

*State of Minnesota
Office of Ombudspersons for Families
2004 Annual Report*

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LEGISLATIVE BACKGROUND

The Office of Ombudsperson for Families is authorized by Minn. Stat. 257.0755. The 1991 legislation which created the office required the office to operate independently but in collaboration with the Indian Affairs Council, the Chicano-Latino Affairs Council, the Council on Black Minnesotans and the Council on Asian-Pacific Minnesotans. The applicable community-specific board selects the Ombudsperson for each community. Each board consists of five members appointed by the chair of that specific council. The members are required to meet four times a year to advise the Ombudspersons on overall policies.

The Ombudsperson serves in the unclassified service at the pleasure of the community-specific board and may be removed only for just cause. The Ombudsperson must be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy regarding the protection and placement of children from families of color. In addition, the community-specific board should select an Ombudsperson who has experience working and problem-solving with communities of color and who keeps current about the ongoing and evolving needs of their particular community. No individual may serve as an Ombudsperson while holding any other public office.

OMBUDSPERSON DUTIES

Four full time Ombudspersons perform their duties by focusing their resources on complaint investigations, complaint intervention and resolution, and system investigations and improvements. A fundamental aspect of the Ombudsperson's work is to respond to the needs of citizens involved with the child welfare system, especially concerning child protection and abuse/neglect issues. The Ombudspersons respond by listening to family concerns, educating families about the child welfare process, and referring families to appropriate resources to assist them with their particular issue. By responding effectively to citizens' questions and concerns, the Ombudsperson determines if their concern falls within the scope of the Ombudsperson to investigate, or if there are other resources available to better assist them.

The Ombudspersons perform their statutory duties through their work in four areas:

Listening to Families and Children. Families and citizens who contact the Ombudsperson's office with an inquiry or complaint often feel that the county social services department or another agency is not listening to their concerns. By listening carefully to families and citizens, the Ombudsperson can effectively assess and respond to individual concerns and also identify recurring problems faced by families and children throughout the system.

Responding to Complaints. Thorough and objective complaint investigations and analyses enable the Ombudsperson to respond effectively when action must be taken to change an agency's decision and to accurately identify problematic policy and practice issues that warrant further examination. The Ombudsperson regularly attempts informal resolution, but when this is not possible, the full power of the office can be used which can include a public report with specific recommendations for changes in policies and procedures.

Taking Action on Behalf of Children and Families. The Ombudsperson takes action when it has determined that intervention is necessary to avert or correct a harmful oversight or mistake by a county social services department or another agency. The Ombudsperson's actions may include: investigating complaints filed by individual families; taking appropriate action; collecting data; and preparing reports on the treatment of families of color in county's child protection systems. In resolving complaints, it is also the responsibility of the Ombudsperson to identify patterns of abuse of power or negligence by government that would require legislative attention. Through these actions, the Ombudsperson is often successful in resolving legitimate concerns.

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All the work performed by the Ombudsperson's office focuses on two outcomes:

- *Public agencies use culturally appropriate methods when implementing laws governing the protection of children and their families and*
- *When public agencies make decisions which affect families of color, those agencies use decision making processes which comply with Minnesota law and Minnesota administrative rule.*

Improving the System. The Ombudsperson facilitates improvements to the child protection and child welfare systems. During the last year, the different Ombudspersons participated in the following activities to improve the system: 1) participating on Minnesota Department of Human Services working groups and advisory committees which develop policies affecting families of color; 2) working with District and State courts to write policies and procedures which help ensure a family of color's equitable treatment when appearing in court; 3) conducting community outreach and traveling the State to give public presentations about the duties and work of the Ombudsperson's office; 4) participating on other statewide study and research groups which address the issue of disparity in the placement of children in out of home placement and the issue of disparity of placement of children with kinship or relatives for temporary placement; and 5) consulting with individual county social service agencies to help improve their procedures for responding to complaints of child abuse and/or neglect among families of color. Through these efforts, the Ombudspersons generate better services for children and families.

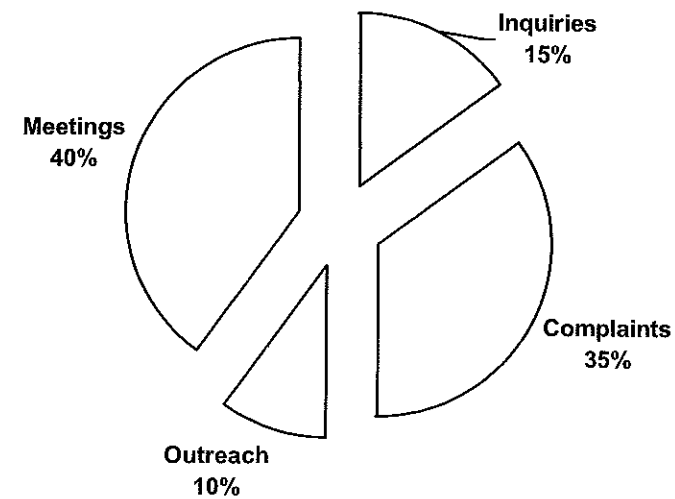
Complaints that come to the Ombudsperson Office are screened to determine if the complaint is in the jurisdiction of the Ombudsperson, whether the complainant has utilized the government agency's established complaint processes and whether there is validity under the law to the complaint. The Ombudsperson helps citizens understand how government agencies operate, what are the appropriate laws, rules, policies, or how citizens may handle complaints themselves.

The Ombudsperson Office performs an unusual role in government. While they receive complaints from the public, their job is not to become an advocate for the complainant or the governments they have jurisdiction over. Ombudspersons are charged with collecting and evaluating all of the facts regarding a matter as a neutral investigator. They determine if there was an error, unfairness or harm by the agency involved, or if there was no basis to the complaint. The Ombudsperson may make recommendations to correct wrongs done to individuals to improve the administration of government. If their recommendations are not accepted and good reason not given, the Ombudsperson may become an advocate for their implementation.

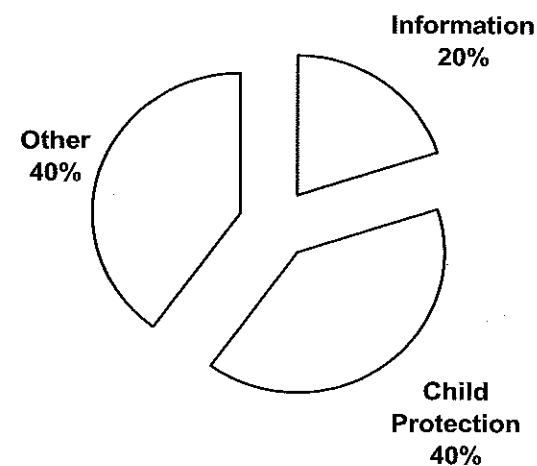
INQUIRY AND COMPLAINT PROFILES

The Ombudspersons listen to families and citizens who contact the office with questions or concerns about services provided through the child protection and child welfare system. By listening carefully, the Ombudspersons are able to respond effectively to their inquiries and complaints.

Ombudsperson's Workload



Types of Inquiries

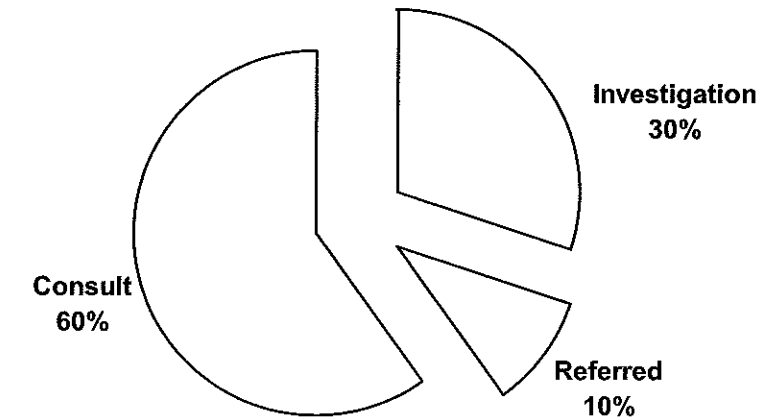


Contacts. *When families and citizens contact the Ombudsperson, the contact is documented as either an inquiry or complaint.*

Inquiries. *Persons call, write or email to the Ombudsperson wanting basic information on how the office can help them with a concern, or they have questions about the child protection and child welfare system. The Ombudsperson responds directly to these inquiries, some of which require additional research. The office refers other questions to the appropriate agency.*

Complaints. *Persons file a complaint with the Ombudsperson when they have a specific complaint against a county social service agency or other agency they want the office to investigate. The Ombudsperson investigates every complaint that is within its jurisdiction or consults with an aim to resolve the issue.*

Ombudspersons Response To Complaints



OMBUDSPERSONS IN ACTION

Inducing Corrective Action

Findings

A county contacted the Ombudsperson to make her aware that a father had lost his paternal rights at another county. Allegedly the father had been coerced to relinquish his parental rights because he was an undocumented alien. His other child was in foster care.

Outcome

The father was placed on notice and received culturally appropriate services. He visited the baby and there were plans for reunification. The Ombudsperson monitored the case. The Ombudsperson provided a referral to Legal Services so the father could appeal the termination of paternal rights in the other county. The case remains open.

Findings

A county unreasonably screened out a report of sexual abuse of a child, after deciding that the report did not meet the criteria for investigation. The county indicated it had asked the Tribe for their involvement yet no official correspondence had been sent to the Tribe.

Outcome

After the Ombudsperson intervened with a supervisor, the county reconsidered the screening decision, accepted the report of the investigation and forwarded the report to law enforcement. The county developed a case plan with visits yet the family has no car or ride to make the visits. The case is still open.

Findings

A county failed to adequately address mental health issues regarding a grandparent, prior to placing a dependent child with him. The grandparent had failed to maintain placement of the grandchild in the past.

Outcome

By the time the Ombudsperson received this complaint, the child had already been placed with the grandparent. The Ombudsperson intervened by contacting the social services supervisor to request that these concerns be thoroughly investigated as part of the adoption home study. Prior to completion of the home study, the child was removed following the grandparent's mental health crisis.

Findings

Six children between the ages of 5 and 15 were removed from their home due to alleged physical abuse by one child upon another. The Ombudsperson's investigation revealed domestic abuse and misunderstandings among the children of the resolution of that abuse. These misunderstandings led to sibling-to-sibling abuse and various orders for protection.

Outcome

Based on her investigation, the Ombudsperson recommended that the county allow a trial home placement with the three youngest children who were first removed from the home. Within 14 months all but one child were back home and living with their parents.

Facilitating Resolution**Findings**

Single mother with five children ages 4 to 16 with a case open for leaving the children home alone while working three jobs and not keeping the house clean. There were also issues of truancy. Mother was overwhelmed and did not understand social services intervention. No translation services had been provided to explain the situation to her.

Outcome

The Ombudsperson provided some recommendations, requested interpretation services and referred the worker to community resources and offered to assist to help mother understand the social services system. Case closed. The Ombudsperson recommended services in order to prevent out of home placement in the future.

Findings

A county failed to conduct any health and safety visits for over nine months, regarding a dependent child placed in a relative's care.

Outcome

After the Ombudsperson flagged the omission, the case was reassigned to a new caseworker who, upon investigation, found multiple safety concerns. The child was

subsequently removed from the relative's home due to reports of domestic violence and was placed in a more suitable relative's home.

Findings

A county failed to immediately notify a father when his two children were placed in protective custody and a CHIPS petition was filed.

Outcome

At the Ombudsperson's urging, the county called the father, and faxed notice of the dependency proceeding to the father's attorney.

Findings

A county failed to establish permanency in a timely manner for a child placed with relatives out-of-state. The child had been placed with her relatives for over two-and-a-half years and the adoption had not been finalized.

Outcome

With the Ombudsperson's assistance in facilitating communication, delays were resolved and the adoption was finalized.

Preventing Future Problems and Issues - Ombudpersons Activities

- *African American Disparities Initiative – County Reports*, December, 2003. Those reports give information about: improving county practices, increasing monitoring and developing services and training strategies
- Participation on the statewide American Indian Disparities Committee which reviewed the causes of placement disparities and recommended system changes to reduce or eliminate disparities in placement
- Preparation of a series of position papers (foster care, orphanages and current practice in the child protection system) for the Indian Child Welfare Act Advisory Council.
- Negotiating an American Indian seat on the Department of Human Services Child Welfare Training Advisory Committee
- Assisted in the publication of an official Department of Human Services Bulletin on Tribal court orders and financial responsibility for foster care
- Ongoing renegotiations of the Tribal/State Agreement
- Statewide Advisory Committee on "Reduce the Use: Long Term Foster Care"
- Committee on "Reporting of Maltreatment To Minors Act"
- Convened meeting of Asian-Pacific Advisory Board and community members for the purpose of comments and recommendations to the Child and Family Service Plan 2005-2009.
- Convened meeting of Asian-Pacific Advisory Board and community members with the Ramsey County Attorney's office to discuss the problem of runaway Asian girls who are forced into prostitution.

- Participated in Resource Fair in order to increase the visibility of the Ombudspersons for Families Office and network with other organizations.
- Community Service: This office provides internship opportunities to volunteer law students with a special interest in monitoring/observing court activities, doing intake/investigation on child protection matters, reviewing child protection cases, or conducting projects of their interest related to issues that may have an impact on Asian-Pacific Islander children and families.
- Developed a bilingual office brochure that serves as tool to inform about services provided by this office.
- The Ombudsperson consulted with service providers and social workers regarding cultural diversity, issues pertinent to the Hispanic community and issues of Child Protection.
- Testified to the Office House Subcommittee of Health and Human Services about the Office of the Ombudsperson duties, met with legislators and received training regarding Lobbying and State Budget.
- “How can social workers best serve the Latino Community?” Augsburg College: a conference to provide information to social work students on cultural issues needed to provide best service to Hispanic Families.

OVERSIGHT OF OMBUDSPERSON

Each Ombudsperson office has a community specific board which consists of five members who: 1) advise and assist the Ombudsperson in determining the objectives for the Ombudsperson’s work; 2) advise and assist the Ombudsperson in the development of policies, procedures and plans to meet the objectives of the Ombudsperson’s office; and 3) recruit, select and oversee the Ombudsperson for their community

African American Community Board

Ombudsperson – Ann Hill

Ella Gross
Institute for Minority Development

Jean Webb-Bradford
South High School

Richard Dilliard
Family Focus

Menjiwe Riley-Alves
Citizen

Charles Hawkins
Department of Human Services

American Indian Community Board

Ombudsperson – Dawn Blanchard

Lavon Lee, Chair
Director, American Indian Family Center

Yvonne Barrett
Director, Ain Dah Yung (Our Home) Center

Mary Jo Hunter
Director, Children’s Law Clinic
Hamline University School of Law

Sheri Reimer
Director, Indian Child Welfare Program,
Minneapolis American Indian Center

Asian-Pacific Community Board
Ombudsperson – Bauz L. Nengchu

Linda Davis, M.A. Education, Chairperson
 Educator, St. Paul Public Schools

Daniel Lew, Attorney At Law
 State of Minnesota Public Defender

Gail Chang Bohr
 Executive Director
 Children's Law Center of Minnesota

Yoonju Park, Executive Director
 Korean Services Center

Thanh Son (Lisa) Nguyen, Ph.D., DABPS
 Senior Consultant (Service Effectiveness
 and Cultural Competency)
 Amherst H. Wilder Foundation

Spanish-Speaking Community Board
Ombudsperson – Alba Olmedo

Patricia T. Ray, Chairperson
 Department of Human Services

Edwina Garcia
 Hennepin South Services Collaborative and
 Family Resource Center

Dr. Dario Menantau
 University of Minnesota

Josie Gonzalez
 Centro Legal, Inc.

Alma Garay-Lehen
 Hennepin County

DATA ON THE PLACEMENT OF CHILDREN OF COLOR

2000	Total Children In Care in 2000	Percent of Children In Care	Total Children In Care in 2001	Percent of Children In Care	Total Children In Care in 2002	Percent of Children In Care	Percent of Children in Minnesota Child Population (2000 Census)
White	10,613	57.5	10,251	58.3	9881	57.4	83.9
African American	3,573	19.4	3,395	19.3	3366	19.6	5.0
American Indian	1,903	10.3	1,974	11.2	1933	11.2	1.6
Asian	438	2.4	389	2.2	440	2.6	4.2
Pacific Islander	2	0.0	12	0.1	10	0.1	NA
Hispanic or Latino (can be of any race)	1,022	5.5	1,043	5.9	1123	9.2	5.5

Source: Minnesota Department of Human Services