

KANSAS DIVISION OF THE CHILD ADVOCATE



1st Annual Report

2021 (**Amended 1.18.22)



TABLE OF CONTENTS

INTRODUCTION AND OVERVIEW	1
WHAT IS THE DIVISION OF THE CHILD ADVOCATE?	1
A MESSAGE FROM THE CHILD ADVOCATE	2
MISSION	4
PURPOSE AND RESPONSIBILITIES	4
GOALS AND OBJECTIVES.....	5
INDEPENDENCE.....	6
CONFIDENTIALITY.....	7
NEUTRALITY	7
FUNCTIONS	8
ORGANIZATIONAL STRUCTURE	9
WHO CAN FILE A COMPLAINT?	9
INVESTIGATING COMPLAINTS.....	10
HOW DOES DIVISION OF THE CHILD ADVOCATE INVESTIGATE COMPLAINTS?.....	11
DIVISION OF THE CHILD ADVOCATE COMPLAINT INVESTIGATION (infographic).....	12
COMPLAINTS RECEIVED BY DIVISION OF THE CHILD ADVOCATE	13
WHEN DOES KDCA TAKE ACTION? (infographic).....	14
ADVERSE FINDINGS.....	15
INVESTIGATION OUTCOMES (infographic).....	16
A GLIMPSE INTO THE MAKING OF THE STRATEGIC PLAN.....	17
WHERE TO LOCATE AND HOW TO CONTACT	18

INTRODUCTION & OVERVIEW

What is the Division of the Child Advocate?

The State of Kansas Division of the Child Advocate was established by **Executive Order No. 21-28** ([EO-21-28-Division-of-Child-Advocate-Executed.pdf \(kansas.gov\)](#)), October 2021, within the Office of Public Advocates, as set out by Executive Order 21-27 ([EO-21-27-Office-of-Public-Advocates-Executed.pdf \(kansas.gov\)](#)), and attached to the Department of Administration.

The Secretary of the Department of Administration provides technical assistance and advice as the Secretary deems reasonable and necessary to assist the Division of the Child Advocate to function as an independent state agency.

Kerrie Lonard, Child Advocate, joins the office by Appointment as of December 12, 2021, serving a 5-year term. Lonard spent the last 14 years with Kansas Legal Services, with a focus on poverty law issues, serving as both Staff Attorney and Managing Attorney. Lonard supervised staff in providing legal assistance in areas of housing, consumer, public benefits, and child and family law matters. Lonard has represented children and youth as Guardian ad Litem (GAL), as well as parents, and interested parties in child-in-need-of-care proceedings. Prior to earning a law degree, Lonard worked as a school social worker for five years, and other foster care and child advocate roles, including as a CASA volunteer.



Lonard earned a Bachelor of Social Work from the University of Kansas, a Master of Social Work from Washburn University, and is a graduate of Washburn University School of Law. Lonard has served on the Kansas Supreme Court Taskforce on Permanency Planning as a GAL, as panel member and former Chair for the CAPTA Citizen Review Panel: Intake to Petition/CJA Taskforce, and presently serves as the National Association of Counsel for Children State Coordinator for Kansas.

A Message from the Child Advocate...

I am grateful for this opportunity to serve our Kansas children and families as we face challenging, and yet hopeful times ahead. I look forward to building the necessary infrastructure for the Division of the Child Advocate (KDCA) to fulfill its Mission. It will be a fluid learning process as KDCA builds from the ground up. I have been overwhelmed by the kindness and support of others, not only from Kansans, but from national child welfare advocates as well. As I tackle this new venture, I have sought guidance and expertise from other states that have similar programs, learning from their experiences and, frankly, not to recreate the wheel. I appreciate the time, energy, and knowledge shared by others. In so doing, I want to extend a special thank you and acknowledgement to the *Washington State Office of the Family and Children's Ombuds* who generously shared their policies and procedures as a working model, giving the Kansas Division of the Child Advocate giant leaps forward in building a program and in development of its own policies and procedures.

Presently, KDCA is formulating a Strategic Plan, with the first year truly focused on creating a structurally sound foundation. This process will include ongoing dialogue and feedback from all three branches of our government, other Agency leaders, KDCA staff, key stakeholders, and most importantly our Kansas children and families. KDCA's intention is to have honest and impactful change, improving overall child and family well-being. KDCA acknowledges it is just one key piece to improving the complicated puzzle and system of child welfare as we know it.



Year 1 includes the following:

- Creating the necessary staff positions and building a cohesive team and office culture to fulfill KDCA's Mission.
- Establishing a centralized database to track all records and compile trends and patterns.
- Creating KDCA Policies and Procedures.
- Rolling out a marketing/outreach plan which includes the following:
 - Website Development
 - Online Complaint Intake System
 - Toll-Free Line and Intake Option
 - Ensure All Language Access
 - Resource Links

- Information/Educational materials
 - Creating and distributing materials to be shared with service providers, juvenile courts, and the public.
 - Creating a social media presence and information sharing process.
- Building connections with key stakeholders to have more impactful, statewide systems strengthening transformation.
- Develop authentic relationships free of partisan agendas and influence, in order for KDCA to build the necessary foundation to earn a reputation for integrity, objectivity, and accountability.
- Be in position to begin formal reviews, analyze processes and data to then recommend and advocate for case specific change, focused systemic change, and legislation necessary for KDCA to achieve its Mission, as an office and as an effective advocate for Kansas children.

The information to follow is to share a snapshot view of the Division of the Child Advocate's practice model and procedures. A work in progress.

Thank you for your support and the honor in serving our Kansas children.

Kerrie Lonard

Kerrie Lonard | Kansas Child Advocate

Mission

The mission of the Division of the Child Advocate is to safeguard that all Kansas children, who have the right to be cherished and the opportunity to thrive, are safe from abuse, neglect, and harm by providing independent oversight and increased accountability of our State child welfare services, improving delivery and deepening confidence in the child welfare system. KDCA completes an impartial, independent review of Kansas child welfare policies, procedures, and practices, including an independent investigation and evaluation of concerns voiced by children, families, and other individuals.

The Division of the Child Advocate is committed to independence, transparency, accountability, voice, and impactful change. KDCA will act according to the highest standards of ethics, honesty, respect, and dignity. KDCA will operate in a thorough, competent, and efficient manner to effectuate change.



Purpose and Responsibilities

The purpose of the Division of the Child Advocate is to ensure that children and families receive adequate coordination of child welfare services, prevention, protection and care through services offered by the Department for Children and Families, the Department for Aging and Disability Services, and Department of Corrections, the Department of Health and Environment and juvenile courts. The Division of the Child Advocate has access to appropriate information to assist in fulfilling this purpose, in accordance with applicable Kansas law, including K.S.A. 38-2212(c)(13) and 38-2213(c)(7) and/or as authorized by court order.

The Division of the Child Advocate serves as an independent voice for the interests of families and children who are involved with the State child welfare system due to allegations of child abuse or neglect.

The Division of the Child Advocate has the responsibility to work to:

- ensure the protection of children who are at risk of abuse or neglect and the health and safety of children who are in the state's care or in state-licensed facilities or residences;
- ensure compliance with the legal and administrative rights of families and children;
- correct existing laws, policies and procedures that have an adverse impact on family preservation and reunification or on child protection, well-being and permanency;
- identify and articulate to affected government agencies, the Governor, the Legislature, the Judiciary, the Administration, and the Public, the needs of families and children as they relate to family preservation and reunification and to child protection, well-being and permanency; and
- promote public awareness and understanding of the laws and services that affect families and children subject to the child welfare systems.

Goals and Objectives

The following are goals which the Division of the Child Advocate staff are expected to strive to meet in fulfilling the mandate of the office:

- KDCA staff will fairly and without bias consider the allegations of citizens who bring a complaint to KDCA.
- KDCA staff will endeavor to give citizens a timely response to their requests for assistance.
- Agencies and their staff may expect and receive prompt and timely pursuit by KDCA of citizen complaints.
- Agencies and government employees will receive courteous and unbiased consideration of their positions during KDCA inquiries.
- KDCA will protect confidential information provided to KDCA staff to the extent provided by law. This includes confidences expressed by agency staff.

- KDCA staff will provide as complete and as accurate information to citizens and agencies as reasonably possible to the extent permissible under the law.
- KDCA staff will help to empower citizens by informing and educating them of their rights and entitlements under state and federal laws and how to pursue and resolve disputes.

Independence

The Division of the Child Advocate's most important foundational component is its independence. KDCA is located organizationally within the Department of Administration, for technical assistance and advice only in order to function as an independent state agency, and part of the Office of Public Advocates. The work of KDCA is conducted independently from the Department of Children and Families (DCF), Department of Aging and Disability Services (KDADS), Department of Corrections (KDOC), Department of Health and Environment (KDHE), the Governor, Office of Judicial Administration, and the Legislature. This component of independence allows KDCA to exercise its judgment in determining whether to investigate a matter or to decline a request to investigate if the Child Advocate determines that the request is not consistent with the criteria or priorities specified in law, rule, or KDCA policy.

The Child Advocate is appointed by the Governor for a term of five years and may continue to serve beyond such five-year term if needed until a successor is appointed. The Child Advocate shall possess a professional degree in law, social work, public health, or a related field and be qualified by reason of education, experience, and expertise to perform the duties of the office. The Advocate shall have experience in child welfare, and in federal and state laws and policies governing abused, neglected, and dependent children.

The Child Advocate shall not be a current or former executive of the Department for children and Families or any current child welfare case management grantee, unless that individual is 12 months removed from their period of service with DCF or such child welfare case management grantee.



Confidentiality

The Division of the Child Advocate maintains the confidentiality of its complainants unless this is waived by the complainant and such waiver is deemed necessary to carry out KDCA's work. The confidential nature of KDCA's work is designed to encourage individuals to report problems or concerns, thereby enabling KDCA to perform its duties more effectively. Executive Order No. 21-28 sets out that the Division of the Child Advocate's Annual Report shall remain confidential until its submission to the entities outlined in section 13 and that such reports shall not include names or personally identifiable information of children, guardians, or families in complaints. Furthermore, no employee of KDCA shall knowingly disclose false information or disclose confidential information without lawful authority. KDCA shall have access to appropriate information to assist in fulfilling its purpose and in accordance with applicable Kansas law, including K.S.A. 38-2212 and 38-2213 and/or as authorized by court order.

Neutrality

The Division of the Child Advocate does not act as a direct advocate, either for the complainant or on behalf of a governmental agency, but rather as a neutral investigator and advocate for Kansas children and family well-being. The ability of KDCA to objectively review and analyze complaints and make findings and recommendations free of partisan agendas, political bias and influence, gives the office the necessary foundation to earn a reputation for integrity and objectivity.

As stated in the mission, the Division of the Child Advocate is committed to independence, transparency, accountability, voice, and impactful change. KDCA will act according to the highest standards of ethics, honesty, respect, and dignity. KDCA will operate in a thorough, competent, and efficient manner to effectuate change.

Functions

The Division of the Child Advocate performs the following functions:

1. acts on complaints made by or on behalf of a child in the custody of the Secretary for the Department for Children and Families (DCF) or alleged to be a Child In Need of Care that relate to state agencies, service providers, including contractors, subcontractors and any juvenile court, that may adversely affect the health, safety, welfare or civil or human rights of such child;
2. acts on complaints alleging retaliation against a foster parent;
3. compiles, collects and preserves record of complaints received and processed that may reveal concerning patterns to address;
4. conducts independent reviews of any policy, procedure or practice that is the subject of a complaint submitted;
5. analyzes and monitors the development and implementation of federal, state and local laws, rules and regulations and policies with respect to child welfare services in the state and recommends changes in such laws, rules and regulations and policies to DCF, KDADS, KDHE, KDOC, KSDE, juvenile courts, the Legislature and the Governor;
6. recommends changes to policies, procedures or adopted or proposed rules and regulations of any state or local agency that adversely affect or may adversely affect the health, safety, welfare or civil or human rights of any child;
7. informs and educates children, their guardians and families of the child's rights and entitlements under state and federal laws;
8. files amicus curiae briefs of the findings and recommendations of the Division in appeals from a child in need of care matter;
9. promotes public awareness and understanding of laws and services affecting families and children who are at risk of child abuse or neglect or who are under state supervision, and;
10. produces an annual report to be submitted to the Governor, the Chief Justice and/or Office of Judicial Administration, the Secretary of Administration, the Secretary for Children and Families, the Joint Committee on Child Welfare Oversight, the House Committee on Children and Seniors or other relevant House Committee, the Senate Committee on Public Health or other relevant Senate Committee, and other relevant legislative committees, identifying the number of complaints received, the disposition of such complaints, the number of children involved in such complaints, the state entities named in such complaints, whether such complaints were found to be substantiated

and any recommendations for improving the delivery of child welfare services, and identifying and proposing recommendations to address systemic problems.

Organizational Structure

The Division of the Child Advocate is located in Topeka and consists of a Director of the Division of the Child Advocate (Child Advocate), three Case

Investigative Analysts, Office Administrator, and future staff positions as deemed necessary to operate efficiently and effectively.

Current staff with the Division of the Child Advocate:

- Kerrie Lonard, Child Advocate
- Office Administrator, *vacant*
- Case Investigative Analyst, *vacant*
- Case Investigative Analyst, *vacant*
- Case Investigative Analyst, *vacant*

Who Can File A Complaint?

Any concerned citizen can file a complaint. The following are examples of individuals who might

choose to file a complaint:

- The child or youth.
- A biological parent of the child.
- A foster parent of the child.
- An adoptive or prospective parent of the child.
- A legally appointed guardian or permanent custodian of the child.
- The Guardian *ad Litem* (GAL) of the child.
- An adult relative to the child.
- An attorney for any party or interested party.
- A Legislator.
- A mandated reporter.
- School personnel.
- Mental health provider.
- Employee of a state agency or grantee.

Investigating Complaints

Complaints are categorized in two primary fashions. A complaint can be identified as a “Request for Intervention,” to intervene in specific situations for the purpose of preventing or mitigating harm to a family or child allegedly resulting from an agency’s act or omission. A “Request for Investigation” is a complaint request that the Division of the Child Advocate investigate chronic, system-wide issues that adversely affect families and children or complaints that allege that specific administrative acts have resulted in serious harm to a family or child, or the risk of such harm.

The Division of the Child Advocate’s goal in a complaint investigation by or on behalf of a child in the custody of the Secretary of DCF is to determine whether DCF, case management grantee, or another state agency or services provider, including contactors, subcontractors and any juvenile court violated law, policy, or procedure, or unreasonably exercised authority, thereby adversely affecting the health, safety, welfare or civil or human rights of such child.

Upon the receipt of a complaint, KDCA will apply developed criteria to guide the decision-making process as to when a complaint warrants action and to proceed with an open formal investigation. The Division of the Child Advocate will then notify the appropriate DCF Regional Director, Grantee Director, Juvenile Office, or other appropriately identified agency manager, that KDCA has been requested to review a case. The identity of the complainant is kept confidential unless KDCA has been given explicit permission to share the information with the appropriate parties. KDCA will then proceed in making the determination as to the appropriate level of investigation. At completion of the review and investigation, KDCA will issue a letter of conclusion to the same, including the complainant. In cases where confidential information cannot be shared with the complainant, a separate letter will be issued to the complainant.

The Division of the Child Advocate may conclude and respond in various ways, such as:

- Where KDCA finds that the agency is properly carrying out its duties, the Child Advocate explains to the complainant why the complaint allegation does not meet criteria, and helps complainants better understand the role and responsibilities of child welfare agencies.
- Where KDCA makes an adverse finding regarding either the complaint issue or another problematic issue identified during the course of the investigation, the Child Advocate may work to change a decision or course of action by DCF or another agency, including but not limited to, recommending changes to laws, policies, procedures, or adopted or proposed rules and regulations.

- In some instances, even though KDCA has concluded that the agency is acting within its discretion, the complaint still identifies legitimate concerns. In these cases, the Child Advocate helps to resolve the concerns, including but not limited to, recommending changes to laws, policies, procedures, or adopted or proposed rules and regulations.

How Does Division of the Child Advocate Investigate Complaints?

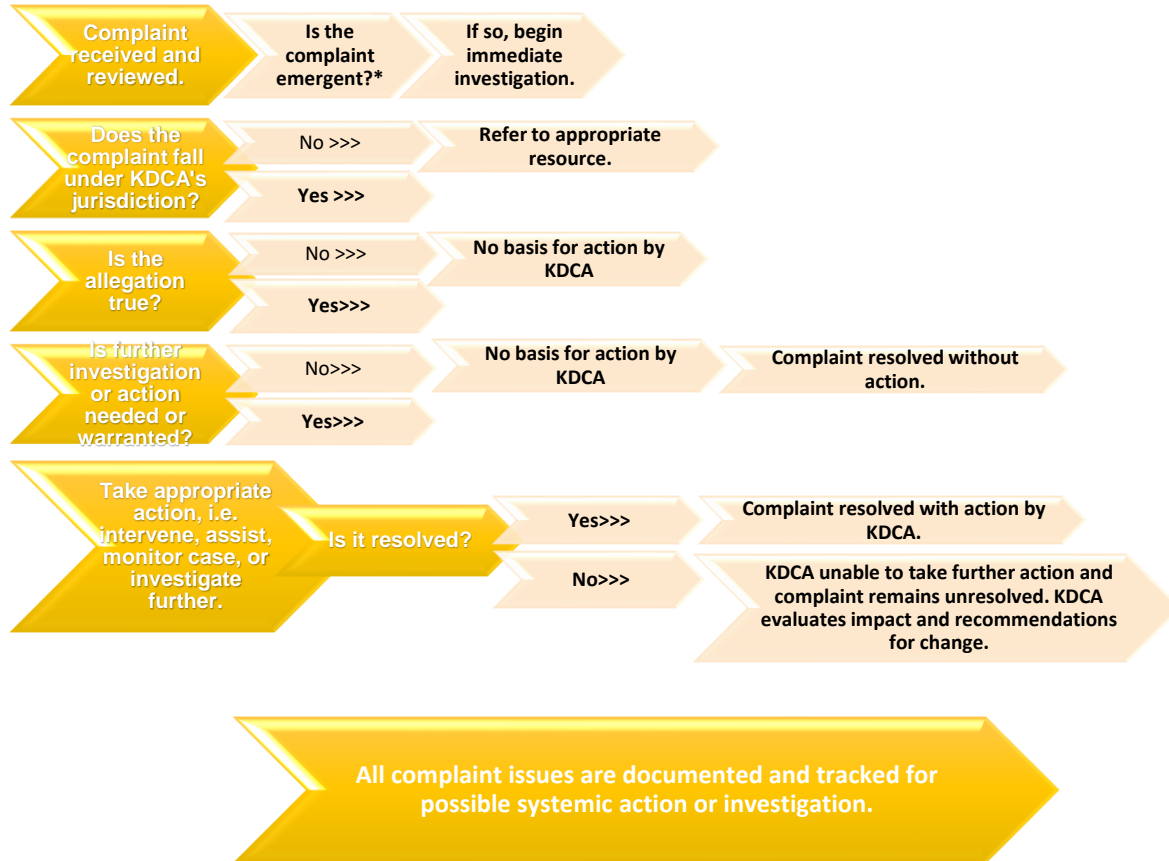
Investigations fall into three main categories: Systemic Investigations, Case Specific Investigations, and the Division of the Child Advocate Initiated Investigations.

- a. Systemic Investigation: A complaint warrants a systemic investigation when the request alleges that a system wide or chronic problem exists in the delivery of services to families and children.
- b. Case Specific Investigation: A complaint warrants a case specific investigation when the request alleges that an agency's act or omission in a particular situation was not in compliance with law, policy, or procedure.
- c. KDCA Initiated Investigation: A situation warrants an KDCA initiated investigation when KDCA determines that an agency's act or omission in service delivery, which appears to represent conduct that is systemic, recurring, and chronic, is adversely affecting child and family wellbeing.

*Adapted from materials provided by the Washington State Office of the Family and Children's Ombuds.

Division of the Child Advocate

Complaint Investigation



***Emergent complaints are those in which the allegations involve either a child’s immediate safety or an urgent situation where timely intervention by KDCA could significantly alleviate a child’s or family’s distress.**

*Adapted from materials provided by the Washington State Office of the Family and Children’s Ombuds.

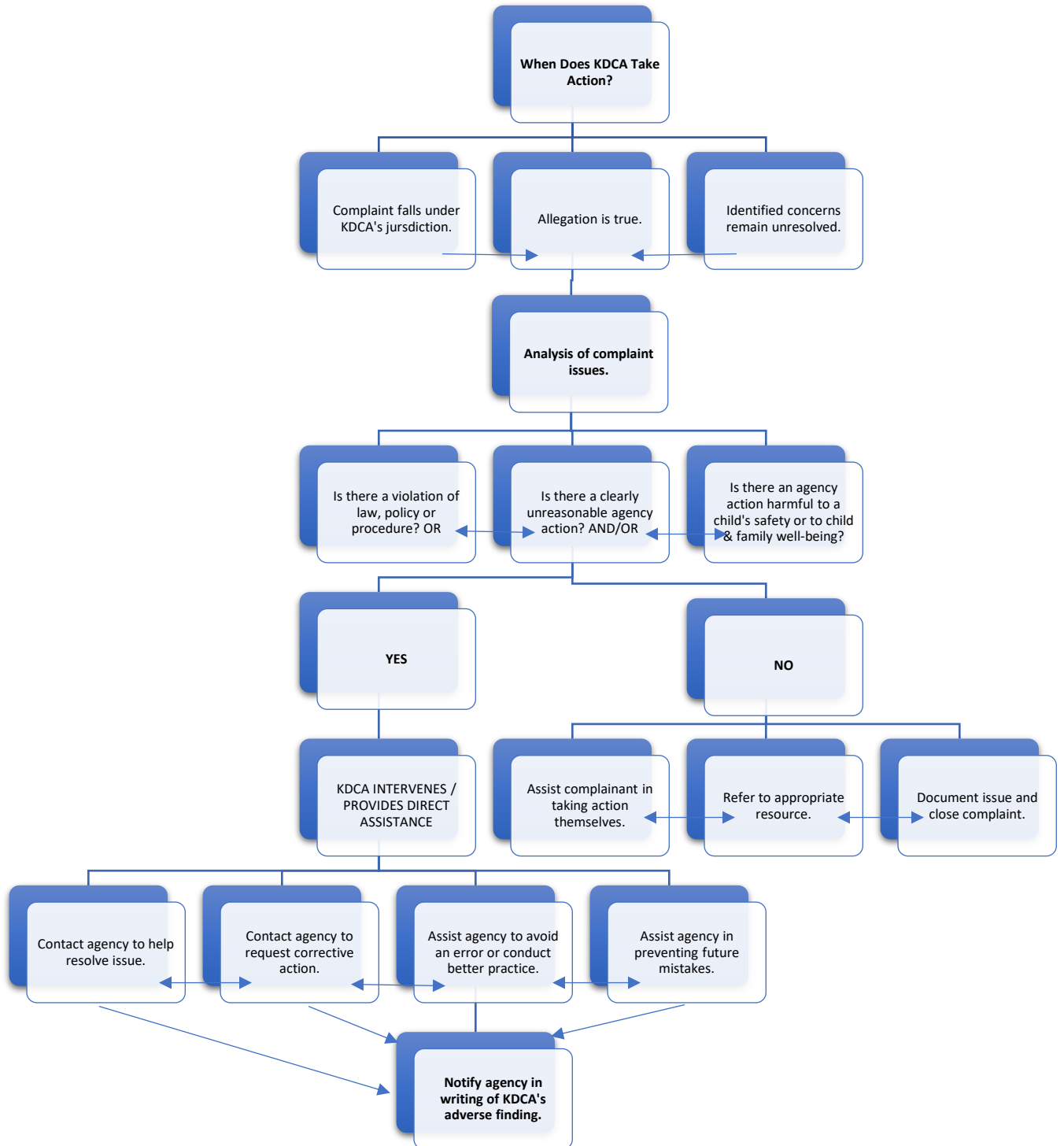
Complaints Received by Division of the Child Advocate...

As of December 12, 2021, the Division of the Child Advocate has received six “complaint” inquiries. KDCA is not yet in position to formally open an investigation inquiry. However, to provide a summary breakdown of what has already been voiced includes the following:

- Named entities identified in the initial inquiries include:
 - Department of Children and Families Child Protection Services
 - KVC
 - Saint Francis Ministries
 - Guardian *ad Litem*
 - Juvenile Court Judge
- 7 children impacted
- 5 of the 6 complaints were from a biological parent(s)
- Disposition types or concerns voiced:
 - Initial abuse and neglect report and investigation
 - Initial removal of youth from parent(s) custody
 - Placement concerns and lack of services for high needs youth
 - Lack of foundation for removal and lack of progress towards reintegration
 - Concerns with parent-child visits
 - Termination of parental rights
 - Denial of public benefit
- Child Advocate provided resource referral information to 3 of the complainants.

*KDCA will initiate contact follow-up with the complainants for additional information and complete the intake process when in position to open a formal investigation if appropriate.

When Does KDCA Take Action?



*Adapted from materials provided by the Washington State Office of the Family and Children’s Ombuds.

Adverse Findings

If, after investigation, the Division of the Child Advocate substantiates a significant complaint issue, KDCA may document a formal finding against the agency. The adverse finding, in some instances, may involve a past action or inaction. In this case, KDCA would have no opportunity to directly intervene. However, instances where the situation is ongoing and could cause foreseeable harm to a child or family, the Child Advocate will take steps to intervene to persuade and provide opportunity for the agency to correct the problem.

At the end of an investigation, the Division of the Child Advocate may take action that includes, but is not limited to any of the following or any combination of the following actions and outlined in a written report:

- recommendations to the agency for changes in policy, procedure, or practice that should be implemented to improve service delivery and accountability;
- recommendations to the agency for its own internal or external investigation, review or audit; or
- recommendations for legislative enactment's that would improve services and accountability.

*Adapted from the Washington State Office of the Family and Children's Ombuds.

I
N
V
E
S
T
I
G
A
T
I
O
N

O
U
T
C
O
M
E
S



KDCA
Intervention

- KDCA substantiated the complaint issue and intervened to correct a violation of law or policy or to prevent harm to a child/family; OR
- During the course of the investigation, KDCA identified an agency error or other problematic issue, sometimes unrelated to the issue identified by the complainant, and intervened to address these concerns.

KDCA
Assistance

- The complaint was substantiated, but KDCA did not find a clear violation or unreasonable action. KDCA provided substantial assistance to the complainant, the agency, or both, to resolve the complaint.

KDCA
Monitor

- The complaint issue may or may not have been substantiated, and KDCA monitored the case closely for a period of time to ensure any issues were resolved. While monitoring the Child Advocate may have had repeated contact with the complainant, the agency, or both. The Child Advocate also may have offered suggestions or informal recommendations to agency staff to facilitate a resolution. The complaints are closed when there is either no basis for further action by KDCA or the identified concerns have been resolved.

Outcomes are documented and tracked for further systemic action or change.

DIVISION OF THE CHILD ADVOCATE

A Glimpse into the making of the...

STRATEGIC PLAN

Build a Cohesive, Mission Driven Team and Office Culture

- Create KDCA staff positions.
- Hire qualified KDCA team members.
- Provide training and educational opportunities for KDCA staff to ensure an effective onboarding process.
- Include KDCA staff in creating the formal 5-Year Strategic Plan.

Build an Effective and Efficient Foundation

- Establish a centralized database to document all complaints and records.
- Design a system to identify, track, and compile trends and patterns.
- Create KDCA Policies and Procedures.

Maintain a Public Website and Toll-Free Line

- Contract for website development. Including the following: online complaint capability, language access, resource links, and information and educational materials.
- Establish a Toll-Free Line, including language access.

Publicize and Notify the Public of KDCA's Purpose and Contact Information

- Create a social media presence and information sharing process.
- Roll out a marketing/outreach plan.
- Create and Distribute signs and brochures to be shared with service providers, juvenile courts, and the public.
- Meet with service providers and stakeholders statewide.

Build a Reputation for Integrity, Objectivity, and Accountability

- Develop authentic relationships free of partisan agendas, political bias and influence, maintaining a centralized focus on KDCA's Mission and Purpose.
- Develop internal and external relationships constructed within the highest standards of ethics, honesty, respect, and dignity.
- Establish timely, thorough, and reliable response procedures.

Conduct Impartial and Independent Complaint Investigation Reviews

- Develop procedure and agreement with Agencies, Grantees, and the Court for systems access to all relevant records.
- Develop review procedures for all 3 major types of investigations.
- Develop protocol for determining findings and recommendations.

Strengthen Child Welfare Systems, Improving Delivery and Confidence

- Develop process for analyzing data.
- Construct KDCA to be a platform to coordinate the efforts and voice of others providing evaluation and recommendation to improve services for our children and families.
- Advocate and make recommendations for case specific change.
- Advocate and make recommendations for focused systems change.
- Advocate and make recommendations for legislative systemic change.



For more information, please contact...

Kerrie Lonard | Kansas Child Advocate

Office of Public Advocates | **Division of the Child Advocate**
Kansas Department of Administration

(*Temporary) Eisenhower State Office Building
700 SW Harrison Street, Suite 1200 | Topeka, Kansas 66603
Office: 785-296-5470 | Cell: 785-230-2484

kerrie.lonard@ks.gov

Contact Our Toll-Free Line at:

TBD

Visit Our Website at:

TBD