

Child Protection Committee

Oversight Structures in Other States

Summary: Children's Ombudsman Offices, also known in some jurisdictions as Office of the Child Advocate, have been established at the state level in order to assist in providing oversight of children's services. Currently, approximately 22 states have established a Children's Ombudsman/Office of the Child Advocate with duties and purposes specifically related to children's services. Another five states have a statewide Ombudsman program which address the concerns of all governmental agencies, including children's services. Nine states have related Ombudsman services, program specific services, or county run programs. The purpose, responsibilities, and duties of the Children's Ombudsman Office vary by state. In general, these offices exist to:

- Handle and investigate complaints from citizens and families related to government services for children and families — this may include child protective services, foster care, adoption, and juvenile justice services.
- Provide a system accountability mechanism by recommending systemwide improvements to benefit children and families — often in the form of annual reports to the Legislature, Governor, and public.
- Protect the interests and rights of children and families — both individually and systemwide.
- Monitor programs, placements, and departments responsible for providing children's services — which may include inspecting state facilities and institutions.

The United States Ombudsman Association (USOA) has established a set of best practices guidelines for Ombudsman offices:

- (1) an Ombudsman office should be independent — free from outside control or influence;
- (2) an Ombudsman should be impartial and shall receive and review each complaint in an objective and fair manner, free from bias, and treat all parties without favor or prejudice;
- (3) the Ombudsman should control confidentiality, have the privilege and discretion to keep confidential or release any information related to a complaint or investigation; and
- (4) the Ombudsman should create a credible review process of complaints, and perform his or her responsibilities in a manner that engenders respect and confidence and be accessible to all potential complainants.

Ongoing legislative oversight is also an option. For example, Utah's legislature has a Child Welfare Legislative Oversight Panel, a standing legislative committee charged with oversight of the state's child protective services agency and dependency courts.

Current Law: Apart from DCF, Vermont does not currently have any special office to monitor the delivery of services and to handle customer complaints related to child welfare.

Issues and Potential Committee Options: A Children's Ombudsman Office may be established by legislation, executive order, or by the child welfare agency. A Children's Ombudsman office can be an independent agency established by statute, existing either in the Legislative Branch or Executive Branch, or may be established within the child welfare agency. The office may be run by the government, or a nonprofit organization under government contract. The Legislature could also create a standing legislative oversight committee to conduct oversight of the child welfare system or DCF specifically.