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Lawmakers call for oversight of Child Services

2 will propose independent ombudsman to review complaints, ensure safety



By **Tim Evans**
Posted: December 2, 2008

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Two state lawmakers will push for independent oversight of the Department of Child Services because they believe confidentiality laws have made it impossible to fully investigate the powerful agency when children die in its care or when it faces complaints.

State Reps. David Frizzell, R-Indianapolis, and Charlie Brown, D-Gary, said they will file bills in the upcoming legislative session to create an ombudsman to oversee DCS.

ADVERTISEMENT During the past year, The Indianapolis Star has reported extensively on problems within the state agency, including instances when the agency did not heed warning signs that might have prevented the deaths of two children.

"Right now, we have to take their word that things are being done properly," said Dawn Robertson, spokeswoman for HonkforKids, which assists Hoosier parents and children involved with DCS. "What we need is someone who is independent to determine whether there is or isn't a problem."

Unlike police, an ombudsman would focus on whether DCS did everything it should have to help and protect a child in the state's care. DCS annually investigates about 20,000 families and removes about 7,000 children from their parents.

An ombudsman also would review complaints from families and children involved with the agency.

For example, an ombudsman could have investigated whether DCS staff did anything wrong in the case of Destiny Linden. The 12-week-old Indianapolis girl died in April while in a Marion County foster home that had been the subject of ongoing complaints about the care and safety of other children. A confidential DCS report obtained by The Star showed that the agency found no wrongdoing on the part of the foster parents but did not address the actions of agency workers.

An ombudsman also could have probed why DCS allowed 2-year-old Jalen Blake to stay with his mother in June after a doctor found methamphetamine in the Daviess County boy's system. He died three weeks later after being beaten.

Robertson said the presence of an independent ombudsman could play a critical role in fixing any problems -- and ensuring public confidence in DCS.

"Anytime you have an agency that is as big and as powerful as DCS -- and that operates almost entirely without scrutiny from the public or legislature -- there has to be oversight and accountability," she said. "Without those two key counterbalances, people are going to fall through the cracks, and people are going to be mistreated."

Frizzell expressed frustration with the current system.

"I understand the need for confidentiality to protect the children, but people

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need to know if there are problems with the system. The way things are right now, even a state representative can't get that kind of information."

He said he got behind the idea after trying to help a family that has a long-simmering dispute with DCS.

"There wasn't anything I could do to help because I couldn't get any information," Frizzell said. "My concern is that children are safe and families are treated fairly, and, the way things are now, I really can't say if that is the case or not."

Ombudsmen elsewhere

More than 30 states have an ombudsman to oversee their child protection programs. In many of those states, the independent ombudsman reviews complaints about the actions of agency staff and investigates the circumstances when a child involved with the agency dies.

Indiana already has an ombudsman for its Department of Correction and for at least five other state agencies and programs. An eleventh-hour attempt to create an ombudsman during the 2008 General Assembly died in the House as lawmakers focused on property-tax reform.

Brown was behind the 2008 legislation and said he will work again in 2009 to establish an ombudsman.

"These children and families need an advocate," he said. "And it's obvious this isn't just a problem in Marion County or a few isolated places. I hear a lot of complaints from the folks up in Lake County, too."

Susan Tielking, DCS spokeswoman, said agency officials are aware that lawmakers have discussed ombudsman bills but declined to say whether the agency supports the idea.

"What we're going to do is wait until they present their legislation," she said. "We look forward to seeing the details."

Tielking noted there are several avenues already within DCS and the courts for people to appeal the agency's decisions and register complaints.

Getting a bill passed

How the proposed bills shake out remains to be seen.

The bill Brown proposed last year was based on legislation that created an ombudsman to oversee the Department of Correction. Frizzell said he now is looking at laws in other states as a possible model for the legislation.

Both said they are willing to work together to get the legislation passed.

There are three critical components to a successful ombudsman program, said Mary Meinig, co-chairwoman of the U.S. Ombudsman Association's children and families chapter.

The first two involve unrestricted access to confidential records and total independence from the child welfare agency, said Meinig, director of the Washington State Office of Family and Children's Ombudsman.

Meinig said ombudsmen also must be able to write and present reports on their findings and speak about those issues in the media. She said that would come on top of an annual report the ombudsman is required to file with the governor and legislature.

In addition to Brown and Frizzell, HonkforKids is drafting proposed ombudsman legislation for which it hopes to find support.

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"This is something we needed years ago," said Robertson, the group's spokeswoman.

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- Crime
- Education
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- Home & Garden
- Faith & Values
- Shopping & Fashion
- People
- Engagements
- Weddings
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- Dining
- Nightlife
- Music
- Arts & Culture
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