of domestic violence between the stepparent and step-grandparent. It was recommended that DCS interview step-grandparent regarding the allegations during the open assessment.

*Response:* DCS reported that *Indiana Child Welfare Policy 4.04* was reviewed with all staff on August 3, 2021. In the current assessment, the FCMs did speak with stepmother's mother on August 4, 2021, and that contact is entered.

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

The complainant alleged DCS failed to consider the maternal grandmother for placement of the six children. The complainant alleged DCS shared the mother's drug screens with the oldest child.

*Findings:* The DCS Ombudsman Bureau is finding no merit to the allegation DCS failed to consider the maternal grandmother for placement. Per the Local Office, the mother was asked for names of relatives for possible placement; however, she failed to provide the grandmother's name for consideration. DCS and the grandmother are currently requesting placement through the Court. Per the Local Office, the FCM has visited the grandmother's home at least three times and has taken pictures of the home. The case management system has one of these visits documented and none of the pictures are documented. Per the February Progress Report filed with the Court, "The grandmother requested to take the children in December, but after she visited with the children, she requested that the children stay in placement." There is no documentation in the case management system indicating the grandmother requested placement of the children.

The DCS Ombudsman Bureau is finding merit to the concern the pertinent contacts with the grandmother and/or with the mother concerning placement are not documented in the case management system pursuant to *Indiana Child Welfare Policy 5.02: Gathering Case Information*. Per *Indiana Child Welfare Policy 5.02: Gathering Case Information*, "The Family Case Manager (FCM) will: (2.) Record all pertinent contacts and information pertaining to the assessment and permanency case in the case management system."

The DCS Ombudsman Bureau is finding no merit to the allegation DCS has provided inappropriate information to the oldest child. The child was provided with case-specific information pursuant to *Indiana Child Welfare Policy 6.10: Permanency Plan*. The FCM has discussed the Permanency Plan with the child in an age-appropriate manner. The child was not provided with specific drug screen results, rather the FCM talked with the child generally about substance abuse issues.

*Recommendation:* It is recommended the DCS Local Office review *Indiana Child Welfare Policy 5.02: Gathering Case Information* to ensure this policy is understood and implemented by FCMs and FCMSs alike.

*DCS Response:* *Indiana Child Welfare Policy 5.02: Gathering Case Information* was discussed and distributed during an all-staff meeting.

#### **Case Review #14 – Placement / Removal / Case Transfer**

The complainant alleged DCS has failed to consider relative/kinship placement prior to placing the children in a Foster Family Home. The complainant alleged DCS should not have removed the children from the home due to the conditions of the home. The complainant alleged DCS has failed to transfer the case to another county after the mother moved. The complainant alleged DCS failed to allow the children to attend their grandfather's funeral.

*Findings:* The DCS Ombudsman Bureau found no merit to the allegation DCS failed to consider relative/kinship placement prior to placing the children in a FFH. DCS has considered relative/kinship placements pursuant to *Indiana Child Welfare Policy 8.01: Selecting a Placement Option* and *8.48: Relative or Kinship Placements*. Per a case note, "Mother has identified several people from the onset of this case. However, not all of them have come forward or were able to pass a background check. I do have background checks to complete for a friend that turned them in last week." The children were originally placed with a relative; however, that relative was unable to be a long-term placement.

The DCS Ombudsman Bureau found no merit to the allegation DCS should not have removed the children from the home due to the conditions of the home. The children were removed from the home due to the home conditions not being suitable for the children. DCS case management actions/discussions are in alignment with child welfare policies, and the children's safety has been ensured. The children's removal has been and continues to be in accordance with the Court Order. DCS must abide by the Court Order.

The DCS Ombudsman Bureau has found no merit to the allegation DCS has failed to transfer the case after the mother moved to another county. The mother has moved less than 50 miles away from the DCS Local Office. Per the *Indiana Child Welfare Policy. 5.13: Transferring a Case Between DCS Local Offices*, "In order to provide the most consistent service possible, cases for families moving less than 50 miles away from the DCS local office will not be transferred; rather, the original Family Case Manager will continue to manage the case."

The DCS Ombudsman Bureau has found no merit to the allegation concerning the children not attending the grandfather's funeral. Per the Local Office, the children not being able to attend the funeral was discussed with the parent; however, this contact was not documented in the case management system. Merit was found to the concern this pertinent information was not documented pursuant to *Indiana Child Welfare Policy 5.2: Gathering Case Information*. Per *Indiana Child Welfare Policy 5.2: Gathering Case Information*, "record all pertinent contacts and

information pertaining to the assessment and permanency case in the case management system.”

*Recommendation:* It is recommended the DCS Local Office review *Indiana Child Welfare Policy 5.02: Gathering Case Information* to ensure this policy is understood and implemented by FCMs and FCMSs alike.

*DCS Response:* *Indiana Child Welfare Policy 5.02: Gathering Case Information* was reviewed in detail during each unit meeting. All workers signed The Acknowledgment of Agency Policies and Procedures regarding the policy.

### **Case Example #15 – Placement / Visitation**

The complainant stated DCS would not complete a background check for maternal grandmother but completed one for paternal grandmother. The complainant had concerns that the placement was physically unable to properly care for the children. The complainant was concerned that DCS terminated mother's visits without cause.

*Findings:* DCS completed appropriate emergency background checks on the paternal grandmother and ensured fingerprints were completed timely. The maternal grandmother would not have been eligible to complete emergency background checks as it had been determined that the paternal grandmother would be the emergency placement. Though paternal grandmother used friends and family as supports, there was no indication she was unable to properly care for the children and ensure their safety.

It was found the Court authorized parenting time with mother on August 13, 2021. The Court noted parenting time could begin upon the lifting of the No Contact Order; however, no such order existed. Thus, mother was entitled to visits beginning on or around August 13, 2021. Mother's first visit with the children, however, occurred on August 30, 2021 – more than two weeks after court authorization. The Bureau found merit to this concern.

*Recommendations:* The DCS Ombudsman Bureau recommended the Local Office consider working with the mother to establish a schedule to make up the visits that were missed due to DCS error.

*DCS Response:* The Local Office Director reported DCS would work with mother to make up visits that were missed during the two weeks.

### **Case Example #16 – Placement**

Complainant alleged that DCS refused to consider a relative placement when the child was removed from the home. The complainant alleged that DCS did not place the child with a maternal relative who later expressed interest in placement, and DCS is instead moving toward adoption with a non-relative foster family.

*Finding:* No merit was found regarding DCS's refusal to place with the relative in question. DCS considered this maternal relative as required by policy; however, DCS had legitimate concerns, and it was decided that DCS would not pursue placement with this relative. The court also denied placement with this relative. Merit was found to the allegation that DCS had not considered all relatives for placement/permanency prior to considering foster care. An out-of-state relative came forward at the beginning of the case for placement. At that time, DCS did not pursue placement, as the team was actively working toward reunification and the distance would be a barrier. The plan has since changed to Termination of Parental Rights (TPR)/adoption; however, DCS has not contacted the out-of-state relative about adoption.

*Recommendation:* It was recommended that DCS reach out to the relative in another state for placement/adoption.

*Response:* DCS contacted the relative from out of state. The relative is interested in placement and/or adoption but understands that another move could be traumatic for the child. The relative wants whatever is best for the child. DCS has started an Interstate Compact for the Placement of Children (ICPC) in case the judge decides that the relative placement is in the child's best interest.

#### **Case Example #17 – CANS Assessment / School / Privacy**

The complainant alleged DCS did not provide the Foster Family Home with the Child and Adolescent Needs and Strengths Assessment (CANS) until the child was in the home for two months. The complainant alleged DCS failed to notify the school of placement which resulted in the child missing a week of school. The complainant alleged the FFH was not notified upon placement that child had just been released from the Juvenile Detention Center (JDC). The complainant alleged DCS failed to agree with the FFH requests to remove the child's cell phone or limit its use to protect the location of the foster home and the children residing in it.

*Findings:* The DCS Ombudsman Bureau found merit to the allegation DCS failed to provide the FFH with the CANS Assessment pursuant to *Indiana Child Welfare Policy 8.09: Placing a Child in Out-of-Home Care*. Per documentation, no evidence exists indicating the FCM discussed the CANS Assessment with the FFH upon initial placement. The CANS Assessment was also not distributed and/or discussed during the CFTM three weeks after placement, pursuant to *Indiana Child Welfare Policy 5.19: Child and Adolescent Needs and Strengths (CANS) Assessment*.

The DCS Ombudsman Bureau found no merit to the allegation DCS failed to notify the school of placement. DCS notified the school of placement pursuant to *Indiana Child Welfare Policy 8.22: School Notifications and Legal Settlement*. Per the school records, child missed two days of school.



The DCS Ombudsman Bureau found no merit to the allegation DCS failed to notify the FFH of the child being placed in the JDC. The child was placed in the JDC for one day to prevent the child from leaving the state with the father.

The DCS Ombudsman Bureau found no merit to the allegation DCS failed to remove the child's cell phone or limit its use. Per case documentation, FCM discussed this concern with the child and the FFH. The child also agreed to allow the FCM and FFH to review the contents of the phone.

*Recommendation:* It is recommended the DCS Local Office review *Indiana Child Welfare Policy 5.19: Child and Adolescent Needs and Strengths (CANS) Assessment* and *Indiana Child Welfare Policy 8.09: Placing a Child in Out-of-Home Care* to ensure these policies are understood and implemented by FCMs and FCMSs alike.

*DCS Response:* The Local Office Staff covered *Indiana Child Welfare Policy: 8.09 and 5.19*. Staff were given materials related the policies as well. Attendance was taken and those not present have been provided the materials and information. The Regional Manager was also present for the meeting.

#### **Case Example #18 – CANS Assessment / Placement / Safety**

The complainant alleged DCS failed to protect the child's safety by placing the child in the home with their birth father on a Trial Home Visit (THV).

*Findings:* The DCS Ombudsman Bureau has found merit to the allegation DCS has failed to ensure the child's safety by placing the child in the home without a court order and without completing the Safety/Risk Assessment pursuant to policy. Per the Local Office and our documentation, a request for a THV was not submitted to the Court, thus an order for the THV was not approved by the Court. Per the Local Office it was discovered four months after the child was placed back in the home, then an affidavit was filed and approved by the Court. Per *Indiana Child Welfare Policy 8.39: Trial Home Visits*, "DCS will obtain a court order approving a THV...The FCM will work with the DCS Staff Attorney to make a recommendation to the court and seek court approval for the THV if it is determined a THV is appropriate."

The DCS Ombudsman Bureau has found merit to the concern DCS failed to update the Case Plan upon the THV. A Case Plan was created in March and September which is 180 days between the updates; however, policy states the Case Plan should be updated anytime there is a significant change in the child and or family needs. Therefore, a Case Plan update would have been completed prior to the THV, per *Indiana Child Welfare Policy 5.8: Developing the Case Plan*.

The DCS Ombudsman Bureau has found merit to the concern an Out-of-Home Risk and Safety Reassessment and a Child and Adolescent Needs and Strengths Assessment (CANS) were not completed prior to the THV. Per MaGIK and the Local Office a Safety/Risk Assessment was not completed, and the most recent CANS was completed four months prior to the THV. Per

*Indiana Child Welfare Policy 8.39: Trial Home Visits*, “Prior to the THV, the Family Case Manager (FCM) will: (2.) complete the Out-of-Home Risk and Safety Reassessment and a new Child and Adolescent Needs and Strengths (CANS) Assessment and review the Assessments with the FCM Supervisor.”

The DCS Ombudsman Bureau has found merit to the concern DCS has failed to submit a Progress Report to the court. Per *Indiana Child Welfare Policy 6.08: Three Month Progress Report*, “DCS will prepare and submit to the court a Progress Report for every child with an open CHINS case under the care and supervision of DCS, as follows: 1. Every three (3) months after the Dispositional Decree.” The Dispositional Decree was ordered in March, which ordered the department to file a report every three (3) months from this date on the progress made in implementing the decree and a Progress Report has not been submitted.

*Recommendation*: It is recommended the DCS Local Office review *Indiana Child Welfare Policies 5.8: Developing the Case Plan, 6.08: Three Month Progress Report, and 8.39: Trial Home Visits* to ensure these policies are understood and implemented by FCMs and FCMSs alike.

*DCS Response*: The Local Office reviewed *Indiana Child Welfare Policies 5.8: Developing the Case Plan, 6.08: Three Month Progress Report, and 8.39: Trial Home Visits* and provided examples during the all-staff meeting.

## **GENERAL RECOMMENDATIONS TO SYSTEMIC ISSUES**

Pursuant to IC 4-13-19-5(b) (2), (4), and (6), the DCS Ombudsman Bureau may also review relevant policies and procedures with a view toward the safety and welfare of children, recommend changes in procedures for investigating reports of abuse and neglect, make recommendations concerning the welfare of children under the jurisdiction of a juvenile court, examine policies and procedures, and evaluate the effectiveness of the child protection system. DCS responds to systemic recommendations made by the DCS Ombudsman Bureau. The recommendations are based on information derived from the volumes of information reviewed in the course of case reviews and investigations with systemic implications, in addition to information gleaned from various reports and discussions with stakeholders. No specific systemic recommendations were made to DCS during 2021.

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

### **Agency Response**

During 2021 and the continued burden of the global pandemic, the DCS Ombudsman Bureau maintained the mission of responding to complaints concerning DCS actions or omissions by providing problem resolution services, independent case reviews, and recommendations to

improve DCS service delivery, thereby promoting public confidence. Services and supports were delivered to DCS Ombudsman Bureau constituents in a timely, efficient, and effective manner given the constraints.

Diligent efforts were made to provide services and monitoring to children and their families during the continued pandemic and accompanying barriers. Parents and adults working with children during this tremendously difficult time struggled to meet the basic needs of children and provide them with an education, health care, social and financial supports, and good mental health. Constituents and partners in Indiana contributed to maintaining the best safety net for children that we could considering the circumstances and we persevered. Gratitude is extended to DCS leadership and staff as they continue to steer the agency toward their goals of safety and in support of families in Indiana. It was, and continues to be, a time of high risk for families and children, and we appreciate the community partners that assist in Indiana's ability to respond to needs of our communities despite suffering the effects of a shrinking workforce in the human services field.

Open communication between the DCS Ombudsman Bureau and DCS at the state and local level has been supported by all parties and has been a positive and educational opportunity, especially with new leadership in the Bureau. The use of Assists as a viable tool to foster communication and resolve concerns between complainants and the Local Offices continues to allow DCS Ombudsman Bureau staff to focus on more complex case reviews and investigations. DCS continues to respond to the requests for Assists in a timely professional manner and that provides much quicker response to constituents. The DCS Ombudsman Bureau continues to work closely with DCS to include the DCS Foster Care Liaison and Kinship Care Navigator in Assists, Case Reviews, and Investigations to support and engage foster and kinship caregivers in their concerns. This is an area that continues to be identified as needing improved levels of communication and training.

## **DCS Ombudsman Bureau Initiatives**

### **Staffing**

The responsibilities of the DCS Ombudsman Bureau require experienced staff proficient in the areas of child welfare and criminal justice issues, problem resolution, research, public policy, law and best practice, and application of the same to constituent concerns. Additionally, the individuals must have above average oral and written communication skills and provide excellent customer service while engaging stakeholders with diverse needs and expectations.

Since its inception in 2009, there has been substantive change specific to the staffing needs for the DCS Ombudsman Bureau. The agency was originally budgeted for one .5 full-time equivalent (FTE) Assistant Ombudsman (AO) position. The position was increased to one FTE in the Spring of 2012, and one additional FTE AO was added in the Fall of the same year. While staffing with two full-time AO positions remained constant, the DCS Ombudsman Bureau experienced significant turnover from 2013 to 2015 at the AO level. The continued recruitment and training of AOs during

this time negatively impacted the bureau's ability to retain staff and respond timely to clients' needs.

Efforts to address staffing concerns and retain talent continued in 2016. Effective April 2017, the AO classification status was adjusted from an Administrative Assistant 2 to a Program Director 2 with a 4.5% increase in salary. This important action contributed favorably to the DCS Ombudsman Bureau's ability to recruit and retain qualified staff. However, as constituent concerns continued to increase due to successful outreach efforts, agency response to constituent challenges continued under the AO staffing structure of two FTE positions. In response to these challenges, the DCS Ombudsman Bureau requested and was granted approval for a staffing increase of one additional FTE AO position. This staff addition, and the experience level of the individuals in the positions, has led to greater expertise and stability in the AO roles. We are fortunate to have a competent, qualified staff that operates efficiently and meticulously.

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

In 2019, IDOA charged the DCS Ombudsman Bureau with the task of addressing the challenges of utilizing technology to manage cases and data while resolving space and storage concerns resulting from the agency's steady nine-year growth. As a member of the United States Ombudsman Association, the DCS Ombudsman Bureau surveyed member child welfare ombudsman agencies regarding their case management systems. Additionally, the DCS Ombudsman Bureau reached out to the State IT for direction for consultation. Information from both entities were compiled and next steps to identify, develop, and implement an electronic case management/data tracking system continued into 2020. The new data and case management system was in its first full year of use during 2021. DCS is in the process of joining in the same system within the next 18 months to two years.

Our Bureau spent the year scanning all our paper files to electronic files in order to create one location for storage of our entire case catalog. We also obtained approval of our plan for retention by the Indiana Archives and Records Administration. Next year we have the goal of completing the transfer of all our documents for storage and the elimination of our duplicate paper files. This will add one more level of confidentiality of our records and will ensure they are available for future use and for data collection. Confidentiality is a critical aspect of our work and highly valued.

## **Acknowledgements**

2021 was a year that unfortunately continued the negative effects of the pandemic on our world. Despite struggles with maintaining staff and being unable to be present one-on-one with our families as much as we would have preferred, the mission of DCS continued to drive the agency forward. We acknowledge the dedication and leadership of DCS managers and front-line staff who do earnest and professional work with our families and children. The DCS

Ombudsman Bureau acknowledges the many individuals who submitted their concerns for resolution. The willingness of these stakeholders to align their efforts with the resources of the DCS Ombudsman Bureau to resolve concerns is greatly appreciated. Additionally, the efforts of the Department of Child Services under the direction of Terry Stigdon at the state and local level are appreciated and commended during another difficult year. The agency continues the commitment to address identified concerns and participate in intentional dialogue around program strengths and challenges with the DCS Ombudsman Bureau. This dedication to furthering the goals of best practice services and support to vulnerable families and children in Indiana is evident in the constant improvements being implemented to better the system.

The DCS Ombudsman Bureau specifically acknowledges the continued support of the Indiana Department of Administration under the leadership of Commissioner Dr. Rebecca Holwerda. Appreciation is also given to Department of Child Services Director Terry J. Stigdon. As the 2021 calendar year ended, the DCS Ombudsman Bureau reviewed our work, planned for continued advancements in the administration of our work, and committed to be available and receptive to resolving issues between families and the Department of Child Services wherever possible. We sincerely appreciate the relationship that continues to be developed with DCS toward that goal.

Finally, much gratitude and appreciation are given to the Assistant Ombudspersons Jessica Stier, Jamie Anderson, and Amanda Fassnacht. Their work ethic, expertise, and experience are evident daily in the work they produce and the commitment they demonstrate to children and families in Indiana. Their contributions are valued tremendously.

# APPENDIX

# Appendix A

## DCS Ombudsman Bureau Staff

### Director

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

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

### Assistant Ombudsmans

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

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

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

# Appendix B

## Rules of Engagement

### DCS Ombudsman Guidelines

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

#### **Complainant Rights**

Complainants are entitled to:

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



#### **Complainant Responsibilities**

Complainants shall:

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

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

The Bureau may:

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

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

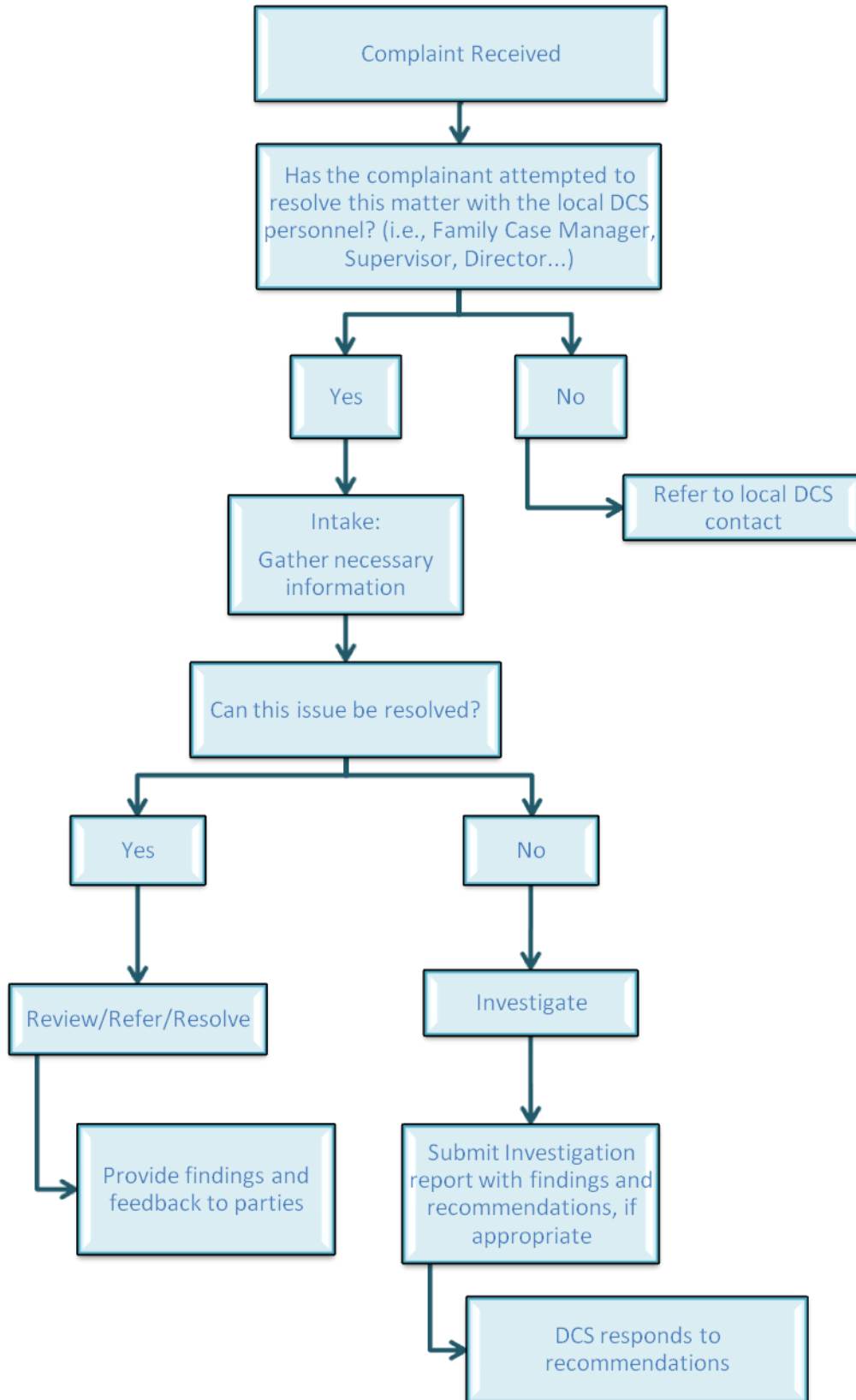
The Bureau shall:

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

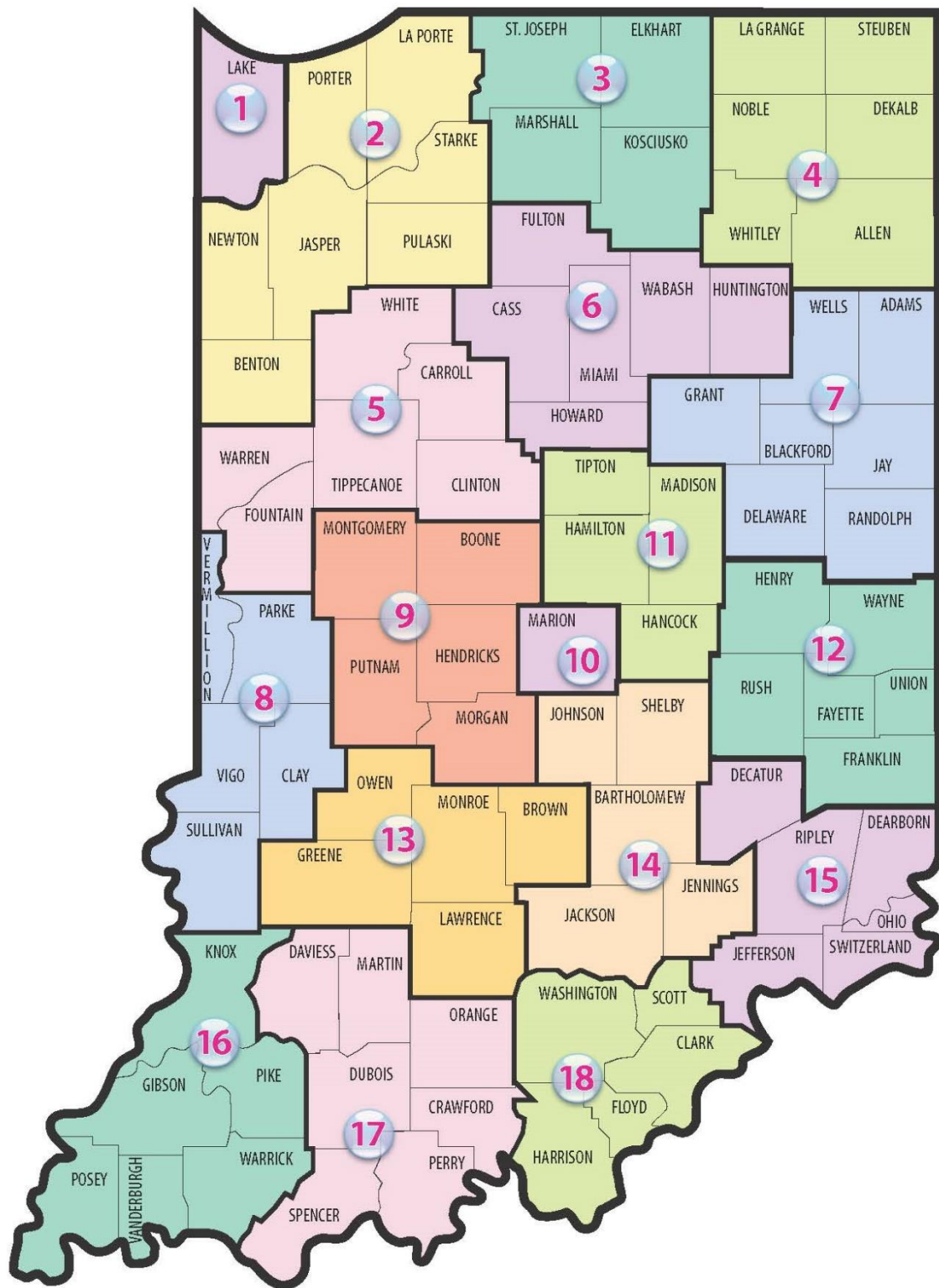


# Appendix C

## How We Work



# Appendix D Regional Map



## **DCS Ombudsman Bureau**

### **Office Hours**

8:00 am to 4:30 pm

### **Telephone Numbers**

Local: 317-234-7361

Toll Free: 877-682-0101

Fax: 317-232-3154

### **Ombudsman E-mail**

DCSOmbudsman@idoa.in.gov

### **Ombudsman Website**

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

### **Mailing Address**

DCS Ombudsman Bureau  
Indiana Department of Administration  
402 W Washington, Room 462  
Indianapolis, Indiana 46204

