



State of Alaska  
ombudsman

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RE: Ombudsman Complaint A2010-1040  
Finding of Record and Closure  
June 15, 2011

*This report has been redacted to remove confidential information and information that would identify the complainants and family involved in this complaint.*

In August of 2010, a South-Central resident contacted the ombudsman to complain that the Office of Children's Services (OCS) was not properly supervising a specific Child-In-Need-of-Aid case.

The ombudsman opened an investigation into the following allegations stated in terms that conform with AS 24.55.150.

***Allegation One: Unreasonable: OCS failed to maintain minimum contact standards with the parents and children involved in a Child-In-Need-of-Aid case.***

***Allegation Two: Inefficient: OCS failed to timely refer a parent for random urinalysis testing to check sobriety'.***

***Allegation Three: Inefficient: OCS failed to timely refer a parent for substance abuse and mental health assessments.***

***Allegation Four: Inefficient: OCS failed to timely complete paperwork necessary for children in state custody to be assessed for Fetal Alcohol Spectrum Disorder (FASD) and mental health evaluations.***

***Allegation Five: Unreasonable: OCS allowed the foster parent and father of two children in state custody to deviate from the visitation plan and failed to complete a background check on a nanny hired by the father prior to the start of a trial home visit.***

***Allegation Six: Inefficient: OCS failed to provide the Guardian ad Litem with timely information, specifically written reports for substance abuse and mental health assessments and evidence of the parent's substance abuse treatment compliance and/or completion.***

Assistant Ombudsman Kate Higgins was assigned to investigate the complaint. Ms. Higgins reviewed the complainant's documentation, the ORCA<sup>1</sup> case management system, and the court file for this case including audio recordings in completing her review.

Ombudsman staff initially discussed the wisdom and effectiveness of completing a formal investigation in this matter. First, the caseworker in this complaint, Kerri Whittecar, is the subject of most of these allegations. Ms. Whittecar is no longer employed at OCS but her supervisor, Fennisha Gardner, is still working in the Wasilla Office. Second, the children were reunited with their father and the CINA case was dismissed. One might call that a victory for OCS but our investigation leads us to believe that any success in this case came almost despite OCS's efforts. The ombudsman determined that it was appropriate to bring this case to the OCS director's attention.

On March 22, 2011, the ombudsman forwarded the preliminary report of our investigation to OCS director Christy Lawton. Based on our review the ombudsman proposed to find Allegations One, Two, Four, Five and 6 justified. The ombudsman proposed to find Allegation 3 to be unsupported. On April 21, 2011, OCS Director Christy Lawton responded to the preliminary report and indicated that OCS accepted our findings and recommendation. The OCS response was incorporated into the following report.

## INVESTIGATION

OCS took emergency custody of two children in their hometown in May 2009, after the police pulled their father over for suspicion of drunken driving when the family was en route to a weekend camping trip. Their mother was also in the car and was so intoxicated that the police took her to an area hospital for observation. [Ombudsman Note: The mother did not participate in case planning and was largely absent during the pendency of the CINA case. Prior to OCS intervention, the Father had been the primary caregiver for the children and he apparently continues to be the sole caregiver.]

In June 2009, the court transferred the case to the Mat-Su Valley to be closer to the family's usual residence. At that time, the case was assigned to OCS caseworker Kerri Whittecar. Her supervisor was Fennisha Gardner.

This case was subject to the provisions of the Indian Child Welfare Act, including the requirement that OCS make "active efforts" to reunite the family.

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AS 24.55.150 authorizes the ombudsman to investigate administrative acts that the ombudsman has reason to believe might be contrary to law; unreasonable, unfair, oppressive, arbitrary, capricious, an abuse of discretion, or unnecessarily discriminatory, even though in accordance with law; based on a mistake of fact; based on improper or irrelevant grounds; unsupported by an adequate statement of reasons; performed in an inefficient or discourteous manner; or otherwise erroneous. "The ombudsman may investigate to find an appropriate remedy."

Under 21 AAC 20.210 the ombudsman evaluates evidence relating to a complaint against a state agency to determine whether criticism of the agency's actions is valid, and then makes a finding

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<sup>1</sup> Online Resource for the Children of Alaska

that the complaint is *justified*, *partially justified*, *not supported*, or *indeterminate*. A complaint is *justified* “if, on the basis of the evidence obtained during investigation, the ombudsman determines that the complainant’s criticism of the administrative act is valid.” Conversely, a complaint is *not supported* if the evidence shows that the administrative act was appropriate. If the ombudsman finds both that a complaint is *justified* and that the complainant’s action or inaction materially affected the agency’s action, the complaint may be found *partially justified*. A complaint is *indeterminate* if the evidence is insufficient “to determine conclusively” whether criticism of the administrative act is valid.

In accordance with administrative law standards, the ombudsman makes findings based on a preponderance of the evidence.

The Office of the Ombudsman’s Policies and Procedures Manual at 4040 addresses and defines the ombudsman standards for evaluating complaints. The policy at 4040(1), defines an administrative act as **contrary to law** if it involved:

(A) failure to comply with statutory or regulatory requirements;

An administrative act is **unreasonable**, per policy 4040(2) if:

(C) the agency’s act was inconsistent with agency policy and thereby placed the complainant at a disadvantage relative to all others

4040(14) discusses and defines the standard **performed inefficiently** as:

“Performed inefficiently” generally covers instances of unreasonable agency delay and ineffectual performance.

(A) The timeliness of an administrative act is sometimes an issue. An agency performed inefficiently when an administrative act exceeded:

(a) a limit established by law (statute, regulation, or similar enacted source) or

(b) a limit or a balance established by custom, good judgment, sound administrative practice, or decent regard for the rights or interests of the person complaining or of the general public.

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***Allegation One: Contrary to Law and Unreasonable: OCS failed to maintain minimum contact standards with the parents and children involved in a Child in Need of Aid case.***

OCS Policy 3.2.1 requires caseworkers to meet “at least monthly” with children and parents and the visits “will occur regardless whether the case is in the initial assessment phase, regardless of the legal custody status, and whether the child is living in their own home or in out-of-home placement.”

#### ***OCS’s Contacts with the Mother***

In ORCA, there are only three documented contacts with the Mother between June 2009, when the case was transferred to the Wasilla OCS office, until November 2010, when the CINA case

was dismissed. On June 11, 2009, Children's Services Specialist Cynthia Bergamo left a message for the Mother asking her to call back to set up a visitation schedule. On June 18, 2009, Ms. Bergamo called the Mother a second time. The Mother told Ms. Bergamo that she was planning to leave town to check on her residence in a non-road connected town. Ms. Bergamo asked that the Mother contact OCS upon her return to schedule visitation. An August 20, 2009, a FACE [Family and Children Early Conference] review note in ORCA recommended that OCS contact the mother for case planning and create a family contact plan for the mother. It does not appear that OCS did either. The next time OCS attempted to contact the Mother appears to be on March 8, 2010, when Ms. Whittecar left a message for her with the mother's friend.

There is no indication in ORCA that the Mother responded to any of OCS's contacts, or made any efforts to participate in her case plan. However, this was an ICWA case requiring that OCS make active efforts and three phone calls, almost eight months apart, simply do not appear sufficient under the circumstances.

Therefore the ombudsman proposes to find this portion of the allegation to be justified.

#### ***OCS's Contacts with the Father***

The following information regarding Ms. Whittecar's contacts with the Father was taken from ORCA. In June 2009, a Social Worker in the family's first hometown told the Father that the case had been transferred to the Wasilla office and provided Ms. Whittecar's contact information. Ms. Whittecar did not contact the Father until July 27, 2009, noting that she was returning his phone calls. Ms. Whittecar noted that she was returning his "calls" but did not note the dates of his calls. The ombudsman can only deduce that the Father left more than one message for Ms. Whittecar but we do not know exactly how many times he tried to contact Ms. Whittecar before she returned his calls.

Ms. Whittecar met with the Father in early August 2009 for a case planning meeting and then again in early September 2009, for an Initial Case Conference. After that, Ms. Whittecar did not document any contact with the Father until the end of October, when she made several attempts to contact him by telephone. Ms. Whittecar and the Father spoke by phone in early November 2009 and scheduled a case planning meeting for mid-November 2009.

A January 15, 2010, supervisory staffing note in ORCA indicated that the last contact with the Father occurred in November 2009 and stated that, as follow-up, OCS needed to "maintain consistent contact with dad." On February 12, 2010, Ms. Whittecar entered a note in ORCA that she completed a caseworker visit with the Father; however, no details of the visit were included in the note. On March 15, 2010, Ms. Whittecar called the Father to relay information about urinalysis (UA) testing. On April 2, 2010, Ms. Whittecar documented a home visit with the Father and the children. On October 15, 2010, a secondary worker conducted a home visit with the Father and the children in a town outside of the Mat-Su Valley.

OCS policy requires caseworkers to meet at least monthly with parents. The documentation shows that Ms. Whittecar met with the Father on August 12, 2009, September 1, 2009, November 12, 2009, February 12, 2010, and April 2, 2010. A secondary worker met with the Father on October 15, 2010. Out of 18 months that the children were in state custody, the Father appears to have had face-to-face meetings with OCS on only six occasions, well below the monthly meeting requirement imposed by OCS policy.

The complainant also provided copies of e-mails showing that the Father frequently contacted Ms. Whittecar regarding the status of his case plan. Ms. Whittecar's responses to his inquiries appeared to be sporadic, at best; therefore the ombudsman proposes to find this portion of the allegation to be justified.

### ***OCS's Contacts with the Children***

According to ORCA, Ms. Whittecar conducted visits with the children on September 11, 2009, October 30, 2009, December 23, 2009, January 26, 2010, February 12, 2010, April 2, 2010, and April 23, 2010. A secondary worker visited the children on October 15, 2010. Ms. Whittecar either missed or failed to document required visits for June – August 2009, November 2009, March 2010, May – September 2010.

The children were in OCS custody for 18 months and only received 8 visits from an OCS caseworker, two of which occurred in the same month, a clear violation of OCS policy, therefore the ombudsman proposes to find this portion of the allegation to be justified.

Because all three components of Allegation One are found to be justified, the ombudsman proposes to find Allegation One to be justified.

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### ***Allegation Two: Inefficient: OCS failed to timely refer a parent for random UA's to check sobriety.***

OCS's Child Protective Services Manual states at 2.9.2.i.3, Case Planning for Children in Out of Home Care:

Given the time limits for achieving permanency for the child which are mandated by law, careful attention must be given to the importance of the parents making timely efforts and the division making every effort to ensure that the services which are included in the case plan are provided in a timely manner.

The Father's case plan states that he will:

Refrain from the use of all alcohol and drugs including prescription drugs except those used in accordance with physician's orders. Provide documentation of any prescription medications to your treatment provider. [The Father] will submit to random UA testing when requested by OCS worker or treatment provider. [The Father] understands that failure to submit to a UA when requested will result in that UA being considered "dirty."

The Father signed the case plan in mid-August 2010.

The following information was gleaned from ORCA. On August 20, 2009, OCS completed a FACE review and recommended that the caseworker "Do RFF [request for funds] and UA referral for father." On January 15, 2010, a supervisory staffing note in ORCA states "Need to institute UA schedule and follow up." Also on January 15, 2010, Ms. Whittecar entered a note in ORCA stating that she called the Father's treatment provider and asked that they give the Father a UA that day and also put him on a random UA schedule. On March 4, 2010, Ms. Whittecar left a message for the Father's treatment provider to follow up on UA's and treatment progress. On

March 8, 2010, Ms. Whittecar phoned the treatment provider and learned that, due to a miscommunication, the provider had not given the Father any UA's. The provider was to give the Father a UA the following day – March 9, 2010.

An ombudsman review of the complainant's e-mails indicated that the subject of UA testing was raised on at least three occasions – December 10, 2009, December 22, 2010, and February 4, 2010. Additionally, the Father contacted Ms. Whittecar on January 19, 2010 asking when UA testing would begin.

The children entered state custody on May 26, 2009. On August 12, 2009, the Father signed his case plan which required him to submit to random UA testing. Ms. Whittecar, however, did not make any attempts to establish a UA schedule for the Father until January 15, 2010 – almost five months later. And, due to a miscommunication, the Father did not receive his first UA until almost two months after that – on March 9, 2010.

Almost eight and one-half months passed from the time that the children came into custody until the Father took his first UA and, while two months of that delay can be attributed to a miscommunication between Ms. Whittecar and the treatment provider, the miscommunication could have been caught earlier if Ms. Whittecar had followed-up with the treatment provider within a reasonable amount of time. This is in violation of OCS policy and procedure and therefore the ombudsman finds this allegation to be justified by the facts.

**Allegation Three: Inefficient: OCS failed to timely refer parent for substance abuse and mental health assessments.**

***Substance Abuse Assessment***

Although the Father did not complete his substance abuse assessment timely, it does not appear to be OCS's fault. On June 3, 2009, the Father met with a Social Worker IV for case planning. At that meeting, the Social Worker contacted Alaska Family Services (AFS) to set up the substance abuse assessment. AFS advised the Social Worker and the Father that the Father needed to pick up, fill out, and return their packet before AFS would schedule the assessment.

According to OCS's disposition report, the Father received the substance abuse assessment on July 15, 2009.

*[Ombudsman Note: The Father contends that he actually received his substance abuse assessment in early June, 2009, just several weeks after his children were taken into custody. However, a June 18, 2009 ORCA note states that the Father told the Social Worker that he had picked up the packet from the provider but would not be able to return it until the following week because they would not accept it via fax. It is unlikely that the Father was assessed in early June because the provider needed to have the completed packet from him before it would schedule the assessment. Additionally, a July 27 ORCA entry by Ms. Whittecar indicates that the Father told her that he was assessed on July 7 or 8, 2009.]*

However, in order to complete the assessment, the provider required that the Father provide the results of a TB test within 30 days. The Father provided the results to Ms. Whittecar on September 1, 2009. Because more than 30 days had lapsed since his initial assessment, the Father had to be reassessed. The reassessment took place on November 11, 2009.

It appears that the SWIV provided all of the information the Father needed to proceed with his substance abuse assessment on June 3, 2009, only about a week after the children were taken into

custody. The assessment was not completed, however, until November 11, 2009, in part because the Father failed to return his TB results to AFS in a timely fashion. This lapse was not OCS's fault; therefore the ombudsman proposes to find this allegation to be **unsupported** by the facts.

### ***Mental Health Assessment***

According to the ORCA notes, the Father completed a mental health assessment on November 13, 2009. Nothing in ORCA documents when OCS made the referral for this assessment, nor was a mental health assessment included in the Father's case plan. Because we do not know precisely when or why OCS determined that the Father needed a mental health assessment, we cannot determine whether OCS failed to make this referral in a timely fashion. Therefore the ombudsman proposes to find this portion of the allegation to be **indeterminate**.

Under 21 AAC 20.210, investigation of a complaint with multiple allegations that results in some allegations being found *justified* and some *not supported* or *indeterminate* results in a finding of *partially justified* for the complaint taken as a whole. In this case, the ombudsman finds one portion of this allegation to be unsupported and the other indeterminate. Therefore the ombudsman proposes to find this allegation to be **unsupported**.

***Allegation Four: Inefficient: OCS failed to timely complete paperwork necessary for children in state custody to be assessed for Fetal Alcohol Spectrum Disorder (FASD) and mental health evaluations.***

### ***FASD Testing***

The OCS case plan, dated June 10, 2009, required OCS to make a referral for both children to receive FASD testing. An August 20, 2009 note in ORCA recommended that Ms. Whittecar "follow up with referral for FASD testing."

According to a disposition report, the Guardian ad Litem (GAL) met with the Father and Ms. Whittecar on November 12, 2009 to discuss the case plan and status. At that meeting, the GAL agreed to fund FASD testing and counseling services for the children. On November 17, 2009 and December 22, 2009, the Father and GAL sent follow-up e-mails to inquire on the status of scheduling the FASD testing. A January 15, 2010 ORCA progress note indicates that the children were seen at a primary medical care facility on January 11, 2010, and subsequently referred to the FASD testing unit at Alaska Native Medical Center (ANMC).

On January 20, 2010, the GAL e-mailed Ms. Whittecar and stated that the relative placement needed the FASD paperwork. According to the disposition report, the packet was mailed to the relative placement in January, but was subsequently returned to ANMC unopened. On February 4, 2010, the GAL e-mailed Ms. Whittecar to follow-up on various case-planning issues and noted that, as of February 1, ANMC had yet to receive information from OCS. On February 10, 2010, the GAL e-mailed Ms. Whittecar stating that the FASD packet had been returned to ANMC. According to her disposition report, the GAL faxed the FASD packet to Ms. Whittecar on February 10, 2010. She followed up on the status of the paperwork on February 22, 2010 and Ms. Whittecar reportedly told the GAL that she was "pretty sure" the paperwork had been taken care of. On February 26, 2010, the GAL sent another e-mail stating that ANMC still had not received the necessary paperwork.

On March 22, 2010, SW Karen Morrison entered a case review note in ORCA recommending that Ms. Whittecar contact the Father so he could pick up and fill out the required FASD

paperwork. Two days later, Ms. Whittecar e-mailed the Father about the paperwork. On March 25, 2010, he responded that he had picked it up and planned to return it that day. On April 1, 2010, both the Father and GAL e-mailed Ms. Whittecar about the status of the FASD paperwork; Ms. Whittecar responded that it had been faxed to the “appropriate parties.” The GAL sent a follow-up e-mail on April 9, 2010 inquiring whether the testing had been scheduled. Ms. Whittecar responded 10 days later that she was still waiting to hear back from ANMC.

ORCA notes show that Ms. Whittecar left a message at ANMC on April 16, 2010 to follow up on the FASD scheduling. Ms. Whittecar made a second call to ANMC almost one month later, on May 12, 2010, and scheduled the children’s appointments for June 2010.

OCS’s June 2009 case plan required OCS to make a referral for FASD testing but Ms. Whittecar did not submit the necessary paperwork to ANMC until the beginning of April 2010 – a delay of nine months. The ombudsman understands that some delays may be inevitable when arranging services through outside providers but this delay was excessive and appears to be attributable solely to Ms. Whittecar’s lack of follow-through. Therefore the ombudsman proposes to find this allegation to be justified.

### ***Mental Health Evaluations***

Although Ms. Whittecar agreed to refer the children for mental health evaluations on November 12, 2009, the children did not receive the evaluations until March 2010. The assessment apparently recommended counseling for both children, but Ms. Whittecar did not contact the Alaska Native Medical Center to set up counseling appointments until April 26, 2010, and only did so after the ICWA worker notified Ms. Whittecar that the children’s nanny tried to set up the appointment but was told that OCS had to initiate the sessions.

Additionally, either the Father or the GAL sent e-mails to Ms. Whittecar regarding the status of the FASD testing and counseling on December 22, 2009, January 4, 2010, January 19, 2010, January 20, 2010, February 4, 2010, February 10, 2010, February 26, 2010, April 1, 2010, and April 9, 2010. Their consistent prodding provided little incentive, apparently, for Ms. Whittecar to follow through with scheduling either the FASD testing or the mental health evaluations and recommended follow-up. Therefore the ombudsman proposes to find this portion of the allegation to be justified.

Because both portions of Allegation Four are found to be justified, the ombudsman proposes to find this allegation to be justified.

### ***Allegation Five: Unreasonable: OCS allowed the foster parent and father of children in state custody to deviate from the visitation plan and failed to complete a background check on a nanny hired by the father prior to the start of a trial home visit.***

According to the Father’s case plan, he was authorized to have visitation on Wednesdays from 9 a.m. to 8 p.m. and Saturdays and Sundays from 11 a.m. to 8 p.m. The plan states that “additional family contact may be worked out between [the foster parent] and [the Father]” but, presumably, this did not include unsupervised overnight visits.

The ombudsman obtained e-mails indicating that in early December 2009, the relative foster placement was experiencing difficulties caring for the children and wanted them removed from her home. On December 22, 2009, the GAL e-mailed Ms. Whittecar asking whether she had

made any arrangements for a new placement, but did not receive a response. A review of ORCA indicates that if Ms. Whittecar addressed this issue, she did not document it in ORCA.

In a January 12, 2010 e-mail, the GAL wrote that the foster placement appeared to be doing better and she believed it was because the Father had his children for the majority of the Christmas break. Several days later, on January 15, 2010, Ms. Whittecar noted in ORCA that the Father was looking for a nanny to care for the children during his work weeks.

On February 26, 2010, the GAL e-mailed Ms. Whittecar and Ms. Gardner expressing concern that the children were currently living with the Father because that living arrangement had not been pre-approved by OCS or included in the case plan. It does not appear that either Ms. Whittecar or Ms. Gardner responded to this e-mail.

Additionally, the GAL wrote in her March 11, 2010, disposition report to the court that the foster placement continued to allow the Father to care for his children on the weeks he was home from the slope from Christmas 2009 until the date of her report.

It appears that, rather than deal with the foster parent's request that the children be removed from her home, Ms. Whittecar simply ignored the problem and turned a blind eye when the foster parent solved the problem herself by allowing the children to stay with their father when he was home from work.

Please note that at the time the children began having overnight visits with their father, in December 2009, he was not participating in treatment and had not taken a single UA to confirm his sobriety.

The Complainant also alleged that OCS failed to conduct a background check on the children's nanny, prior to the nanny beginning work for the Father. The ombudsman obtained several e-mails between the GAL, Ms. Whittecar and the Father. On April 1, 2010, the Father notified Ms. Whittecar that the prospective nanny had met with the Children and was going to start work on April 5, 2010. That day, the GAL e-mailed Ms. Whittecar asking whether OCS had completed a background check on the prospective nanny. Ms. Whittecar responded that the background checks were complete, no criminal history noted, and that she planned to meet the nanny the following week during a home visit. ORCA indicates that the home visit actually occurred on April 23, 2010, at least two weeks after the visit was promised.

The documentation leads the ombudsman to conclude that OCS conducted an advance background investigation without interviewing the subject of the investigation. If the nanny was a 24-7 member of the family household, a background investigation would have been conducted prior to placement. OCS should have met with and interviewed the nanny prior to her starting work for the Father. Therefore the ombudsman proposes to find this allegation to be justified.

***Allegation Six: Performed Inefficiently: OCS failed to provide the Guardian ad Litem with timely information, specifically written reports for substance abuse and mental health assessments and evidence of the parent's substance abuse treatment compliance and/or completion.***

On March 11, 2010, the GAL submitted her disposition report to the court detailing her concerns with OCS's handling of this case. The GAL's report detailed many of the issues also addressed in this report. She wrote that she had yet to receive any documentation supporting the Father's treatment compliance, any UA test results, or the written mental health assessment.

As of the GAL's May 5, 2010 permanency report, she had still not received a copy of the children's mental health assessments, any documentation regarding the Father's compliance in his substance abuse treatment program, or any UA results.

In addition, e-mails submitted to our office show that, beginning in November 2009, both the GAL and the Father were regularly contacting Ms. Whittecar in an attempt to get the case back on track and ensure that the parties were receiving services necessary for the completion of the case plan. Between November 2009 and August 2010, it appears that the GAL e-mailed either Ms. Whittecar or her supervisor, Fennisha Gardner, on multiple occasions to address concerns or follow-up on outstanding issues, such as the UA scheduling, FASD testing, mental health evaluations for the children, and other matters.

The GAL told the ombudsman investigator that she received the written report for the Father's mental health evaluation sometime in April 2010, the children's mental health evaluations six months later on October 14, 2010, and the UA test results on October 29, 2010. She also reported receiving the children's FASD evaluations two months after that on December 6, 2010, but said that she received that information directly from the Father as the CINA case was dismissed about a week prior.

OCS's delay in providing timely information to the GAL is inexcusable, particularly because the supervisor was in the GAL's "loop" and she should have made sure her caseworker reply to the GAL's requests for information. Therefore the ombudsman finds this allegation to be justified.

On April 21, 2011, OCS responded that it accepted the proposed findings.

Under 21 AAC 20.210, investigation of a complaint with multiple allegations that results in some allegations being found *justified* and some *not supported* or *indeterminate* results in a finding of *partially justified* for the complaint taken as a whole. The ombudsman found Allegations One, Two, Four, Five and Six justified by the facts and Allegation Three is unsupported.

Therefore the ombudsman found this complaint to be partially justified overall.

## RECOMMENDATION

Throughout this case, Ms. Whittecar took a hands-off approach. She failed to maintain minimum contacts with all of the parties, failed to make timely referrals for the father and the children, did not follow up with service providers to ensure that the father was in compliance with his treatment plan, and allowed the foster parent and father to side-step the visitation plan, which effectively returned the Children to their father's care.

We understand that providing OCS with our concerns about how this case was handled has limited practical effect; the caseworker assigned to this case is no longer an OCS employee and the CINA case was dismissed because the dad succeeded in working his case plan and ultimately reunited with his kids. However, the case supervisor remains on OCS staff. But, most important, had the father not taken the initiative to secure and complete services for himself and his children, this case would likely have had a different outcome. Therefore the Ombudsman proposed the following recommendations.

**Recommendation: OCS should conduct supervisory case reviews in accordance with OCS Child Protective Services Policy 6.8.3.**

Policy 6.8.3 states, in part:

POLICY: Supervisors will meet weekly with their staff to review cases to ensure workers are receiving support and consultation in their work with families. These will be regularly scheduled staffing times and in the event a meeting has to be cancelled, the supervisory meeting must occur the following week.

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In discussing the case, the supervisor will focus on:

- A. clearly defined goals and objectives that relate directly to identified problems and minimum level of care;
- B. contacts with the child and family;
- C. any protective services reports which may have been received and investigated;
- D. accurate and timely documentation of case activities in the case record; and
- E. whether progress is being made or if other options should be considered.

Per policy, supervisory staffing meetings are supposed to be documented in ORCA.

The purpose, presumably, of supervisory case reviews is to ensure that cases aren't being neglected. These children were in state custody for 18 months and, as such, there should have been approximately 72 supervisory staffing meetings (18 months x 4 meetings per month). A review of ORCA indicates that, over the course of this case, there was *one* supervisory staffing meeting on January 15, 2010. Additionally, there were two case reviewer notes entered on August 20, 2009 and March 22, 2010. Had Ms. Gardner conducted supervisory staffing meetings in accordance with OCS policy, many of the issues noted in this report could have come to light and been resolved with supervisory oversight.

On April 21, 2011, OCS indicated that it accepted the proposed recommendation and provided the following response:

The Office of Children's Services relies upon supervisory case reviews as a primary method of monitoring and guiding service provision. In addition, there are several other internal and external mechanisms used for monitoring service provision including administrative reviews, treatment team meetings, and court hearings.

While it is clear this case should have been reviewed more frequently, it should be noted that OCS policy 6.8.3 A does not require weekly supervision of every case. The intent of weekly supervision is to provide the supervisor and employee structured time to review all necessary case issues, generally based upon priority. Identifying the proper priorities is a task to be led by the supervisor, but accomplished by the supervisor and worker in tandem.

OCS policy 6.8.3 B specifies the frequency of supervisory case reviews. The case in question qualifies as a "Permanency Case" which requires a review, "At least every six months (prior to Child and Family Six Month Conference), and at closure." Even these less stringent policy requirements were not met in this case and stating this policy here is intended as merely informative. Clearly, this case should have had more frequent supervisory review under both CPS policy 6.8.3 A and B.

Supervisory guidance and oversight is of critical importance in providing proper and effective services and accomplishing the organizational mission. Overall OCS concurs with the findings of the investigation and agrees with the recommendation proposed.

OCS provided the following action plan to implement the ombudsman's recommendation:

The Office of Children's Services will provide a refresher course for all current supervisors on policy 6.8.3 A and B. In addition, specific individualized coaching and mentoring will be provided to supervisors as needed based upon their track record of identifying and addressing priorities appropriately.

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The OCS response fulfills the intent of the recommendation. The ombudsman will monitor the issue of supervisory reviews with regularity as ombudsman investigators review other citizen complaints against OCS.

**Public Report per AS 24.55.200**