

DEC 18 2002

EXECUTIVE ORDER
02-22Matt Blunt
SECRETARY OF STATE
COMMISSIONS DIVISION

WHEREAS, I, Bob Holden, recently appointed Richard C. Dunn and Judge Frank Conley to investigate the Greene County child welfare system; and

WHEREAS, their *Report of the Investigation of the Child Welfare System in Greene County* found that the child welfare system is broken and requires immediate attention; and

WHEREAS, it is the duty of the state to ensure that abused and neglected children and their parents are served reasonably and fairly by government agencies; and

WHEREAS, citizens need an independent voice to intervene when they are subjected to unauthorized or unreasonable agency decisions.

NOW, THEREFORE, I Bob Holden, Governor of the State of Missouri, by virtue of the powers vested in me through the constitution and the laws of the State of Missouri, do hereby establish the Office of Child Welfare Ombudsman within the Office of Administration.

I. Appointment

The Governor shall appoint an Ombudsman who shall be a person of recognized judgment, independence, objectivity, and integrity, and shall be qualified by training or experience, or both, in child welfare law and policy. No person serving as Ombudsman shall engage in any other occupation, business, or profession likely to detract from the full-time performance of his or her duties as Ombudsman or to result in a conflict of interest or an appearance of impropriety or impartiality.

The Ombudsman shall hold office for a term of three years and shall continue to hold office until reappointed or until his or her successor is appointed. The Governor may remove the ombudsman only for neglect of duty, misconduct, or inability to perform the duties of the position.

II. Purpose

The purpose of the office shall be independently to promote public awareness and understanding of the child welfare system, identify system issues and responses for the Governor and the General Assembly to act upon, and monitor and ensure compliance with relevant state and federal law, rules, and policies pertaining to children's services and the placement, supervision, and treatment of children in the state's care.

The Ombudsman shall:

- (1) Provide information as appropriate on the rights and responsibilities of individuals receiving children's services and on the procedures for providing these services;
- (2) Investigate, upon his or her own initiative or upon receipt of a complaint, an administrative action alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason if required, or based on irrelevant, immaterial, or erroneous grounds; however, the ombudsman may decline to investigate any complaint;
- (3) Monitor the procedures established, implemented, and practiced by the Department of Social Services to carry out its responsibilities in delivering children's services with a view toward appropriate preservation of families and ensuring children's health and safety;
- (4) Recommend changes in the procedures for addressing the needs of families and children; and
- (5) Submit an annual report, including recommendations, to the Governor and General Assembly by October 31 of each year analyzing the work of the office.

III. Confidentiality

To encourage citizens to come forward with their concerns, the Office of Child Welfare Ombudsman is required to protect their confidentiality.

The Office shall treat all matters under investigation, including the identities of service recipients, complainants, and individuals from whom information is acquired, as confidential, except so far as disclosures may be necessary to enable the ombudsman to perform the duties of the office and except as provided by applicable state or federal law. Upon receipt of information that by law is confidential or privileged, the Ombudsman and his or her staff shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law. Nothing in this order shall be construed to mean that confidentiality is required when the Ombudsman or Ombudsman's staff has received a threat of, or becomes aware of a risk of, imminent serious harm to any person, or when the Ombudsman or Ombudsman's staff reasonably believes that any person specified in section 210.115, RSMo, including the Ombudsman or any person in the Ombudsman's office, has failed to comply with section 210.115, RSMo.

IV. Miscellaneous

When the Ombudsman or Ombudsman's staff member has reasonable cause to believe that any public official, employee, or other person has acted in a manner warranting criminal or disciplinary proceedings, the Ombudsman or Ombudsman's staff member shall report the matter, or cause a report to be made, to the appropriate authorities.

To ensure the integrity of the operations of the Office, no discriminatory, disciplinary, or retaliatory action may be taken against an employee of the department, an employee of a contracting agency of the department, a foster parent, or a recipient of family and children's services for any communication made, or information or assistance given or disclosed, to aid the Ombudsman in carrying out his or her responsibilities, unless the communication, information, or assistance is made, given, or disclosed maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

The department of social services shall:

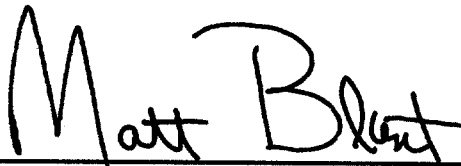
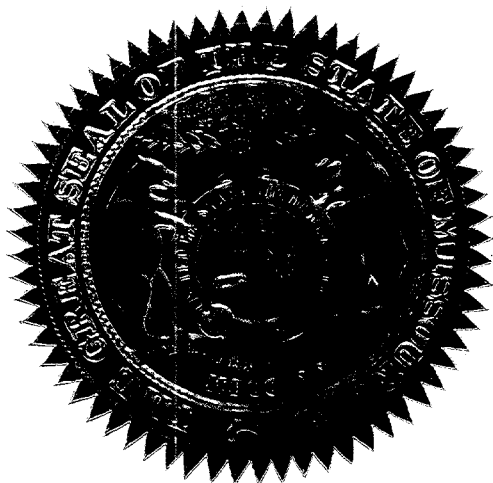
- (1) Allow the Ombudsman or the Ombudsman's designee to communicate privately with any child in the custody of the department for the purposes of carrying out its duties under this order;
- (2) Upon the Ombudsman's request, grant the Ombudsman or the Ombudsman's designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the Ombudsman considers necessary in an investigation; and
- (3) Grant the office of child welfare ombudsman unrestricted access to the case management information system for the purpose of carrying out its duties under this order.

The Ombudsman is authorized to receive confidential information from executive departments and agencies and service providers. All executive departments and agencies are directed to assist the Office of Child Welfare Ombudsman in carrying out the purposes of this order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 17th day of December, 2002



Bob Holden
Governor



Matt Blunt
Secretary of State