



WEST VIRGINIA  
**Foster Care  
Ombudsman**

**West Virginia Foster Care Ombudsman Program  
State Fiscal Year 2023 ~ 3rd Quarter Report  
January 1, 2023 - March 31, 2023**



## Foster Care Ombudsman Quarterly Report

Reporting Period: January 1, 2023 - March 31, 2023

*Voices Heard. People Empowered. Systems Informed.*

### Introduction

The Foster Care Ombudsman (FCO), located within the West Virginia Department of Health and Human Resources (DHHR), Office of Inspector General, receives, investigates, and resolves complaints filed on behalf of foster children, foster parents, kinship parents, and on the Foster Care Ombudsman's own initiative. This quarterly report provides summary data relating to complaints pursuant to the requirements of W. Va. Code §9-5-27, §49-9-102, §49-2-126, and §49-2-127.

#### **Mission:**

The Foster Care Ombudsman is an independent, impartial, and confidential resource that advocates for the rights of foster children and foster/kinship parents, investigates and resolves complaints, and makes recommendations for systemic reform.

#### **Vision:**

The Foster Care Ombudsman envisions an empathic, healing, and accountable child welfare system where voices are heard, people are empowered, and systems are responsive.

Data in the quarterly report does not yet include systemic reviews/cases or those that are conducted on the FCO's initiative. Information detailing this work product will be integrated into future reports.

Quarterly reports are primarily statistical regarding characteristics of inbound complaints to the FCO.

Complaint reports do have limitations. Complaints and conclusions drawn from them may include the following limitations:

- **Depth:** Complaints do not provide the complete state of an enterprise. Information from complaints must be corroborated with information derived from other sources. Complaints are one of many types of organization and systemwide intelligence.
- **Representativeness:** Complaints are subject to self-selection bias as individuals may be more or less inclined to complain. The FCO also notes that complaints may be more or less depending on the degree to which the FCO program has top of mind awareness in a given community.
- **Timing:** Complaints data may be lagging indicators of systemic problems that have largely been resolved.
- **Data analysis:** Complaints, particularly in the child welfare space, often have a density or "thickness" of content that challenges both quantitative and qualitative approaches to analysis. Data analytics can deliver false positives, false negatives, and spurious correlations, all of which can detract from the quality of conclusion drawn from complaints.

### Complaint Count by Month and Quarter

Data below reflects complaints received by month and quarter within the state fiscal year (SFY) 2023. Complaint data in this report, unless otherwise specified, is presented to reflect complaints that were in a closed/concluded status as of March 31, 2023. By comparison, for the same three quarter period in SFY 2022, the complaints received and closed/concluded totalled 457. This represents a 27.1% year over year increase.

Complaint Count by Month and Quarter													
SFY 2023	2022						2023						State Fiscal Year End Running Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
	62	58	65	64	45	73	68	77	69	0	0	0	
	Quarter 1			Quarter 2			Quarter 3			Quarter 4			
Total	185			182			214			0			581

### Complaint Count by Alleged Bill of Rights Violations

Data below reflects complaints received in the third quarter of the SFY when a Bill of Rights provision is alleged to be violated. The count reflects DHHR’s Bureau for Social Services (BSS) region by case county.

When a Foster Child Bill of Rights provision is alleged to be violated, the most common complaint issues relate to dissatisfaction with sibling or adult contact permission or frequency, dissatisfaction with caseworker contact frequency.

When a Foster and Kinship/Relative Bill of Rights provision is alleged to be violated, the most common complaint issues relate to dissatisfaction with the information provided by caseworkers about the child, dissatisfaction with the lack of a written treatment and service plan, dissatisfaction with the lack of involvement in case planning or decision-making processes regarding the child.

Complaint Count by Alleged Bill of Rights Violations				
Bill of Rights	North	South	Unspecified	Total
Both BOR	31	33	1	65
Child BOR	23	14	1	38
Foster/Kinship BOR	8	8	3	19
Total	62	55	5	122

### Complaint Count by BSS Unit

Data below reflects complaints received each quarter of the SFY according to the BSS unit that is most closely associated with a complaint's main theme. The federal Interstate Compact on the Placement of Children governs the placement of children in other states. The Institutional Investigative Unit within BSS is responsible for child abuse and neglect investigations in residential facilities, schools, and foster homes.

Complaints that are categorized into the Other category (comprising 8.6% of total complaints in 2023, and 14.4% of total complaints in 2022) generally reflect complaints or concerns about the broad system of child welfare and cannot be accurately assigned to a specific BSS unit.

Complaint Count by Bureau for Social Services Unit						
Bureau for Social Services Unit	Q1	Q2	Q3	Q4	Total	Percent
Child Protective Services	139	132	158	0	429	73.8%
Other	10	19	21	0	50	8.6%
Homefinding	11	10	6	0	27	4.6%
Post-Adoption	10	3	10	0	23	4.0%
Adoption	5	4	5	0	14	2.4%
Legal Guardianship	1	5	6	0	12	2.1%
Youth Services	2	4	4	0	10	1.7%
Centralized Intake (Abuse & Neglect Hotline)	4	2	3	0	9	1.5%
Interstate Compact on the Placement of Children	2	1	1	0	4	0.7%
Institutional Investigative Unit	1	2	0	0	3	0.5%
Total	185	182	214	0	581	
	31.8%	31.3%	36.8%	0.0%		100.0%

### Complaint Count by Main Complaint Theme

Data below reflects complaints received each quarter of the SFY according to the main theme of the complaint as expressed to the FCO. Most complaints, however, are a combination of multiple issues and themes, and only the main themes are presented here.

By comparison, for the same three quarter period in SFY 2022, Action/Inaction of Agency/Employee was the most common theme, at 25.2% of the total complaints (20.5% in 2023); Placement of Children was the second most common theme, at 18.6% of the total complaints (21.2% in 2023), and Lack of Communication was the third most common theme, at 15.8% of total complaints (16% in 2023). The most notable change year over year is an increased proportion of Financial Issue/Reimbursement complaints, which rose from 10.9% in 2022 to 17% in 2023.

Of note, the FCO receives very few complaints that allege a Threat/Retaliatory Treatment per se as the main theme of the complaint (0.9% in 2023), but the overarching reason that most complainants cite for choosing to contact the FCO (versus another complaint or problem-solving venue) is the fear of retaliation.

Complaint Count by Main Complaint Theme						
Main Complaint Theme	Q1	Q2	Q3	Q4	Total	Percent
Placement of Children	40	35	48	0	123	21.2%
Action/Inaction of Agency/Employee	40	33	46	0	119	20.5%
Financial Issue/Reimbursement	24	32	43	0	99	17.0%
Lack of Communication	37	29	27	0	93	16.0%
Removal of Children	10	17	13	0	40	6.9%
Policy/Regulation Issue	12	9	16	0	37	6.4%
Decision of Agency/Employee	12	13	8	0	33	5.7%
Rude/Unfair Treatment	9	7	3	0	19	3.3%
Other	1	6	6	0	13	2.2%
Threat/Retaliatory Treatment	0	1	4	0	5	0.9%
Total	185	182	214	0	581	
	31.8%	31.3%	36.8%	0.0%		100.0%

### Complaint Count by Complainant Relationship to Child

Data below reflects complaints received in the third quarter of the SFY according to the relationship of the complainant to the child. Complaints come from a foster or relative/kinship caregiver 33.7% of the time, and other non-caregiving relatives 15.5% of the time. Biological parents affected by the child welfare system are 12% of complainants in SFY 2023, slightly less than SFY 2022, which was 12.5%.

A notable shift from the same three quarter period in the SFY 2022 is an increase in the proportion of complaints from those in the Other Non-Caregiving Relative/Kinship category (15.3% in 2023, 12.5% in 2022). The FCO is receiving more complaints from grandparents and other relatives both in and out of state, who are seeking information about, contact with, or placement with foster children to whom they are related. Of note in the table, GAL refers to a child's attorney, or Guardian *ad litem*.

Complaint Count by Complainant Relationship to Child						
Relationship to Child	Q1	Q2	Q3	Q4	Total	Percent
Relative/Kinship Parent	67	67	62	0	196	33.7%
Non-Relative Foster Parent	32	28	30	0	90	15.5%
Other Non-Caregiving Relative/Kinship	29	27	33	0	89	15.3%
Birth Parent	21	22	27	0	70	12.0%
Other or Unspecified	12	16	21	0	49	8.4%
Community Professional/Service Provider	6	13	20	0	39	6.7%
Adoptive Parent	8	1	12	0	21	3.6%
Legal Guardian	3	3	5	0	11	1.9%
State Employee/Specific Unit	4	4	2	0	10	1.7%
Child	2	1	1	0	4	0.7%
Birth Parent's Attorney	0	0	1	0	1	0.2%
Child's Attorney/GAL	1	0	0	0	1	0.2%
Other Attorney	0	0	0	0	0	0.0%
Total	185	182	214	0	581	
	31.8%	31.3%	36.8%	0.0%		100.0%

### Complaint Count by FCO Case Intensity

Data below reflects complaints received in the third quarter of the SFY according to the level of assistance provided by the FCO. A case may be withdrawn by a complainant if the issue naturally resolves prior to active FCO involvement or the complainant decides not to move forward with the complaint.

- *Intervention* involves routine case documentation review, interaction by the FCO with four or fewer contacts inside or outside of DHHR, facilitating communications between the complainant and other case participants and authorities, as well as providing education, context, and referrals to other entities, people, or resources. Cases of this intensity average 26 days from initial contact with the FCO to case closure by the FCO, according to cumulative data since program inception in late 2019.
- *Information* involves providing education, context, and referrals to other entities, people, or resources. Cases of this intensity average 12 days from initial contact with the FCO to case closure by the FCO, according to cumulative data since program inception in late 2019.
- *Investigation* involves non-routine, systemic, or more intensive/on-site review, interaction with five or more contacts inside or outside of DHHR, and may necessitate formal meetings/reports involving internal or external agency leadership. Cases of this intensity average 71 days from initial contact with the FCO to case closure by the FCO, according to cumulative data since program inception in late 2019.

Complaint Count by FCO Case Intensity						
FCO Case Intensity	Q1	Q2	Q3	Q4	Total	Percent
Intervention	114	107	137	0	358	61.6%
Information	65	66	70	0	201	34.6%
Withdrawn by Complainant	3	5	3	0	11	1.9%
Investigation	3	4	0	0	7	1.2%
Unable to Contact	0	0	4	0	4	0.7%
Total	185	182	214	0	581	
	31.8%	31.3%	36.8%	0.0%		100.0%

### Complaint Count by Referral Source

Data to the right reflects complaints received each quarter of the SFY according to the referral source, i.e., the means by which the complainant learned about the FCO. Investigations initiated by the FCO are typically systemic in nature, and thus are not actively counted on this table.

Complaint Count by Referral Source						
Referral Source	Q1	Q2	Q3	Q4	Total	Percent
Prior Contact with FCO	39	32	45	0	116	20.0%
Community Professional/Service Provider	28	28	39	0	95	16.4%
Friend/Family	32	27	21	0	80	13.8%
State Employee	29	23	20	0	72	12.4%
Conference/Training	19	29	11	0	59	10.2%
Social Media/Internet	6	14	32	0	52	9.0%
Other	12	13	13	0	38	6.5%
Elected Official	3	3	8	0	14	2.4%
Unspecified	2	2	9	0	13	2.2%
Attorney/GAL	7	2	2	0	11	1.9%
FCO Website	2	2	6	0	10	1.7%
Court Appointed Special Advocate	3	4	3	0	10	1.7%
Media (TV, Brochures, Pamphlets, Other Literature)	2	2	4	0	8	1.4%
Teacher/School Employee	1	1	0	0	2	0.3%
Email	0	0	1	0	1	0.2%
Initiated by FCO	0	0	0	0	0	0.0%
Total	185	182	214	0	581	
	31.8%	31.3%	36.8%	0.0%		100.0%

### Complaint Count by Closure

Data below reflects complaints according to their characteristics at closure. Complaints are determined wholly or partially valid, typically with the concurrence of the target agency. Certain complaints are not subject to a validity determination by the FCO. They include those resolved by a simple information exchange or withdrawn by the complainant.

Complaint Count by Closure						
Closure	Q1	Q2	Q3	Q4	Total	Percent
Information Exchange	59	62	72	0	193	33.2%
Not Valid	67	50	64	0	181	31.2%
Valid - Resolved	32	36	44	0	112	19.3%
Partially Valid	14	11	13	0	38	6.5%
Valid - Not Resolved	7	10	9	0	26	4.5%
Insufficient Information to Rate Validity	3	7	4	0	14	2.4%
Withdrawn by Complainant	3	5	2	0	10	1.7%
Unable to Contact	0	0	5	0	5	0.9%
Declined by FCO	0	1	1	0	2	0.3%
Other	0	0	0	0	0	0.0%
Total	185	182	214	0	581	
	31.8%	31.3%	36.8%	0.0%		100.0%

### Complaint Count by BSS Region

Data to the right reflects complaints received by BSS region each quarter of the SFY. Complaints were grouped into four BSS regions then grouped into two regions (North and South) after a BSS organizational redesign.

Complaint Count by Bureau for Social Services Region						
Region	Q1	Q2	Q3	Q4	Totals	Percent
North	92	90	102	0	284	48.9%
South	83	72	86	0	241	41.5%
Unspecified	10	20	26	0	56	9.6%
Total	185	182	214	0	581	
	31.8%	31.3%	36.8%	0.0%		100.0%

### Complaint Count by Method of Initial Contact with FCO

Data below reflects complaints received each quarter of the SFY according to the means by which the complainant made initial contact with the FCO. On average, the FCO responds to initial contacts within one business day, and completes all activities associated with a complaint within 22 days.

Complaint Count by Method of Initial Contact with FCO							
Method of Contact	Q1	Q2	Q3	Q4	Total	Percent	
Telephone	135	129	135	0	399	68.7%	
Email	35	33	56	0	124	21.3%	
No Prior Contact	9	19	20	0	48	8.3%	
Fax/Letter/Text/Other	4	1	2	0	7	1.2%	
In Person	2	0	1	0	3	0.5%	
Total	185	182	214	0	581		
	31.8%	31.3%	36.8%	0.0%			100.0%

### Complaint Count by BSS Case County

Data to the right reflects complaints received each quarter of the SFY according to the BSS case county. Complaints are geographically determined by the county of the BSS case. When reviewing complaint totals by county, it is important to consider that each county exhibits differences, including population, demographics, and number of child abuse and neglect petitions filed. Additionally, the likelihood that a complaint will be conveyed to the FCO may relate to the general awareness, geographically, of the FCO program.

Drill down reports by individual counties regarding complaint attributes are available from the FCO.



Complaint Count by Bureau for Social Services Case County						
County	Q1	Q2	Q3	Q4	Total	Percent
Barbour	3	3	8	0	14	2.4%
Berkeley	5	5	2	0	12	2.1%
Boone	3	1	4	0	8	1.4%
Braxton	4	4	2	0	10	1.7%
Brooke	1	2	0	0	3	0.5%
Cabell	8	4	5	0	17	2.9%
Calhoun	2	0	0	0	2	0.3%
Clay	5	4	5	0	14	2.4%
Doddridge	0	1	1	0	2	0.3%
Fayette	7	6	5	0	18	3.1%
Gilmer	0	0	0	0	0	0.0%
Grant	1	0	1	0	2	0.3%
Greenbrier	0	1	1	0	2	0.3%
Hampshire	2	0	1	0	3	0.5%
Hancock	1	1	2	0	4	0.7%
Hardy	1	1	2	0	4	0.7%
Harrison	3	9	11	0	23	4.0%
Jackson	8	3	3	0	14	2.4%
Jefferson	0	0	2	0	2	0.3%
Kanawha	18	24	23	0	65	11.2%
Lewis	2	0	1	0	3	0.5%
Lincoln	1	2	2	0	5	0.9%
Logan	5	2	4	0	11	1.9%
Marion	6	8	9	0	23	4.0%
Marshall	2	2	0	0	4	0.7%
Mason	3	0	3	0	6	1.0%
McDowell	1	1	0	0	2	0.3%
Mercer	3	4	6	0	13	2.2%
Mineral	0	2	0	0	2	0.3%
Mingo	3	1	3	0	7	1.2%
Monongalia	5	8	8	0	21	3.6%
Monroe	2	1	2	0	5	0.9%
Morgan	0	0	0	0	0	0.0%
Nicholas	3	2	2	0	7	1.2%
Ohio	3	4	6	0	13	2.2%
Pendleton	2	0	2	0	4	0.7%
Pleasants	0	0	1	0	1	0.2%
Pocahontas	1	0	0	0	1	0.2%
Preston	6	5	10	0	21	3.6%
Putnam	4	4	2	0	10	1.7%
Raleigh	2	7	5	0	14	2.4%
Randolph	6	7	4	0	17	2.9%
Ritchie	2	0	1	0	3	0.5%
Roane	2	1	3	0	6	1.0%
Summers	3	2	1	0	6	1.0%
Taylor	5	3	3	0	11	1.9%
Tucker	2	0	0	0	2	0.3%
Tyler	0	1	1	0	2	0.3%
Upshur	1	2	0	0	3	0.5%
Wayne	3	3	7	0	13	2.2%
Webster	3	2	1	0	6	1.0%
Wetzel	2	2	5	0	9	1.5%
Wirt	0	0	1	0	1	0.2%
Wood	19	14	12	0	45	7.7%
Wyoming	1	3	5	0	9	1.5%
Unspecified	10	20	26	0	56	9.6%
Total	185	182	214	0	581	
	31.8%	31.3%	36.8%	0.0%		100.0%

## Conclusion

The FCO is committed to providing a helping service and endorsing that the voices of those served and affected by West Virginia's foster care system are valued, respected, and actively integrated into the system's development and improvement.

For more information about the Foster Care Ombudsman or the content of this report, email [FosterCareOmbudsman@wv.gov](mailto:FosterCareOmbudsman@wv.gov).