

WAC 112-10-070 Implementation of duties. OFCO fulfills its duties through the following activities:

- (1) Information and referral;
 - (2) Interventions;
 - (3) Systemic investigations;
 - (4) Administrative investigations;
 - (5) Complaint tracking and referral; and
 - (6) An annual report.
- (a) Information and referral.

- (i) OFCO responds to requests for information that relates to the rights and responsibilities of a family or child who is receiving family and children's services, and the procedures for providing such services, by providing information directly to the inquiring individual.

- (ii) OFCO may respond to requests for information pertaining to legal rights, responsibilities and procedures, but may not provide legal advice.

- (iii) OFCO responds to requests for other information by referring the inquiring individual to the appropriate agency.

- (b) Interventions.

- (i) OFCO may act to prevent or mitigate harm to a child or parent resulting from an administrative act.

- (ii) OFCO interventions may be initiated when, upon investigation, the ombudsman determines that an administrative act is harming or has placed at risk of harm a particular child or parent. OFCO may not intervene until the ombudsman has made such a determination.

- (iii) OFCO's investigations may be initiated upon receipt of a complaint or upon its own initiative.

- (iv) OFCO may investigate only those administrative acts that meet the definition established in WAC 112-10-020(1); provided that OFCO may conduct an investigation to determine whether an alleged administrative act meets the aforementioned definition.

- (v) OFCO may decline a request to intervene on behalf of a particular child or parent when, upon investigation, the ombudsman determines that the complaint does not meet the criteria or priorities specified in law, rule, or OFCO policy.

- (vi) OFCO interventions include, but are not limited to, informal contacts with front-line workers and supervisors to express concerns, provide information, and explore other possible responses by the agency or facility. OFCO may also recommend a particular course of action to supervisors, managers, and administrators.

- (c) Systemic investigations.

- (i) OFCO may investigate potentially chronic and/or system-wide administrative acts that appear to adversely affect children and families. A systemic investigation is intended to produce information that will enable OFCO to identify systemic issues and recommend appropriate changes in law, policy, procedure, or practice.

- (ii) OFCO systemic investigations may be initiated when, upon preliminary investigation, the ombudsman determines that a chronic and/or system-wide administrative practice appears to exist that adversely affects children and/or their parents. OFCO may not conduct a systemic investigation unless the ombudsman has made such a determination.

- (iii) A preliminary investigation may be initiated upon receipt of a complaint requesting such an investigation or upon the ombudsman's own initiative.

(iv) OFCO may investigate only those chronic and/or system-wide administrative acts that meet the definition in WAC 112-10-020(1), and only those that the ombudsman determines are consistent with the criteria and priorities specified in law, rule, and OFCO policy.

(v) OFCO may decline a request to conduct a systemic investigation if the ombudsman determines that the request is not consistent with the criteria or priorities specified in law, rule, or OFCO policy.

(vi) The findings and recommendations resulting from a systemic investigation shall be published in a report to the governor, the committee, and the affected agency or facility.

(d) Administrative investigations.

(i) OFCO may investigate an administrative act that appears to have been seriously harmful to a child or family and:

(A) A clear violation of law, policy, or procedure; or

(B) Clearly unreasonable or inappropriate under the circumstances. An administrative investigation is intended to produce information that will enable OFCO to assess compliance with law, policy, or procedure, and/or the need for new or modified laws, policies, or procedures.

(ii) OFCO administrative investigations may be initiated when, upon preliminary investigation, the ombudsman determines that an administrative act appears to have been harmful to a child or parent, and is:

(A) A clear violation of law, policy, or procedure; or

(B) Clearly unreasonable or inappropriate under the circumstances. OFCO may not conduct an administrative investigation unless the ombudsman has made such a determination.

(iii) A preliminary investigation may be initiated upon receipt of a complaint requesting an investigation or upon the ombudsman's own initiative.

(iv) OFCO may investigate only those administrative acts that meet the definition in WAC 112-10-020(1) and only those that the ombudsman determines are consistent with the criteria and priorities specified in law, rule, and OFCO policy.

(v) OFCO may decline a request to conduct an administrative investigation if the ombudsman determines that the request is not consistent with the criteria or priorities specified in law, rule, or OFCO policy.

(vi) The findings and recommendations resulting from an administrative investigation shall be published in a report to the governor, the committee, and the affected agency or facility.

(e) Complaint tracking and referral.

(i) OFCO shall enter each complaint it receives in an automated database for the purpose of identifying and reporting complaint trends and patterns.

(ii) OFCO responds to complaints that are not within its jurisdiction, priorities, or resources, by referring the complainant to the governor's office, the legislative hot line, and/or the appropriate agency.

(iii) With regard to complaints that are not within OFCO's jurisdiction, but that raise child health and safety concerns, OFCO may forward the concern directly to the appropriate agency for response.

(7) Annual report. OFCO shall, at a minimum, report annually on:

(a) The number and types of complaints received by OFCO;

(b) OFCO's response to requests for interventions and investigations;

- (c) The number and type of OFCO-initiated interventions and investigations, and
- (d) The results of OFCO's interventions and investigations.

[Statutory Authority: RCW 43.06A.030(8). WSR 00-23-046, § 112-10-070, filed 11/13/00, effective 12/14/00. Statutory Authority: RCW 43.06A.030(6). WSR 00-05-036, § 112-10-070, filed 2/10/00, effective 3/12/00.]