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Office of the Child Advocate



BRIEFING ON THE OFFICE OF THE CHILD ADVOCATE

RSA 21-V

Change in Mandate of the Office of the Child Advocate

September 21, 2020

A SHINING SYMBOL FOR HOPE



There are exciting new developments at the Office of the Child Advocate (OCA). They start with a new shining symbol of hope rising over and warming the children of New Hampshire. The great philosopher Plato taught that the sun is the child of goodness. He said the sun is to seeing as goodness is to knowledge and truth. That means no matter how good your eyesight may be, without the sun illuminating, you will not see. Likewise, without goodness, you cannot achieve knowledge or know truth. Shining light to illuminate truth is what the OCA does. We illuminate opportunities and build knowledge to improve systems that strengthen families. We place New Hampshire's children in the light and warmth of the sun so that they may grow and develop to their greatest potential. We hope the spirit of the OCA's new logo captures the hearts and minds of New Hampshire citizens, and motivates them to join us in our mission to promote the best interests and goodness of children.

LEGISLATIVE ALERT

On July 20, 2020, Governor Christopher Sununu signed into law House Bill 1162, the Child Protection Omnibus Bill. That bill was part of a 3-year force of fundamental shift in state responsiveness to New Hampshire's children. This Briefing addresses the bill's language specific to the OCA. Among other things, the bill recodified the OCA. It also established definitions relative to the OCA and its work, clarified its independence, and expanded its jurisdiction from oversight of the Division for Children, Youth and Families (DCYF) only, to include any department, commission, board, institution, bureau, or office of the state, as well as other public and private organizations providing services to children under a contract or agreement with an executive state agency.¹

Most importantly, the expansion of the OCA's service to all children who are the recipients of State intervention solidifies the State's commitment to preventing harm and obstacles that get in the way of children developing to their full potential. No longer will the OCA have to wait for children to be abused, neglected, or adjudicated before assisting them. The OCA may now bring children's voices to the table where policies, procedures and investments are made to prevent harm in the first place, and promote the kinds of supports that will set families on the path to raising generations of healthy, productive children.

This Briefing outlines how the OCA will implement changes under the new law and what children and the public may expect from the Office in terms of service, advocacy, and priorities.

MISSION

The mission of the Office of the Child Advocate (OCA) is to promote the best interests of children by providing oversight of child-serving State services and nurturing partnerships that ensure a responsive, informed, and transparent system.

¹ With the exception of the Judicial Council or any entity for which the council provides services. RSA 21-V:1, I.

WHAT IS THE OFFICE OF THE CHILD ADVOCATE?

The OCA is an independent, impartial oversight agency. In the first two years of service, pursuant to RSA 170-G:18 (repealed effective September 18, 2020), the OCA provided oversight of DCFY only. RSA chapter 21-V expands that oversight to all state agencies that provide services to children and other public and private child and youth service organizations providing services under contract or agreement with a state executive agency. The OCA must ensure that children involved with an agency, and in particular, children served by the child welfare or juvenile justice systems, receive timely, safe, and effective services and that their best interests are being protected, RSA 21-V:2, II (a).

PUBLIC SERVICE DESCRIPTION

Areas of Service

To achieve the mandate set forth by RSA chapter 21-V, the OCA will continue to work in three areas of service:

- Review and investigation
- Collaboration, advice and recommendation
- Education, engagement, and outreach

Review and Investigation. When people have complaints/concerns about state services for children, their first resource is the person with whom they directly work: a caseworker or other program staff, or supervisors of those frontline resources. If the problem persists, the Department of Health and Human Services (DHHS) Ombudsman's Office responds to complaints and requests for assistance in matters that involve DHHS. As a last resort, or if the problem is not with DHHS, the OCA may receive complaints/concerns about children's services, RSA 21-V:2, III. The OCA also receives reports of incidents involving children in care or custody of DCYF, including fatalities RSA 21-V:7.

Citizens who contact the OCA will receive information about helpful services and coaching to navigate the system. The OCA may also review, and if deemed necessary, conduct impartial investigation of complaints and incidents, RSA 21-V:2, III. The aim of an OCA investigation is to ensure children's services are timely, safe, and effective and that the State treats children humanely, respectfully, and with dignity regarding their rights to privacy, adequate and appropriate healthcare, education and other necessary services, RSA 21-V:2, II(a), (c). The OCA may also monitor agency actions over time to identify patterns or disruptions of service signaling opportunities to improve service to children, RSA 21-V:2, II(d). Oversight also includes reviewing policies, procedures, and practices collaboratively to identify avenues towards responsive, effective, evidence-based models of services that meet the highest standards of practice and care attainable, RSA 21-V:2, II(b), (f). All of the OCA's work is grounded in the theory of child development and the methods of safety science. One empirically guides the understanding of children's best interest. The other provides an empirical framework for unearthing opportunities to sustainably strengthen systems.

Collaboration, Advice and Recommendation. The OCA's review, investigations, monitoring of activities, and direct access to children, serve to build the Office's knowledge and understanding of children's lived experience as recipients of State services, as well as system-wide functioning. The OCA views system

operations through the lens of child development, trauma, the latest science in care and practice, and state and federal law. Most importantly, the OCA is uniquely positioned to bring children's voice to the table in deliberations that will affect their welfare.

From that broad and dynamic framework, the OCA will regularly consult and endeavor to inform and collaborate with all partners in children's matters, including commissioners, the governor, legislators and the Oversight Commission on Children's Services towards improving services to and for children and their families, RSA 21-V:2, II (e), IV. This includes careful assessment of policy, procedure and quality of services, RSA 21-V:2, II (d), (f). The OCA may also share pertinent information with the courts or agencies in matters related to DCYF's child protection and juvenile justice services, RSA 21-V:2, III (c).

Education and Outreach. The OCA provides information and referral services to the public regarding child-serving agencies and programs, RSA 21-V:2, V. Citizens receive informed coaching for system navigation. The OCA aims to engage and facilitate training for children and families in self-advocacy, enhancing their role in policy and service development. The OCA also provides other educational outreach initiatives that inform an understanding of children and their needs, RSA 21-V:2, VI. That could include providing information on best practices, scientific developments and opportunities to develop responsive state services designed to identify and address child and family needs.

Operations of Service

The structure and function of the OCA's service operations are guided by nine goals:

1. Provide a responsive and credible review process for citizen complaints about state or state-sponsored child-services, including being available to meet with, listen to, and advocate on behalf of children.
2. Produce comprehensive individual child case reviews when opportunity is identified to inform a child's team and improve a child's care and/or agency practice.
3. Conduct System Reviews (SR) of aspects of the child-serving system and retrospective death and critical incident System Learning Reviews (SLR) to inform case practice and promote learning for system improvements.
4. Collect, organize and analyze data of all incidents (deaths, injury, missing children, restraint, seclusion, sentinel events, special investigations) reported to the OCA involving children in custody or supervision of DCYF as a means to identify areas of concern and produce reports on identified opportunities for safe care, practice improvement, and system reform.
5. Inform agencies, the governor, the legislature, and the public on key issues affecting children and the state's capacity to address those issues with evidence-based and child-experience-generated information.
6. Provide timely, informed and evidence-supported testimony and advice for relevant child-impacting policy and legislation to ensure an effective child-responsive system.
7. Inform children and families about, and help navigate within, state child-serving systems and OCA services.
8. Elevate children's voices by assisting those under the care, custody or supervision of state agencies to organize for self-advocacy and child-directed reform.

9. Educate and update all child-serving executive agencies and supported programs on responsibilities and authority of the OCA and, as needed, roles of other stakeholders serving children to build strong inter-professional relationships.

WHO ARE THE OFFICE OF THE CHILD ADVOCATE?

The OCA currently employs 4.5 staff (Child Advocate, Associate Child Advocate, Assistant Child Advocate, Program Specialist, and Part-time Legal Secretary). The OCA benefits from the interest and hard work of occasional undergraduate and graduate school interns who assist with special projects. A formal and informal network of support augments the OCA's work, including in monitoring policy development and identifying system needs. Plans for staff enhancement to manage expanded obligations include filling a Children's Services Analyst position affected by a state hiring freeze, requesting an additional Assistant Child Advocate position and re-classifying the part time legal clerk position to permanent full time in the 2022-23 biennium budget.

IMPLEMENTATION OF RSA CHAPTER 21-V MANDATE

The OCA will continue operations as usual in the receiving of complaints and pursuing system reviews. In the expansion of jurisdiction, the OCA will roll out its implementation of RSA chapter 21-V with preventative, comprehensive, and developmental perspectives. The OCA will begin by conducting a system inventory and review of all state child-serving agencies and any public and private organizations contracting with or under agreement with a state agency. Approaching this from a developmentally focused view, the OCA will commence with infant and early education services. As we conduct this review, we will develop a mapping of state services progressing through key levels of childhood development up to and including transition-age youth.

Critical to our work will be assessing children's physical and mental health services, education, and developmental supports. Incorporated in all of our work will be the understanding of and advocacy for children's personal dignity, respect and expression of rights. Above all, children's voice, perceptions and expressed preferences will guide the work of the OCA.

COLLABORATION IS KEY

It takes a village to raise a child. Likewise, the OCA will collaborate with and depend upon the willingness of agencies, advocates and other stakeholders to support the mission of the office. The OCA welcomes feedback and asks for assistance navigating the broad system that children and families themselves encounter.

CONTACT THE OFFICE OF THE CHILD ADVOCATE

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If you think a child is in danger, call 9-1-1 immediately. To report suspected abuse/neglect call:

1-800-894-5533.