



# COMMONWEALTH of VIRGINIA

## Office of the Governor

Office of the Children's Ombudsman  
Eric J. Reynolds, Esq., Director

To: Honorable Members of the Virginia General Assembly

From: Eric Reynolds, Director, Office of the Children's Ombudsman

Re: Progress Update – Office of the Children's Ombudsman

Date: October 18, 2021

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### Background

The Office of the Children's Ombudsman (OCO) was created by the General Assembly during the 2020 Regular Session. I was appointed by Governor Northam on June 25, 2021 to serve as Director of the OCO. The Office was created *"as a means of effecting changes in policy, procedure, and legislation; educating the public; investigating and reviewing actions of the Department, local departments, child-placing agencies, or child-caring institutions; and monitoring and ensuring compliance with relevant statutes, rules, and policies pertaining to child protective services and the placement, supervision, and treatment of, and improvement of delivery of care to, children in foster care and adoptive homes."* Va. Code § 2.2-439.

The OCO receives complaints from the public about Virginia's child welfare system and has the authority to investigate complaints alleging that an administrative act taken by the Virginia Department of Social Services (VDSS), a local department of social services, or child-placing agency with respect to a particular child who has been alleged to have been abused or neglected, is receiving child protective services, is in foster care, or is awaiting adoption is contrary to law, rule, or policy; imposed without an adequate statement of reason; or based on irrelevant, immaterial, or erroneous grounds. The OCO also has authority to investigate child fatalities when the child victim's family had involvement with CPS or foster care prior to, or at the time of, the child's death. The OCO may investigate matters or complaints received from the public or on its own initiative.

The OCO may also advocate for changes in legislation, policy or procedures in the best interests of children receiving child protective services, in foster care, or placed for adoption.

This memo provides an update on the work done since my appointment to establish this Office and make it operational.

### Staffing

On August 10, 2021, Jane Lissenden was hired as Policy Advisor to the Director. Ms. Lissenden has 16 years of experience in Virginia's child welfare system working with the Court

Improvement Program in the Office of the Executive Secretary of the Supreme Court of Virginia. As training coordinator, she established professional relationships and worked closely with staff from VDSS and other child-serving agencies, judges of the Juvenile and Domestic Relations District Courts, and attorneys for local departments of social services, private attorneys, and guardians ad litem for children to develop specialized trainings and conferences dedicated to improving court processing of child welfare cases.

On September 24, 2021, Destiny Allen was hired as an Investigative Analyst. Ms. Allen has a Master of Social Work degree and was a social worker for a local public school division. She has experience working directly with children and their families and brings a unique perspective as a social worker and educational services professional in reviewing complaints about child welfare system practices, interacting with complainants, and recommending changes in policies or procedures.

We are currently looking for another staff person to serve as an intake analyst. This person would receive complaints, schedule phone calls or meetings with the complaining individual, and initiate a preliminary assessment of the complaint to determine the appropriate actions the OCO may take. Ideally, this individual will be bilingual and have some experience in child welfare and client relations.

The number of complaints received is expected to increase significantly once the OCO website is on-line and our contact information is made public. Long-term staffing goals to meet the increased caseload would include the hiring of another investigator, an Investigations Supervisor, and an attorney experienced in child welfare to serve as Deputy Director. Appropriate budget requests will be made accordingly as the need for such positions arises.

### Office Operations

Soon after my appointment, I began drafting OCO Policies and Procedures for processing complaints. I reviewed the policies and procedures established by similar child welfare ombudsman offices in other states, especially those of Michigan's Office of the Children's Ombudsman, and created a manual consisting of five sections: Introduction, Definitions, Intake Policy and Procedures, Interventions and Investigations, and Confidentiality and Information Disclosure. The policies and procedures were created to be consistent with the OCO's enabling statutes found at Va. Code §§ 2.2-438 *et seq.*

The manual is still a work in progress with OCO staff providing input and recommendations as we process the complaints the office has received since my appointment. Once in its final form, the manual will be provided to the VDSS Commissioner and the directors of local departments of social services. A summary of our policies and procedures will be posted on the OCO website.

If the complaint requires an investigation or intervention by the OCO, we will provide written notification of such action to the VDSS Commissioner and the director of the local department of social services that is the subject of the complaint. At the conclusion of the investigation or intervention, a written investigative report will be provided to the Commissioner and the local director. The local director will be given the opportunity to provide a written response. No investigative reports will be made public unless the issue is of such import that publication is deemed necessary to effectuate a positive outcome in the case or to provide awareness of the need for a significant change in policy or practice. All published investigative reports will be redacted to protect confidentiality consistent with applicable laws.

As of October 18, 2021, we have received 26 complaints. The complaining individuals received our contact information from various sources, including VDSS' constituent services unit, the Governor's Office constituent services, legislators' offices, Facebook groups, advocacy groups, and various public meetings I attended and at which I presented. Of these 26 complaints, we have initiated investigations for five of them, closed out seven due to lack of authority or lack of necessary information from the complainant, referred one to another agency, and are in the process of assessing the remaining complaints to determine what action the OCO can take. Two involve child fatalities.

Staff at VDSS provided prompt assistance to the OCO in gaining access to OASIS and COMPASS, VDSS' child welfare information systems, as well as to Safe Measures, which provides valuable data on Virginia's abused and neglected children and children in foster care.

The OCO is working with the Virginia Information Technology Agency (VITA) and the Office of the Attorney General in procuring a case management system to manage the complaints and facilitate data collection and reporting.

The OCO is working with VITA personnel in the Governor's Office to develop the OCO website. VITA staff also assisted the OCO in assigning a statewide phone number for complaints and email addresses to contact the Office and to submit complaints. The website will also include an on-line complaint form that the public may use to submit complaints. The website will include information about the OCO as well as information about resources available to complainants for alternative remedies and other valuable information about Virginia's child welfare system. Resources for parents, foster youth, foster families, and adoptive families will also be included.

#### Networking and Advocacy

After my appointment, I reached out to members of the following standing committees of the House and Senate:

- Senate Rehabilitation and Social Services
- Senate Judiciary
- House Health, Welfare and Institutions
- House Courts of Justice
- Commission on Youth

I met with and introduced myself to 7 senators and 13 delegates, including House and Senate leadership.

I also met with leadership and staff from the following state agencies and leaders: VDSS, Department of Juvenile Justice, the Virginia Department of Education, the Office of Children's Services, the Department of Criminal Justice Services, the Virginia Department of Health, the Department of Labor and Industry, the Department of Aging and Rehabilitative Services, First Lady Pamela Northam, the Governor's Advisor on Childhood Trauma & Resiliency, and the director of the Family and Children's Trust.

We also made connections with several advocacy and service groups, including the Virginia Poverty Law Center, Voices for Virginia's Children, the Virginia Trauma Informed Care Network, Families Forward, the Children's Home Society, NewFound Families, Project Life,

and Virginia KidsBelong.

Members of the OCO staff currently participate in or attend meetings of the following groups:

- Child Welfare Advisory Committee (convened by VDSS)
- VDSS Tribal Roundtable
- Children’s Justice Act/Court Appointed Special Advocate Advisory Council
- Meetings of the State Board of Social Services
- Meetings of the State Executive Council for Children’s Services
- Meetings of the Virginia Commission on Youth, including the workgroups for Crossover Youth and Workforce Development for Foster Youth
- Family and Children’s Trust – Abuse and Neglect Committee
- State Child Fatality Review Team
- Virginia League of Social Services Executives - Legislative Committee and Children and Family Services Committee
- Voices for Virginia’s Children Foster Care Policy Network
- Virginia Trauma Informed Care Network
- United States Ombudsman Association, Children and Families Chapter

OCO staff also attended the recent meeting of the Children’s Cabinet on September 30, 2021 as well as the Sovereign Nations of Virginia Conference on September 24, 2021. On October 7, 2021, OCO staff toured the Wilson Workforce and Rehabilitation Center and the Commonwealth Center for Children and Adolescents in Staunton. I will be presenting at the virtual statewide Children’s Services Act conference later this month as well as the Virginia League of Social Services Executives annual conference in November.

These connections, workgroups, and meetings will provide the primary settings for the OCO to engage in its advocacy efforts to promote changes in policy.

The OCO is monitoring or participating in discussions of the following system-wide issues:

- Kinship/foster care diversion; the creation of a temporary guardianship status for relatives of children at risk of entering foster care
- Quality legal representation – CPS and foster care cases
- Review/appeals of local agencies’ placement decisions for children in foster care
- Barrier crime reforms
- Foster care recruitment: diversity, stability, training

The OCO is monitoring or participating in the following projects:

- Workforce development for older foster youth, youth aging out (VCOY, DOLI, DARS)
- Crossover youth – inter-agency information sharing (VCOY, VDSS, DJJ, DCJS)

Projects the OCO is currently working on or planning:

- JLARC Report – update
- FFPSA implementation monitoring
- Regional multi-disciplinary training (poverty simulation, implicit bias, best practices, ICWA)
- Child Welfare System Overview for Legislators