

CRITICAL INCIDENT RESPONSE TEAM (CIRT) FINAL REPORT A.M. & R.M.

November 30, 2015

Executive Summary

On May 18, 2012, siblings A.M. and R.M., currently 5 and 4 years old, were placed in an Oregon Department of Human Services (DHS) certified foster home with relatives, J.Y. and D.Y. These relatives were established by the court as the children's legal guardians on August 19, 2013, and at that time, the children's custody and guardianship to DHS was dismissed. A.M. and R.M. resided in the home for approximately 2.5 years.

On December 17, 2014, the court vacated the guardianship of A.M. and R.M. On December 22, 2014, a report was received alleging that A.M. and R.M. had been subjected to starvation while residing with their legal guardians.

On March 12, 2015, J.Y. and D.Y. were arrested and charged with the Assault in the First Degree and Criminal Mistreatment in the First Degree of A.M. and R.M. Their criminal case is pending.

On March 13, 2015, Oregon Department of Human Services (DHS) Director Erinn Kelley-Siel declared a discretionary CIRT be convened. This is not a mandatory CIRT, pursuant to Oregon Revised Statute 419B.024. A discretionary CIRT may be convened in the case of any suspected or founded child abuse or neglect incident where a child has suffered severe harm and a review process is likely to impact system change in a manner that increases child safety.

On March 16, 2015, the initial CIRT meeting was held and a comprehensive case file review was initiated.

On April 10, 2015, the team met a second time to go over the case file review. The team identified potential issues that required further information and analysis prior to determining if they are systemic issues.

On November 13, 2015, the team met a third and final time. Several systemic issues were identified and recommendations to address these concerns were made.

This is the final report of the CIRT. See the initial report posted on August 17, 2015 for a summary of the reported incident and background.

Identification of Systemic Issues

The CIRT identified concerns in this case that required further information and analysis prior to determining if they were systemic issues or isolated to this case. Those issues and the resulting findings are as follows:

1. Department interviewing of foster children, including location and method of interviewing and the ability of children in foster care to feel safe about expressing concerns.
 - Determination: This concern was determined to be a systemic issue because the ability for children in foster care to express concerns is critical to ensuring their safety.
 - Recommendations:
The Department will engage in practice forums using the statewide supervisor and Child Protective Services (CPS) quarterly structure to reinforce the policy and procedure regarding location and method of interviewing children in order for child welfare staff to understand the critical nature of this concern and the potential ramifications when done incorrectly. CPS supervisors will also receive additional training surrounding clinical supervision. This practice will also be reinforced with statewide computer based trainings regarding confirming safe environments of children in foster care.
2. Communication within and between branches on co-managed cases.
 - Determination: A statewide workgroup was convened in order to critically examine the issues presented in this CIRT and the impact of these issues on the child welfare system. Communication between branches on co-managed cases was determined to be a systemic issue.

- Recommendation: Development of a structured process to guide communication between branches. The Office of Continuous Improvement will assist in completion of this process. It will begin immediately however is not anticipated to be developed and fully implemented until July of 2016.

3. Collateral contacts and gathering of relevant records during the CPS assessment process.

- Determination: This concern was determined to be a systemic issue that is part of ongoing efforts surrounding strengthening comprehensiveness of CPS assessments.
- Recommendations:
 - The Department will continue to focus on solidifying practice including increased resource allocation and coaching to the field. Child welfare supervisor and CPS quarterlies will also be utilized as an approach to address specific concerns regarding comprehensive assessments that have been highlighted in this and previous CIRTs. Quality assurance instruments have been developed and are being tested throughout the state during implementation of Differential Response and the Department is building a quality assurance system around the continued work of Oregon Safety Model and CPS consultants and their engagement with the field offices.
 - A workgroup including Central Office staff, medical experts and field representation will convene in order to address the handling of child welfare cases when confronted with complex medical issues and when to access Designated Medical Professionals for expert consultation.

4. The use of and differentiation between placement support plans and in-home safety plans in foster homes.

- Determination: A statewide workgroup was convened in order to critically examine the issues presented in this CIRT and the impact of these issues on the child welfare system. This was determined to be a systemic issue.

- Recommendation: Training demonstrating the difference between placement support plans and in-home safety plans was completed to Child Welfare program managers in November 2015. In addition, this training will be presented to Child Welfare supervisors across the state in January 2016.
5. The guardianship approval process and the Department's communication with the court system.
- Determination: A statewide workgroup was convened in order to critically examine the issues presented in this CIRT and the impact of these issues on the child welfare system. This was determined to be a systemic issue.
 - Recommendation: The Department has established a requirement that a guardianship finalization approval memo be submitted by the caseworker, certifier and their supervisors documenting agreement that finalization is in the best interest of the child. If there is disagreement, the branch Program manager will consult with DHS Central Office in order to resolve the disagreement. The Department's recommendation regarding finalization will be communicated to the court. The Department's administrative rules on Guardianship as a Permanency plan are being revised to reflect these changes and are expected to be completed by March 2016.

Purpose of Critical Incident Response Team Reports

Critical incident reports are used as tools for Department actions when there are incidents of serious injury or death involving a child who has had contact with DHS. The reviews are launched by the Department Director to quickly analyze DHS actions in relation to each child. Results of the reviews are posted on the DHS Web Site. Actions are implemented based on the recommendations of the CIRT Review Team.

The ultimate purpose is to review Department practices and recommend improvements. Therefore, information contained in these incident reports includes information specific only to the Department's interaction with the child and family that are the subject of the CIRT Review.