

State of Minnesota Office of Ombudsperson for Families

2008 - 2009 Report to the Governor

Submitted by Ombudsperson for Asian-Pacific Families, pursuant to Minn. Stat. §257.0766, Subd. 2

OFFICE OF OMBUDSPERSON FOR FAMILIES

Background: The Office of Ombudsperson for Families, an independent state agency, was created in 1991 under Minn. Stat. §257.0755 in response to requests from families who had been negatively impacted by the intervention of social service agencies. The mission of the office is to ensure that children and families are protected by law in all child placement proceedings conducted by public and private agencies and organizations. The Ombudsperson for Asian-Pacific Families is selected by the Asian Advisory Board and the chair of the Council on Asian-Pacific Minnesotans appointed the board for the office.

Duties of the Ombudsperson: The job of the Ombudsperson for Asian-Pacific Families is to investigate decisions, acts, and other matters of an agency, program, or facility providing protection or placement services to Asian/Pacific Islander families and children including working with local state courts to ensure

that: (1) court officials, public policymakers, and service providers are trained in cultural diversity; (2) experts from the appropriate community of color are used as court advocates and are consulted in placement decisions that involve children of color; (3) guardians ad litem and other individuals from communities of color are recruited, trained, and used in court proceedings to advocate on behalf of children of color; and (4) training programs for bilingual workers are provided.

Advisory Board: There are five Asian Advisory Board members to advise and assist the Ombudsperson on issues regarding child protection and out-of-home placement matters, on overall policies, plans, and programs to carry out the Ombudsperson's functions, duties, and powers. Besides conducting their own quarterly meetings with the Ombudsperson for Asian-Pacific Families, the Asian Advisory Board also held joint meetings with the other three community-specific boards (African

American Board, American Indian Board, and Spanish-Speaking Board). The Ombudsperson is grateful for the Asian Board's leadership, time, effort, commitment, and continuing support of the work of the office. The five Asian Advisory Board members are: Linda Davis (MA Ed.), Dr. Thanh Son Nguyen-Kelly, LuNhia V. Yang (Attorney at Law), Dr. Eric Hung, and Yi Li You (LSW). Board members who also served in 2008 were Yoonju Park, Executive Director of Korean Service Center, and Pal Yang, Attorney at Law.

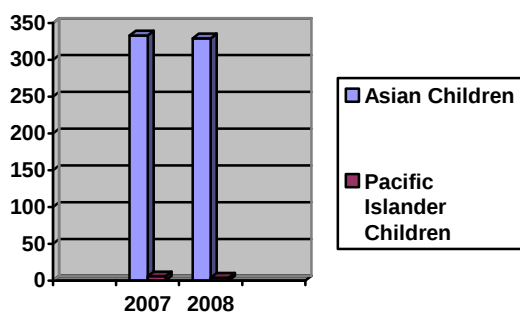
DATA ON ASIAN/PACIFIC ISLANDER CHILDREN IN OUT-OF-HOME CARE IN 2007 – 2008

In 2007, there were 333 Asian children and 6 Pacific Islander children in out-of-home care. (Source: Department of Human Services: 2007 Children in Out-of-Home Care)

In 2008, there were 329 Asian children and 4 Pacific Islander children in out-of-home care. (Source: Department of Human Services: 2008 Children in Out-of-Home Care)

See chart 1 below:

Chart 1

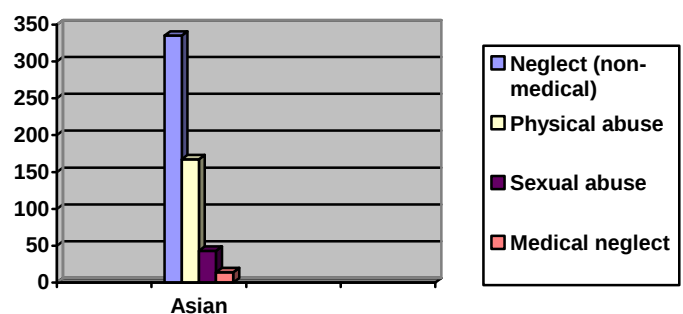


Sources: Department of Human Services: 2007 and 2008 Children in Out-of-home Care

UNIQUE CHILD SUBJECTS OF REPORTS BY RACE AND MALTREATMENT TYPE

In 2008, the Asian child population estimate was 60,458 and the Pacific Islander child population estimate was 1,091. Of the 513 maltreatment type reports for Asian children, there were: 335 neglect (non-medical); 167 physical abuse; 43 sexual abuse; 2 mental injury; and 14 medical neglect. Of the 18 maltreatment type reports for Pacific Islander children, there were: 12 neglect (non-medical); 6 physical abuse; and zero for sexual abuse; zero for mental injury; and zero for medical neglect. (Source: DHS Section I-2008 Child Maltreatment, p.15). See chart 2 below on unique child subjects of reports and maltreatment type for Asian children in 2008:

Chart 2



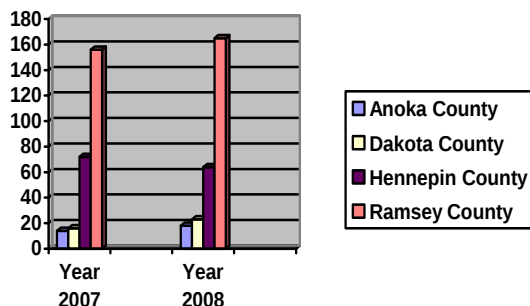
Source: Department of Human Services: Section I - 2008 Child Maltreatment (p.15)

**COUNTS OF ASIAN/PACIFIC
ISLANDER CHILDREN IN OUT-OF-
HOME CARE IN 7 METRO COUNTIES
AND OLMSTED COUNTY IN 2007 -2008**

In 2007, the number of Asian children in out-of-home care in seven metro counties and Olmsted County was as follows: 14 in Anoka County; 16 in Dakota County; 72 in Hennepin County; 7 in Nobles County; 8 in Olmsted County; 156 in Ramsey County; 9 in Scott County; and 7 in Washington County. (Source: Department of Human Services: Section II – 2007 Children in Out-of-Home Care)

In 2008, the number of Asian children in out-of-home care in seven metro counties and Olmsted County was as follows: 18 in Anoka County; 23 in Dakota County; 64 in Hennepin County; 7 in Nobles County; 9 in Olmsted County; 165 in Ramsey County; 8 in Scott County; and 8 in Stearns County. (Source: Department of Human Services: Section II – 2008 Children in Out-of-Home Care) See chart 3 below for Asian children in out-of-home care in four counties in 2007 – 2008:

Chart 3



Sources: Department of Human Services: Section II -2008 and Section II-2007 Children in Out-of-Home Care

CALLS/COMPLAINTS RECEIVED

In 2008, the Ombudsperson received 36 complaints of which 7 related to child protection matters; of those, 3 cases were investigated. Examples of complaints/calls received were:

- adoption challenge for a grandparent;
- social worker is biased in handling the case;
- not in the best interest of the child to be adopted by a couple who does not share the same cultural background and values;
- appeal process to overturn parental rights termination rulings;
- appeal process to overturn rulings of transfer of a legal and physical custody to relative;
- nursing home issue;
- tenant/landlord problem;
- resource to resolve credit card debt due to medical bills;
- foster care issue for grandchildren;
- placement issues; and
- allegation of medical neglect.

In 2009, the Ombudsperson received 43 complaints of which 14 related to child protection matters; of those, 5 cases were investigated. Examples of complaints/calls received were:

- immigration issue;
- foreclosure resource;
- custody problem;
- post termination parental rights issue;
- guardian ad litem not visiting child placed in out-of-home placement as required by law;
- social worker not returning calls;
- social worker is biased and unfair;

- grandparent custody issue;
- mistrust of social worker and communication problem;
- child not being placed with a relative; and
- social worker and supervisor being unprofessional and unresponsive.

Complaint # 1: A grandmother called to report that she was concerned that the visitation with the child's biological parent would take place in a jail setting with the toddler. The Ombudsperson provided consultation to the grandmother and encouraged her to first discuss her concern with the child protection worker who is also bilingual and bicultural. The Ombudsperson later learned that the visitation was canceled.

Complaint # 2: A distraught mother reported that she was unable to get hold of her financial worker to reapply for the financial assistance as her children had been placed back home with her. Upon investigation, the Ombudsperson discovered that the mother does not have her voice mail set up to receive messages and does not know how to check her messages. In addition, she did not provide a correct phone number for the financial worker to contact her. Provided phone consultation with the mother and explained the problems to her.

Complaint # 3: A concerned relative called to inquire about the whereabouts of a parent who attended court for a review hearing regarding a child protection matter and failed to return home afterwards. She was told that the parent was arrested following the hearing. The Ombudsperson made phone calls to the appropriate authority

and discovered that the child's parent had a warrant on a matter.

Complaint # 4: A parent called to complain about a child protection worker not returning calls and not providing an interpreter despite the parent's requests. The Ombudsperson called the child protection worker to inquire about these concerns. The child protection worker returned the call indicating she already asked the language helpline to call the parent. The Ombudsperson followed up with the parent who confirmed that an interpreter had been provided this time.

Complaint # 5: A caller complained that his landlord, a relative, neglected to correct the house problems for months at his requests. When the city found out about the problems, they gave the landlord/relative notice to fix the house problems within one month. As a result, the landlord was very upset with him and told him to move out the next day. The Ombudsperson helped him connect to the appropriate resources. Months later, the complainant called to say thank-you for helping him and said that he won the case in court against the negligent landlord/relative.

Complaint # 6: The office received a complaint that involved the removal of a toddler from home because the child's father violated the order for no contact against the mother as a result of a domestic abuse. The caller complained that the child protection social service agency was not helpful to her when she disagreed with its maltreatment finding and asked them to reconsider her case. At her request, the Ombudsperson attended the next court hearing of which the judge ordered the toddler to return

home to the mother due to lack of just cause.

COURT MONITORING/OBSERVATIONS

Beginning 2008, the Ombudsperson started to track down, for a period of three months, juvenile court hearings of child in need of protection or services (CHIPS) with Asian surnames in three counties to find out about the number of children placed in out-of-home care, reasons for child protection involvement, child's ethnicity and age, etc. Below is the data obtained in one county that involved 36 Asian children in out-of-home care as child in need of protection or services (CHIPS), their ages, and the reasons for child protection involvement:

Number of children and ages:

- 4 children ages 2 to 7
- 1 child age 7
- 6 children ages 11 to 18
- 1 child under one year old
- 5 children ages 5 to 18
- 3 children ages 3 to 5
- 4 children ages 4 to 18
- 5 children ages 7 to 18
- 1 child age 7
- 6 children ages 6 to 14

Reasons for child protection involvement:

- Educational neglect
- Educational neglect/drug abuse
- Physical abuse/sexual abuse
- Infant tested positive for drug abuse at birth
- Neglect/alcohol abuse
- Neglect (lack of supervision)
- Mental health/drug abuse
- Sexual abuse

In 2008, the Ombudsperson observed 9 juvenile court hearings of child in need of protection or services (CHIPS) in three counties. Examples of some of the hearings monitored/observed were:

Case # 1: This was an admit/deny hearing for the pretrial in one county. The parent requested the Ombudsperson to be in the meeting with her, the assigned counsel and the interpreter prior to going inside the courtroom. In the meeting, the Ombudsperson helped the counsel understand the parent's cultural beliefs and concerns. As a result, the counsel was able to fully discuss the allegations in the petition with his client and answered her questions thoroughly and appropriately in a respectful manner. At the end of the meeting, the parent was able to make informed decisions on her case.

Case # 2: In the court room, it was reported that the parent was making progress and worked cooperatively with the county child protection worker on her case plan. The parent asked the judge for the reunification with her child and to allow her and the child to move back to live with her parents who reside out of state. Within a month, the parent called the Ombudsperson to report that she and the toddler would be going home to her parents next week and that her case would be closed.

Case #3: The mother requested the judge to transfer the current placement of her toddler into a culturally appropriate foster home located in another county. The Judge denied her request to order a transfer due to a payment issue. The mother was very disappointed that the Judge denied her request.

Case #4: On a trial related to a CHIPS case that required the interpreter services, the Ombudsperson observed the male interpreter had to lean in to interpret for the female party after the first half round. This can be resolved by providing a headset for the interpreter and the female party as trial usually requires interpreter services for a longer period of time.

In 2009, the Ombudsperson observed 13 juvenile court hearings of child in need of protection or services (CHIPS) in three counties. Some of the issues observed were:

- parents requested to transfer custody of all kids to oldest sibling;
- parents whereabouts are unknown;
- no interpreter assigned for the parent; and
- child abandonment due to parent's drug abuse.

INITIATIVES

Some of the initiatives regarding the Ombudsperson's activities in 2008 and 2009 included the following:

Asian Curriculum Committee:

Collaborated with Minnesota Department of Human Services Training Unit Child Safety and Permanency to form a committee to develop the Culture and Diversity Asian Curriculum that will be used to train child protection workers.

Children and Youth Caucus

Symposium: Participated at the Children and Youth Caucus Symposium on "Changing the Odds for Minnesota Children and Youth" hosted by the Legislative Children and Youth Caucus at the Kelly Inn, St. Paul. The purpose

of the symposium was to have a dialogue and to share ideas with leaders from around the State on youth issues.

Reviewed proposals and selected cultural consultants:

The Ombudsperson helped Ramsey County Community Human Services (RCCHS) review five proposals and select the cultural consultants for the Comprehensive Family Assessment Grant Project. RCCHS will contract with the cultural consultants to work with them to ensure that the assessment process is culturally grounded and does not sustain or increase the existing racial disparities within the child welfare system.

Asian- Pacific Islander children in out-of-home care and in adoptions, 2002-2007:

In 2008, the Ombudsperson compiled data on Asian/Pacific Islander children in out-of-home care and data in adoptions from 2002-2007 at the request of Daniel Lew, 6th District Public Defender's Office in Duluth, Minnesota. (See Appendix)

COMMUNITY OUTREACH/ MEETINGS:

The following were some of the meetings and community outreach activities which the Ombudsperson actively participated in:

- Education Forum convened by the Council on Asian Pacific Minnesotans at Lao Cultural Center of Minnesota in Minneapolis
- Asian Curriculum Team meeting at Minnesota Department of Human Services
- Children's Justice Act Task Force (CJA)

- Lao Women Association in Minneapolis
- Hmong Professional Networking meeting at Boys Totem Town
- Minneapolis Multicultural Services in Minneapolis
- Bhutan Day at the International Institute of Minnesota in St. Paul
- Lao Advancement Association in Minneapolis
- Ramsey County Citizen Review Panel's meeting at Life Track Resources in St. Paul
- Public Listening Session on "What are the implications of presumptive joint physical custody for families in Minnesota?" at the Minnesota Judicial Center
- Hmong Professional Networking meeting in St. Paul
- Ready 4K meeting to discuss strategies to improve Hmong Early Childhood Education at the Lao Family Community Center
- Central Steering Committee meeting at Department of Human Services
- Attended the Minneapolis School Board meeting on "Hmong Gang Violence Prevention Collaborative"
- Resources for Child Caring Southeast Asian Advisory Committee Meeting
- Asian Media Access
- Attended the Senate Achievement Gap Subcommittee meeting at the State Capitol
- Reported to the Board for Council on Asian-Pacific Minnesotans on the Ombudsperson's activities in 2008
- Youth Moving Forward in 2010
- Participated at the 8th Annual Hmong Resource Fair at Aldrich Arena in Maplewood

- Participated at the Itasca Community Connect Resource Fair in Grand Rapids

In September of 2008, the Ombudsperson made a presentation to the Karen Leadership Training, a program run by Amherst H. Wilder Foundation Neighborhood Leadership Programs, to provide information about the services of the office. In the break out group session, the audience had some very specific questions related to parenting skills and asked how they can support their children to maintain their own cultural identity.

COMMUNITY SERVICES

The office continues to partner with the Minnesota Justice Foundation (MJF) to provide internship opportunities to volunteer law students from the four metro law schools. From 2008 through 2009, the Ombudsperson acknowledges and thanks the following volunteer law students who had contributed their valuable time, effort, and commitment to help improve the lives of Asian/Pacific Islander children and their families who are impacted by the child welfare system: Marisa M. Marek, Maikia Vang, Kelly Li, and Karl Johnson.

In the fall of 2009, Karl Johnson conducted a telephone survey to interview 52 Asian court interpreters, who were listed on the Minnesota statewide court interpreter roster, to get their feedback on the challenges they encountered as court interpreters. Of the 22 court interpreters interviewed, results showed the majority of them would like more training on the legal system, court procedures, legal terminology, and working with distraught clients. They

also believe they could do a better job if the parties provided some background information in advance. A few of the interpreters want training tailored to their specific language. Results showed none of the interpreters expressed concern for mixed-gender interpreting. One interpreter indicated that headsets

are important for long trials and that courts already provide headsets.

APPENDIX

ASIAN/PACIFIC ISLANDER CHILDREN IN OUT-OF-HOME CARE AND IN ADOPTIONS, 2002-2007

February 8, 2008

A). DATA ON ASIAN/PACIFIC ISLANDER CHILDREN IN OUT-OF-HOME CARE, 2002- 2006

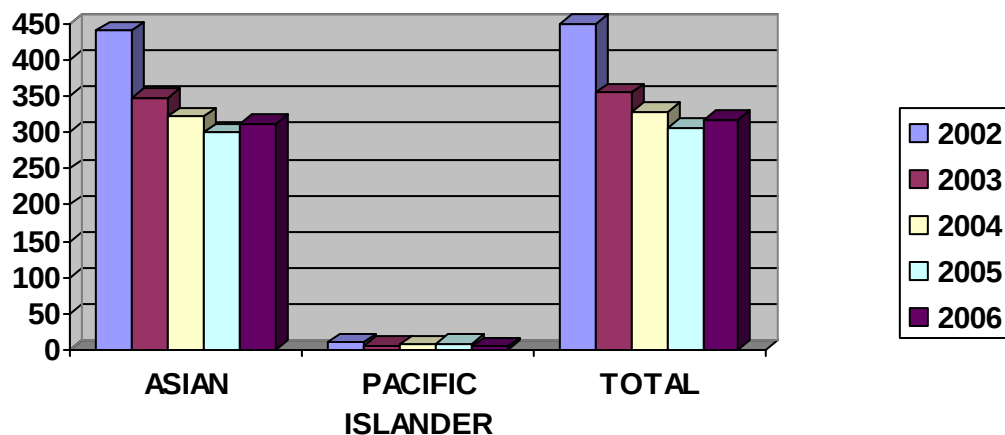
Table 1

YEAR	ASIAN	PACIFIC ISLANDER	TOTAL
2002	440	10	450
2003	348	6	354
2004	321	7	328
2005	299	8	307
2006	312	5	317

Sources: Minnesota Department of Human Services

Chart 1

Asian/Pacific Islander Children in out-of-home care, 2002- 2006



Sources: Minnesota Department of Human Services

Table 2 Asian/Pacific Islander Children Placed, by Placement Setting, 2004-2006

PLACEMENT SETTING	2004	2005	2006
Pre-adoptive home - relative	4	9	7
Pre-adoptive home - non-relative	5	8	7
Foster family home - relative	33	42	58
Foster family home - non-relative	142	145	155
Group home	83	85	73
Residential treatment center	180	115	102
Supervised independent living	5	2	1
Foster home – corporate/shift staff	1	2	2
Juvenile correctional facility (non-secure, 12 or more children)	0	19	1
Juvenile correctional facility (non-secure, 13 or more children)	2	6	21
Juvenile correctional facility (locked)	4	2	9
ICF- MR *	2	0	1
TOTAL UNIQUE** CHILDREN	335	307	305

*Independent Care Facility for the Mentally Retarded

**Some children experienced more than one placement setting during the year.

Sources: Minnesota Department of Human Services

B). DATA ON ASIAN/PACIFIC ISLANDER CHILDREN UNDER GUARDIANSHIP, WAITING FOR ADOPTIVE HOMES AT THE END OF THE YEAR, PLACED WITH RELATIVES, AND ADOPTED, 2002-2007

Table 1

YEAR	WAITING FOR ADOPTIVE HOMES AS OF END OF DECEMBER	UNDER GUARDIANSHIP PLACED WITH RELATIVES	ADOPTED	TOTAL NUMBER UNDER GUARDIANSHIP
2002	2	2	0	3
2003	1	0	6	4
2004	0	1	3	3
2005	2	0	6	9
2006	11	0	3	15
2007	5	5*	7	4

* The 5 children in 2007 were placed with "Extended family - included by tribal practice or ethnic tradition"

Sources: Minnesota Department of Human Services; Minnesota's Child Welfare Report, 2006

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Acknowledgments

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