

CHAPTER 61**(HJR 137)**

A JOINT RESOLUTION directing the Cabinet for Health and Family Services to provide resources and support for the Office of the Ombudsman for the Cabinet to track and report on trends in the receipt, review, and resolution of citizen complaints about child protection programs and services.

WHEREAS, the Office of the Ombudsman is required by KRS 194A.030 to review and resolve citizen complaints about programs and services of the Cabinet for Health and Family Services when those complaints are unable to be resolved through normal channels; and

WHEREAS, the Office of the Ombudsman is required by KRS 194A.030 to provide professional support in the evaluation of programs including quality improvement and information analysis and reporting, including contract monitoring, program monitoring, and the development of quality service delivery; and

WHEREAS, the report titled "the 'other' Kentucky lottery: Child Protection & Permanency for Abused & Neglected Children in Kentucky in 2005," a joint project of the National Institute on Children, Youth & Families, Inc. and Kentucky Youth Advocates, Inc., found that the quality of services provided to neglected and abused children in Kentucky is subject to the vagaries of geography – like where a child might live – and the luck of the draw as to which social workers they are assigned; and

WHEREAS, the January 10, 2007, investigative report prepared by the Office of the Inspector General found that the Office of the Ombudsman is an underutilized resource for ensuring the integrity of the Department for Community Based Services' actions; and

WHEREAS, the Office of the Inspector General report recommended that any complaint justified by the Office of the Ombudsman should result in a written action plan for the resolution of the issue; and

WHEREAS, the Children's Bureau, U.S. Department of Health and Human Services, which administers the Child and Family Services Reviews, believes that one of the most important ways to promote positive outcomes for children and their families is to ensure the quality and frequency of caseworker visits with children and families; and

WHEREAS, as of August 2006, the Department for Community Based Services was working with approximately 19,600 children who were victims of maltreatment, were dependent, or had committed status offenses, and there were 7,431 children in state custody; and

WHEREAS, the total number of complaints related to protection and permanency received by the Office of the Ombudsman increased from 1,330 in 2002 to 3,255 in 2006, an increase of over 40%, and of those contacts, the number of issues found not to conform to cabinet policy increased from 71 in 2002 to 141 in 2006, an increase of over 50%; and

WHEREAS, the total number of contacts related to child protection-related complaints about caseworkers rose from 67 in 2002 to 217 in 2006, an increase of over 30% and of those contacts, the number of issues found not to conform to cabinet policy increased from 2 in 2002 to 6 in 2006; and

WHEREAS, the Office of the Ombudsman has received little increased support in staff or resources to correspond with the increased workload related to child protection and permanency complaints; and

WHEREAS, many states are currently reviewing the authority, duty, and independence of ombudsman offices addressing child welfare issues, including California and Virginia; and

WHEREAS, it is the duty of the General Assembly to ensure the protection of children and the promotion of strong families in the Commonwealth;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Cabinet for Health and Family Services shall provide the Office of the Ombudsman with resources and support to track and report on trends in the receipt, review, and resolution of citizen complaints about child protection programs and services. The Office of the Ombudsman shall track citizen complaints for each family service worker and supervisor by county and report to the secretary of the cabinet any occurrence of ten or more complaints for a single county within a six month period.

Section 2. The Cabinet for Health and Family Services shall investigate any occurrence of ten or more complaints for a single county within a six month period as reported by the Office of the Ombudsman and report to

the Interim Joint Committee on Health and Welfare and the House of Representatives on the number of investigations and the outcome of the investigations for the previous calendar year by January 31 of each year.

Approved March 21, 2007.