

OFFICE OF THE CHILD ADVOCATE ADVISORY COMMITTEE  
EVALUATION OF THE EFFECTIVENESS OF  
THE OFFICE OF THE CHILD ADVOCATE  
2008

Pursuant to Connecticut General Statute §46a-13q(a), the Office of the Child Advocate Advisory Committee shall provide an annual evaluation of the effectiveness of the Office of the Child Advocate (OCA). We herewith submit our report, covering the rating period July 1, 2007 through June 30, 2008.

This past year has been an extremely busy and productive one for the Office of the Child Advocate. Remarkably, the passion and commitment demonstrated by the Child Advocate and her talented staff remain unabated. OCA continues in its leadership role throughout the state, investigating concerns regarding the delivery of critical services to children and aggressively advocating for needed reform. The year's work included an intensive focus on the state children's psychiatric hospital, the state's prisons for youth, and state-funded treatment facilities for children with complex needs. Advocacy efforts were intensified on behalf of youth with special needs transitioning from the child welfare system into the adult service systems. Teen dating violence awareness and education, services and supports for girls, educational stability for children in foster care, enhanced home- and community-based services for children with special health care needs, and responding to citizen groups' requests for information about circumstances of the children of our state kept the small staff very busy. This was an exciting year working in partnership with many dedicated and concerned parents, advocates, state agencies, policy makers, and others to advance public awareness and policy initiatives on children with disabilities.

OCA was established by PA 95-242 after the tragic death of Baby Emily brought renewed recognition of the need for an independent office to monitor and evaluate the public and private agencies that are charged with the protection of children, and to review state agency policies and procedures to ensure they protect children's rights and promote their best interest. Its responsibilities include acting as an ombudsman, doing facility and program reviews, conducting special investigations and projects, and participating in Child Fatality Reviews.

The very broad responsibilities given to OCA, as specifically defined in Conn. Gen. Stat. §46a-13k *et seq.*, include:

- (1) Evaluating the delivery of services to children by state agencies and those entities that provide services to children through funds provided by the state;
- (2) Reviewing periodically the procedures established by any state agency providing services to children to carry out the provisions of sections 46a-13k to 46a-13q, inclusive, with a view toward the rights of the children and

recommending revisions to such procedures;

(3) Reviewing complaints of persons concerning the actions of any state or municipal agency providing services to children and of any entity that provides services to children through funds provided by the state, making appropriate referrals and investigating those where the Child Advocate determines that a child or family may be in need of assistance from the Child Advocate or that a systemic issue in the state's provision of services to children is raised by the complaint;

(4) Pursuant to an investigation, providing assistance to a child or family who the Child Advocate determines is in need of such assistance including, but not limited to, advocating with an agency, provider, or others on behalf of the best interests of the child;

(5) Periodically reviewing the facilities and procedures of any and all institutions or residences, public or private, where a juvenile has been placed by any agency or department;

(6) Recommending changes in state policies concerning children including changes in the system of providing juvenile justice, childcare, foster care, and treatment;

(7) Taking all possible action including, but not limited to, conducting programs of public education, undertaking legislative advocacy, and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil and special rights of children who reside in this state;

(8) Providing training and technical assistance to attorneys representing children and guardians ad litem appointed by the Superior Court;

(9) Periodically reviewing the number of special needs children in any foster care or permanent care facility and recommending changes in the policies and procedures for the placement of such children;

(10) Serving or designating a person to serve as a member of the child fatality review panel established in subsection (b) of this section; and

(11) Taking appropriate steps to advise the public of the services of the Office of the Child Advocate, the purpose of the office and procedures to contact the office.

To carry out its statutory responsibilities, the OCA was granted broad access to information, including the statutory authority to issue subpoenas. Specifically, state law grants OCA access to any and all records pertaining to services or care provided to a child that may be necessary to intervene on behalf of that child. Indeed, the OCA is the only state agency that can review information from all domains of a child's life, including home, school, and health care. OCA is thus uniquely positioned among state agencies in

its capacity to identify cross-agency “systems” issues, recommend solutions, and act as a catalyst in bringing responsible state agencies together to address identified problems.

State law similarly affords broad protection for OCA’s own information, protecting the confidentiality of the identity of any reporter to OCA and any records produced by OCA. Such information may be released only when the Child Advocate determines it is in the best interest of the child or public.

Over the past twelve years, in fulfilling its statutory responsibilities, the OCA has completed 11 child fatality reviews, and summary and follow-up reports that highlight the various findings and recommendations made in the reviews, as well as the way in which the responsible agencies have responded. It also has completed 8 special reports on general topics and 6 reports following its investigations of child-serving facilities, made presentations to over a hundred groups, participated in dozens of task forces, councils, and committees, held several press conferences, and provided assistance to more than 10,000 persons who have directly contacted OCA for assistance.

However, for the Office of the Child Advocate to continue to offer high quality advocacy for individuals and for systems reform, it must add at least three positions to the current staff of ten.

One position would be responsible for facility oversight and investigation. This would ensure that OCA can fulfill its statutory mandate to review juvenile justice facilities, detention centers, shelters, foster homes, safe homes, schools, prisons, mental health treatment facilities, and hundreds of residences throughout the state. The need to build capacity in this area has become acute as the number of DCF group homes continues to expand, the number of requests for facility reviews from citizens and policy makers continues to increase, and the more than 300 children who are placed in out-of-state facilities urgently need OCA’s attention and advocacy.

A second new staff position would shoulder responsibility for conducting research, data analysis, upgrading the data system, and overseeing quality improvement. In 2007-2008, there continued to be an increase in the number of complaints about assessments of the needs of children and youth that are not sufficiently comprehensive or thorough, of agency-approved interventions that focus on maintenance and custodial care rather than active treatment, and of children who are drifting further away from the normalcy of home, community, and family. The person in this position would be responsible for planning and implementing formal research to evaluate state-funded programs and services and the outcomes for children whom they treat.

The third position would be an attorney. OCA currently has statutory authority to bring litigation to address systemic issues, but lacks the internal capacity to do so. If OCA actually had real “teeth,” i.e. the internal capacity to bring litigation to enforce its recommendations regarding DCF’s violation of children’s federal or state constitutional or statutory rights, DCF might respond more quickly to OCA’s recommendations.

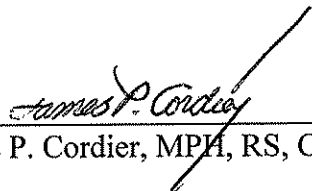
In addition to these three new positions, the OCA should be empowered to structure the agency and establish staff positions that most appropriately meet its unique needs. OCA currently is required by DAS to use DCF job classifications. However, DCF job classifications bear no relationship to the type of work OCA does.

The DCF job classifications are structured such that the job classifications that have a level of education, expertise, and experience sufficient to meet OCA's unique needs are limited to those who supervise lower level staff. However, since nearly all of the OCA staff need to have advanced education and training, and because OCA has a very small staff, a structure based on supervision of lower level staff hinders OCA's ability to structure its staff in the most effective way and its ability to recruit and retain the staff needed to carry out the mandates of the office. OCA, an oversight agency by its very definition, has a much flatter organizational structure than regular state agencies. To carry out its unique mandates of its office, the OCA requires experienced professional staff with expertise in addressing systemic issues. Accordingly, the OCA should be authorized to establish/develop job descriptions that allow it to fulfill its unique statutory responsibilities. This will assure that OCA can recruit and retain the very high quality professional staff needed to fulfill its statutory responsibilities.

We, the members of the OCA Advisory Committee, are very pleased with the accomplishments of the OCA and the people who staff it--especially State Child Advocate Jeanne Milstein. We extend to them our profound thanks and appreciation for their outstanding service this year and for their exemplary leadership.

As always, the OCA Advisory Committee looks forward to assisting the Child Advocate and her distinguished staff in improving the quality of life of Connecticut's children.

On Behalf of the Office of the Child Advocate Advisory Committee,

  
\_\_\_\_\_  
James P. Cordier, MPH, RS, Chairman