

Watching the Watchers: An Examination of the Minnesota Office of Ombudsperson for Families and Recommended Reforms to Expand Ombudsperson Services for Minnesota Foster Youth

By: Samantha Flax, Jerica Gomez, Suriya Vijayasarathy,
and Emily Zaffiro

Instructor: Maria Hanratty

Client: Foster Advocates

Hoang Murphy

Elena Leomi

Table of Contents

Executive Summary	2
Introduction	4
Background	5
Literature Review	7
Methodology	11
State Landscape Analysis	13
Scan of State Ombuds Office	14
Interviews with State Ombuds Offices	15
The Minnesota Context	21
Interviews with the Ombudspersons	21
Results from Stakeholder Survey	24
Discussion	25
Recommendations	26
Option A: Establish a Foster Youth Ombudsperson within the OBFF	26
Option B: Establish a Foster Youth Ombudsperson within the MN Governor’s Office	28
Option C: Establish a Foster Youth Ombudsperson within a Non-Governmental Community Organization	30
Conclusion	32
Appendix A: Cal. Welfare And Institutions Code § 16164	34
Appendix B: Qualitative Survey Outreach Material	36
Participant Recruitment Script	36
Informed Consent (to be distributed to participants in advance of the interview and discussed verbally)	37
Interview Guide	39
Non-MN Ombudsperson Interview Guide	39
MN Ombudsperson Interview Guide	41
Appendix C: Quantitative Survey Questions	43
Email to Send to Participants	43
Survey Tool	44
Appendix D: State Scan	46

Executive Summary

Our team of four graduate students from the University of Minnesota Humphrey School of Public Affairs, in partnership with Foster Advocates of Minnesota, evaluated the current capacity of the Minnesota Office of Ombudsperson for Families (OBFF) to serve foster youth. Foster children and youth in Minnesota are vulnerable to cracks in the child welfare system, and are disproportionately at risk of homelessness, disruption to education, poor mental health, and adverse childhood experiences (ACEs). Through our research of states with both children and family ombudspeople, as well as foster youth ombudspersons, we found that foster youth in Minnesota currently lack access to the OBFF, and may benefit from having an ombudsperson equipped to investigate their specific complaints and to advocate for systems change on their behalf.

This project sought to answer the following questions:

1. To what extent are foster youth being protected in an equitable and effective manner by the Minnesota Office of Ombudsman (OBFF) for Families?
2. What is the capacity of the current Minnesota OBFF to expand youth focused services?
3. What are other states doing to protect foster youth and maintain accountability in their child welfare systems?
4. To what extent would Minnesota benefit from instituting a Foster Youth Ombudsperson?
5. What steps must be taken to make the Minnesota OBFF a more accessible and effective service for foster youth?

Methods

We conducted a **landscape analysis** of all fifty US states and Washington DC to collect data on foster youth ombudspersons and children and families ombudspeople across the country. From the results of this landscape analysis, we developed a shortlist of states to interview that, based on our research, had exemplary ombuds offices: Washington, Oregon, Texas, and California. We then conducted **semi-structured interviews** with representatives from each of these states. We also conducted semi-structured interviews with three of the four ombudspeople in the Minnesota OBFF. Finally, we conducted an **online survey** of Guardians ad Litem and child welfare professionals across Minnesota to determine their experiences with the Minnesota OBFF.

Recommendations

Through our research and interviews with ombudspeople in Minnesota and other states, we recommend three options for reform to the Minnesota OBFF, organized in order of effectiveness:

Option A: Establish a Foster Youth Ombudsperson within the Minnesota OBFF

Revise Minnesota statute 257. 0755 et seq. (Supp. 1991) to expand the capacity of the Office to include an additional five FTE¹, including a Foster Youth Ombudsperson and an office manager. All Minnesota counties will be required by statute to implement recommendations from the OBFF. Establish an advisory board of foster youth and community advocates to evaluate the Foster Youth Ombudsperson's effectiveness, and increase outreach to foster youth through direct engagement of youth in residential treatment facilities and group homes.

Option B: Establish a Foster Youth Ombudsperson within the MN Governor's Office

Establish a Foster Youth Ombudsperson Office, consisting of three FTE, outside of the OBFF, but within the Minnesota Governor's Office. All Minnesota counties will be required to implement recommendations from the Office. Establish an advisory board of foster youth and community advocates to evaluate the Foster Youth Ombudsperson's effectiveness, and increase outreach to foster youth through direct engagement of youth in residential treatment facilities and group homes.

Option C: Establish a Foster Youth Ombudsperson within a Non-Governmental Community Organization

Establish a Foster Youth Ombudsperson Office, consisting of three FTE, outside of the Department of Human Services and house it within an existing nonprofit organization in Minnesota. All Minnesota county and state agencies will be mandated by statute to cooperate with the Office's investigations; provide access to requested information and personnel interviews in a timely manner; and implement recommendations from the Office. The Office will establish an advisory board to evaluate the Foster Youth Ombudsperson's effectiveness and will reach out to foster youth through direct engagement of youth in residential treatment facilities and group homes.

Impact

We believe that implementing any of these three options would help to promote standard practices for serving foster youth across the state; provide more robust inclusion of youth voice in system accountability; reduce racial disparities affecting foster youth; and reduce the potential for lawsuits from foster youth against the state of Minnesota and individual counties due to maltreatment and abuse while in foster care.

¹ Full Time Equivalent

Introduction

Thirty years ago, the Minnesota Legislature created the Minnesota Office of Ombudsperson for Families in response to disproportionate rates of removal for children of color from their families. They designed the office as a state agency independent from other departments (e. g. the Health and Human Services),² with a mandate to ensure that children of color and their families are guaranteed fair treatment by child protection agencies. Since the office's inception, its legislative mandates have not been updated or amended to reflect the growing needs of foster youth in Minnesota. Our team argues that the office could benefit from revising their governing statute; increasing funding; establishing evaluation criteria; and increasing their outreach to foster youth.

Our team of four graduate students, in partnership with the Foster Advocates of Minnesota, conducted a research project to evaluate the Minnesota Office of Ombudsperson for Families (OBFF), and to explore options for increasing the office's capacity to advocate on behalf of foster youth. The four Minnesota ombudspersons working with families are inundated with calls and cases mostly from parents and relatives of children involved in the child welfare system. However, they receive few requests from foster youth for ombuds services. This raises questions as to the visibility and accessibility of the office to foster youth, and suggests an opportunity to improve the Minnesota OBFF and its ability to serve foster youth.

In this study, we reviewed existing literature on the foster care system and the history of ombudspersons in both Minnesota and in the US at large. Using state landscape analysis, we researched states and territories to establish if they had ombuds services for children and families. After examining the purpose of a Children and Families Ombudsperson from public health, child welfare, and legal perspectives, we then conducted interviews with three of the four ombudspersons for families in Minnesota. We also conducted interviews with representatives of ombuds offices in California, Oregon, Texas, and Washington; states that were identified through landscape analysis to have robust ombuds processes through literature found online. Additionally, we conducted an online survey of Minnesota social workers and Guardians ad Litem to understand their interactions with the Minnesota Office of Ombudsperson for Families.

Our analysis indicated that although the Minnesota state ombudsperson office provides a sufficient race-equity organization, the office itself lacks equitable support for foster youth and thus we propose, a foster youth ombudsperson backed by explicit legislative authority and additional funding, could fill this gap. In conclusion, we recommend three options for establishing a foster youth ombudsperson and additional reforms to improve the capacity of the Minnesota OBFF to serve foster youth in the state.

² Minn. Stat. § 257. 0755 et seq. (Supp. 1991).

Background

While our study fits into a larger narrative of foster care system reform, it examines one specific piece of that system: the purpose of ombudspersons. Before diving into our analysis, it is important to establish a baseline understanding of how ombudspersons operate within the child welfare system in both the US as a whole, and in Minnesota specifically.

An ombudsperson dedicated to working with foster children and youth offers critical support to vulnerable young people and a method for improving accountability in the child welfare system. Foster youth are a particularly at-risk population, and have specific needs due to their age and histories of trauma. One of the fundamental goals of the foster care system in the United States is to provide safe and healthy living environments for children in the care of the state or county. However, extensive literature has pointed to systemic dysfunction in child welfare regarding the quality of care children receive.³ Oftentimes, when children experience abuse from foster and adoptive parents, or have a caseworker mishandling their case, they do not have a means of advocating for themselves. According to the Minnesota Department of Health, “Children who are older, are a racial or ethnic minority, have special needs, or suffer from a behavioral or mental disorder are more likely to experience multiple foster care placements and stay in care longer.”⁴ This leaves them vulnerable to falling through the cracks in the system, including homelessness⁵, poor mental health⁶, and adverse childhood experiences (ACEs).⁷

The Minnesota Legislature originally created the Office of Ombudspersons for Families to address these systemic gaps. The agency monitors compliance with all laws governing child protection and placement as they affect children of color. Ideally, it ensures that court officials, public policymakers, and service providers are trained in cultural diversity; that experts from the appropriate community of color are available as court advocates and are consulted in placement decisions involving children of color; and that Guardians ad Litem and other individuals from

³ Foster Care. (2021, February 26). Retrieved April 21, 2021, from <https://www.childrensrights.org/newsroom/fact-sheets/foster-care/>.

⁴ United States, Minnesota Department of Health, Children and Family Health Division. (2019). Foster Care. Saint Paul, MN: Minnesota Department of Health. <https://www.health.state.mn.us/docs/communities/titlev/fostercare.pdf>.

⁵ Dworsky, A., Napolitano, L., & Courtney, M. (2013). Homelessness During the Transition from Foster Care to Adulthood. *American Public Health Association*. Retrieved from <https://doi.org/10.2105/AJPH.2013.301455>.

⁶ Turney K, Wildeman C. (2016). Mental and Physical Health of Children in Foster Care. *Pediatrics*, 138(5). DOI: <https://doi.org/10.1542/peds.2016-1118>.

⁷ Slayter, E. (2016). Youth with Disabilities in the United States Child Welfare System. *Children and Youth Services Review*, 64: 155-165. doi: <https://doi.org/10.1016/j.childyouth.2016.03.012>.

communities of color are recruited, trained, and employed in court proceedings to advocate on behalf of children of color.⁸

The Councils on Indian Affairs, Spanish-Speaking Affairs, Black Minnesotans, and Asian-Pacific Minnesotans each appoint an ombudsperson to represent the needs of their communities.⁹ The Office of Ombudsperson for Families has the authority to receive and investigate complaints from any source concerning an action of an agency, facility, or program. Upon investigation and determination that a complaint has merit, the ombudsperson may make recommendations to the agency and may send findings and conclusions to the Governor. The office also submits an annual report to the Governor-- however, the most recent report posted on the office website was from 2017.¹⁰

However, the Minnesota Office of Ombudspersons for Families may not be serving youth to the extent that it's implied in its original statute. This speaks to our research question; “What is the capacity of the current Minnesota OBFF to expand youth focused services?” In our interviews with the Minnesota Office of Ombudsperson for Families, the ombudspersons said that youth rarely call their office or submit online requests for services, and they were not sure whether or not the youth knew about the office. On the other hand, states with specific foster youth/foster family offices have had more success reaching foster youth and recommending effective system reforms on behalf of foster youth. We will answer the question “What are other states doing to protect foster youth and maintain accountability in their child welfare systems?” later in our section on State Landscape Analysis as well as our section titled, *Interviews with Other State Agencies*.

The following literature review examines academic and publicly accessible data to dive deeper into the specific vulnerabilities of foster youth both in Minnesota and across the nation. We explore existing literature that suggests that an ombudsperson dedicated to their needs may help foster youth overcome systemic gaps and navigate the complexities of child welfare, and how this ombudsperson may function in the existing Minnesota Office of Ombudsperson for Families.

⁸ The Ombudsman Roundtable, Ombudsman Services in Minnesota: Making Government Responsive to Citizens, A Comprehensive Overview with Recommendations for Efficient Ombudsman Services, at 10, Dec. 1995. Retrieved from <https://www.lrl.mn.gov/docs/pre2003/other/960159.pdf>.

⁹ *Id.* at A-27; Minn. Stat. § 257. 0755 (Supp. 1912 & 1994).

¹⁰ Howard A. Davidson, Cynthia P. Cohen and Linda K. Girdner, ABA Center on Children and the Law, Establishing Ombudsman Programs for Children and Youth (1993).

Literature Review

The concept of foster care has developed only in recent decades. Until the 1800s, particularly in America and western Europe, raising children was seen as a private matter; however, with industrialization, the need for adoption and foster care increased. America and other countries developed child welfare systems in response. By the 1990's America had federal foster care laws but lacked a central monitoring system since child welfare offices operated at either state or county levels. Over time the federal government has attempted to increase foster care system(s) requirements, while simultaneously decreasing funding.¹¹ In the current system, a child enters foster care after a report has been filed with Child Protective Services at the state or county level, and a social worker has investigated the case. While many associate foster care with adoption, in most cases, the ultimate goal is reunification.¹² One way in which the system has been improved in many states was with specialized Ombudspersons.

What is an Ombudsperson?

The concept of an Ombudsperson was developed in Sweden in the early nineteenth century. An Ombudsperson acts as an independent, impartial entity that monitors compliance and ethics in programs such long-term care facilities and services for vulnerable families. They are often associated with a certain office within the state or county government.¹³ The statutes and legislative guidelines in the area where the Ombudsperson works, defines the scope of their work. For example, some have the right to request legal and medical documentation while some are only allowed to make recommendations based on best practices. The more authority an Ombudsperson has to work, the more useful they can be to the population with which they work.¹⁴ Indeed, the critical characteristics of an ombudsperson is independence, impartiality, confidentiality, and statutory legitimacy.¹⁵

In the US, thirty states have Ombudsperson offices serving children and families in child welfare, and five of those states have ombudspeople specifically for foster youth. Below, we examine the role of the Ombudsperson in protecting the rights of foster children from multiple perspectives on child welfare policy; including system accountability, racial disparities, staff design, adult and youth interactions and how ombudspersons ultimately ensure the legal rights of minors in the child welfare system.

¹¹ Padot, R. H. (2014). *The politics of foster care administration in the United States*. ProQuest Ebook Central <https://ebookcentral.proquest.com>.

¹² Jones, J. S. (2019, January 31). How Does the Foster System Work in the USA? Retrieved from <https://adoption.org/foster-system-work-usa>.

¹³ History of the Public Sector Ombudsman. (2019, June 04). Retrieved from <https://www.usombudsman.org/about/history-of-the-public-sector-ombudsman/>.

¹⁴ *Ibid.*

¹⁵ Marzick, A. M. (2007).

Foster Care System Accountability

In the case of child welfare and foster care, ombudspersons represent more than just a safeguard for an individual child's rights: they are powerful figures for accountability and transparency. Their ability to take action on behalf of individual children while also influencing systems change has inspired advocates in many states to push for children's ombuds offices backed by explicit statutory authority.¹⁶ However, a lack of robust funding and political will can hamstring the core characteristics of an effective ombudsperson: independence, impartiality, confidentiality, and legitimacy.¹⁷

A body of research has also emerged around establishing a foster care- specific ombudsperson in every state. Rather than broadly serving all children who interact with the child welfare system. A foster care ombudsperson would specifically focus on children and youth in out-of-home placement in foster homes. Marzick lays out unique characteristics of the foster care system that lead to high levels of abuse and mistreatment of foster youth: foster homes failing to meet professional standards of care, poorly trained and overworked caseworkers, and improperly screened foster parents.¹⁸ A foster care ombudsperson can forcefully advocate for and litigate accountability in a system that often uses the cloak of confidentiality to underreport-- or obfuscate entirely-- alarming rates of abuse. We argue that without a system directly for youth we are failing them here in Minnesota and potentially exposing them to future avoidable abuse.

Racial Disparities

Advocates of ombudsperson systems also posit that ombuds are powerful remedies against two systemic issues that have historically plagued child welfare and foster care systems: staggering racial disparities, and further traumatization of children in a system that, ironically, often robs them of their agency and voice. Research has demonstrated mounting evidence that the child welfare system both creates and sustains deep racial disparities-- Black and Native American children are disproportionately removed from their homes compared to their white peers.¹⁹ These disparities are evident in Minnesota's child welfare and foster care systems.

¹⁶ Goemann, M. (2007). Who you gonna call? Virginia's multi-year effort to create a Children's Ombudsman Office. *Richmond Journal of Law and the Public Interest*, 11(4), 169-174.

¹⁷ Dunn, C. (2008). Protecting Virginia's Youth: Establishing a Children's Ombudsman Office. *Richmond Journal of Law and the Public Interest*, 12(1), 41-56. ; Marzick, A. M. (2007). The Foster Care Ombudsman: Applying an International Concept to Help Prevent Institutional Abuse of America's Foster Youth. *Family Court Review*, 45(3), 506-523.

¹⁸ Marzick, A. M. (2007).

¹⁹ Cooper, T. A. (2013). Racial Bias in American Foster Care: The National Debate. *Marquette Law Review*, 97(2), 215-278.

Ombudspeople are also significant channels for youth's voice in child welfare and policy decision-making.²⁰ Increasingly, foster children have recounted harrowing stories of abuse not at the hands of parents, but in the grasp of an intrinsically traumatizing and racially-insensitive child welfare system.²¹ By investigating complaints of wrongdoing and recommending systems-level change based on their findings, a children's ombudsperson can raise up the voice of an individual child to champion the needs of all children in foster care. Ombudspeople also need to be visible to youth and children in order to be effective.²² Internationally, research has shown that when youth lack power in systems designed to help them, their access to advocates such as ombudspeople may not matter if they don't know about the existence of these advocates in the first place.²³ This suggests that children's ombudspeople are only as effective as their visibility to youth and children as a supportive and effective service.

Legal Rights of Fosters

There are also clear legal advantages to the use of ombudspeople in the Child Welfare system. . Children today are often abused while in foster care, undermining the theoretical goal of the modern foster care system: to create a temporary, safe, homelike setting to protect and nurture children who are unable to live with their biological parents due to various reasons such as abuse, neglect, or abandonment.

As a result, we chose to do some research regarding programs that are visible to foster youth, and how they find out about these programs. These include programs such as the Juvenile Law Center and The Children's Law Center (CLC) in Minnesota is a de jure organization that is appointed by the court system to represent children in the child welfare system that have been considered wards of the state, or have been removed from homes due to unforeseen dangerous circumstances. As a third-party organization, the CLC provides volunteer attorneys to represent affected youth to help youth navigate the system. Another statewide organization is the Minnesota Guardian ad Litem Board, which coordinates both paid and volunteer Guardians ad Litem (GALs) to represent the rights of children in juvenile and family court. Not all children who are wards of the state are provided a GAL, however: only children who request assistance will receive a GAL. Today, only 800 children a year in Minnesota have a GAL.²⁴

²⁰ Matthews, H. , Limb, M. , & Taylor, M. (1999). Young People's Participation and Representation in Society. *Centre for Children and Youth*, 30, 135-144. ; Melton, G. B. (1991). Lessons from Norway: The Children's Ombudsman as a Voice for Children. *Case Western Reserve Journal of International Law*, 23(2), 197-254.

²¹ Marzick, A. M. (2007).

²² Matthews, H. , Limb, M. , & Taylor, M. (1999)

²³ McCarthy, E. (2016). Young People in Residential Care, their Participation and the Influencing Factors. *Child Care in Practice*, 22(4), 368-385 ; Melton, G. B. (1991).

²⁴ [Children's Law Center](#). (2021, CLC) About Us.

Juvenile Law Center

The Juvenile Law Center (JLC) is also another de jure operation that on a nationwide level provides change-making legislative push for youth while in foster care or aging out of foster care, otherwise considered, “wards of the state.” Started in 1975, this group prides itself on advocacy of children’s rights, dignity, equity and opportunity for youth in the child welfare system nationwide.²⁵ They consider themselves more a vehicle of systemic change nationally than a vehicle for individual child advocacy. In response to making children the center of their organization they have started such initiatives as Youth Fostering Change (YFC). The YFC is a campaign to hire youth involved in child welfare systems nationwide so that they can write recommendations for the foster care system they are directly involved in.²⁶ The JLC are involved in approximately 100 cases annually nationwide. This is not a substantial resource for Minnesota.

The jurisdiction of a state ombuds office is typically outlined in statute, though some states have created ombuds offices without legislation. Certain states have leveraged the statutory authority of the office to ensure more comprehensive protection of children’s rights. For example, California has a specific statute²⁷ governing the ombudsperson process and how the ombudsperson should interact with the foster youth. California has also paired this statute with statute [899 Foster Rights Section 3; 16001](#), which discusses the rights of foster youth to have a safe, healthy place to live. The statute also describes specific action steps the Foster Care Ombudsperson must take to safeguard these rights. Our recommendations will be loosely based off of California 899 legislation specifically how it applies to past and present foster youth.

Rhode Island, the first state to create a children ombuds system in 1979 led the way for other states to develop legislation as is demonstrated later in our state analysis. Other states have followed, however, there is a good deal of variation in how each office is allowed to work in the respective state. The federal government has developed guidelines and manuals for states, but every state has different laws. A compilation of this legislation is cited below.²⁸

²⁵ [Juvenile Law Center](#) (2021, JLC) What We Do

²⁶ Journalism for Social Change. (2016, May 07). Foster Youth Advocate to Change the System That Raised Them. Retrieved from <https://imprintnews.org/news-2/foster-youth-advocating-change-system-raised/17841>.

²⁷ CA Welf & Inst Code § 16160-16167. Retrieved from https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WIC&division=9.&title=&part=4.&chapter=2.5.&article=.

²⁸ Puritz, P. & Scali, M. A. (1998). Appendix E: Survey of Ombudsman Offices for Children in the United States. Found in *Office of Juvenile Justice and Delinquency Prevention* “Beyond the Walls: Improving Conditions of Confinement for Youth in Custody.” Retrieved from <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/walls/appen-e.html> ; Child Welfare Information Gateway. (n. d.). Federal and State Laws and Regulations. Retrieved from <https://www.childwelfare.gov/topics/management/administration/requirements/laws/>.

The child welfare system in the United States relies on the foster system and foster families to support family structure when biological parents have proven to be incapable of providing safe and nurturing care to their children. Children thrive when they are in safe and nurturing homes thus, the foster care system is necessary to ensure children have the ability to lead successful lives. It is typical for the state to assume custody of foster children and through a contract find families to support their development.

For example, foster youth typically have worse mental and physical health compared to children in the general population.²⁹ One possible reason for this disparity is that often health care providers do not know if a child is in protective custody.³⁰ Not only are foster youth more likely to have adverse health during their time in the system, but they are also more likely to have long-term health effects.³¹ This can be intensified for aforementioned foster children who are older, racial/ethnic minorities, or have mental/behavioral disorders.³²

It is common for a child to be removed from an abusive home, only to enter a foster home that is also abusive. This is especially problematic because the child has limited means of advocating for themselves and getting out of the situation. Social workers are overloaded by cases, and many testimonies from youth demonstrate youth do not have positive experiences with their case workers.³³

Methodology

Mixed Methods

This project used four different methods to best answer our research questions listed above. First, the research team conducted a State Landscape Analysis that compares all 50 states, as well as the District of Columbia, and the programs they have surrounding the different ombuds programs available to youth with. Second, the research team reached out to the various states from the state analysis that have best practices for their ombuds program, and conducted qualitative interviews with members of their office. Third, the research team also reached out to the OBFF and

²⁹ Turney K, Wildeman C. (2016). Mental and Physical Health of Children in Foster Care. *Pediatrics*, 138(5). DOI: <https://doi.org/10.1542/peds.2016-1118>.

³⁰ Greiner, M. V. , Beal, S. J. , Dexheimer, J. W. , Divekar, P. , Patel, V. , & Hall, E. S. (2019). Improving Information Sharing for Youth in Foster Care. *Pediatrics*, 144(2). DOI: <https://doi.org/10.1542/peds.2019-0580>.

³¹ Debnath, R. , Tang, A. , Zeanah, C. H. , Nelson, C. A. , & Fox, N. A. (2020). The Long-term Effects of Institutional Rearing: Foster Care Intervention and Disruptions in Care on Brain Electrical Activity in Adolescence. *Dev Sci*, 23(1). DOI: <https://doi.org/10.1111/desc.12872>.

³² Slayter, E. (2016). Youth with Disabilities in the United States Child Welfare System. *Children and Youth Services Review*, 64, 155-165. DOI: <https://doi.org/10.1016/j.childyouth.2016.03.012>.

³³ Foster Care. (2021, February 26). Retrieved April 21, 2021, from <https://www.childrensrights.org/newsroom/fact-sheets/foster-care/>.

conducted qualitative interviews with three of the four current ombudsmans. Lastly, the research team developed and deployed a quantitative survey for stakeholders in Minnesota, primarily Guardian ad Litem and Social / Case workers, to rate the services provided by the Ombudsoffice.

State Landscape Analysis

The research team conducted the state landscape analysis early on in the research process. In order to complete this analysis, the team divided the states into 4 groups, one for each of the reachers to look further into. From there a Google Sheet was created that had separate rows for each of the states. The columns were divided into whether the state had a Foster Youth Ombuds Office, whether they had a Family or Child Ombuds Office, or if they had any other relevant complaint office for the team to look into. There was also room for any accompanying links to provide further context for the offices themselves. The spreadsheet can be found in Appendix D.

Interviews with Other State Agencies

As one of the research questions surrounded what other state entities are doing to protect foster youth and maintain accountability in their child welfare systems, the research team wanted to have the voices from other states represented in our data. From the state landscape analysis, the team found eleven states that were instituting best practices. All eleven states were contacted, either through phone calls or email, and four states agreed to participate in a one hour interview with us. The interviews occurred between March 15th and April 15th in 2021, three of which were conducted over Zoom and the fourth was conducted over Microsoft Teams. These interviews followed an interview guide, and had two members of the team present with one leading the interview and the other recording, when consent was given, and taking notes regarding the interview. All of the written material, such as email template, consent document, and interview guide, can be found in Appendix B. After the interviews concluded, one team member created a transcript of the interview, and another then created a synopsis of the interview specifically pointing to important themes or quotations for our study purposes. The recording was destroyed at the conclusion of the report for both security and the anonymity of participants.

Interview with Minnesota Ombuds

As we were focused on the Minnesota context, the research team wanted to make sure that the voices of Minnesota Ombuds were heard. All four ombuds were contacted through emails, though only three responded to our request for a one hour interview. One team member was present in one interview, whereas in the other two interviews two team members were present. When two team members were present, one was in charge of following the interview guide and the other recorded the conversation, when consent was given, and took notes. The interviews occurred between March 15th and April 15th in 2021, all of which were conducted over Zoom. After the interview transcripts were created by one of the research team members, and another team member created a synopsis of the interview as to cross compare findings with those from

other state agencies. The recording was destroyed at the conclusion of the report for both security and the anonymity of participants. When there was no recording present, the research team relied solely on the interview notes.

Quantitative Data Collection and Analysis

In addition to the interviews, the research team also performed a short survey for Guardian ad Litem and Social / Caseworkers in the state of Minnesota regarding their experience with the Office of the Ombudsman for Families. To connect with Guardian ad Litem we connected with the Guardian ad Litem Board and requested that the survey be sent out to their volunteers and full-time staff. To connect with Social and Caseworkers we used our professional networks and snowball sampling. The material of this communication, such as the email template and the survey itself, can be found in Appendix C.

Limitations

There were a number of limitations to the research conducted over the past semester. The first limitation was the small response size of the different state agencies, as well as being unable to interview all four of the Minnesota Ombuds. Interviewing a larger number of professionals in this sphere would have allowed us to learn more about best practices and the limitations that currently exist for those in the line of work. Both of these limitations, we believe, were worsened due to the large amount of zoom fatigue individuals are facing during the COVID-19 pandemic.

Another limitation was our inability to interview current or past foster youth, which would have allowed us to hear their thoughts regarding the need for a foster specific ombuds in the Minnesota office. As this is a vulnerable population, the research team did not have enough time to go through the IRB protocols in place to conduct this leg of the research. However the team admittedly believes that foster youth should be heard regarding this topic, and have a say in any future policy that occurs at the state level.

Lastly, our quantitative research heavily skews towards Guardian ad Litem as well as individuals who have never worked with the Minnesota OBFF. This makes comprehending other stakeholders' opinions about the office very difficult, as there are more perspectives that are not being heard through this analysis.

State Landscape Analysis

In order to offer recommendations for improving the Minnesota OBFF, we needed to establish a more comprehensive understanding of existing ombuds programs and policies in the United States. We conducted a landscape analysis of foster and children's ombuds programs in all 50 states, plus Washington, DC, using internet searches to identify the presence of children and foster ombudspeople in each state. Our searches encompassed a wide variety of sources,

including government, legislative, and nonprofit websites; external reports; social media; and news articles. We also referred to several online clearinghouses that published detailed but incomplete lists of children and foster ombuds offices, including the [Child Welfare Information Gateway](#), [The National Conference of State Legislatures](#), and [FosterClub](#).

Scan of State Ombuds Office

We gathered information on whether states had the following programs:

- Foster youth ombudsperson’s office
 - An ombuds office dedicated to working with youth in foster care to provide oversight of human services and child welfare systems
- Children and/or families ombudsperson’s office
 - An ombuds office working on behalf of children and their families to provide oversight of human services and child welfare systems
- Other relevant ombudsperson’s offices
 - An ombuds office that does not explicitly work on behalf of children or foster youth but provides oversight of human services and child welfare systems (e. g. resource parent ombudspeople)
- Other complaint office
 - An office that doesn’t meet the standards of an ombuds office, but provides a channel for children and families to submit complaints about human services and child welfare systems (e. g. an inspector general)
- Non-governmental agencies providing services
 - Organizations operating independently of state or local government that offer representation and advocacy for children and families in human services and child welfare systems (e. g. a children’s law center)

We collected information on whether or not states codified their ombuds offices in statutes and links to specific legislation. We also included links to relevant sources and program websites. The information was compiled into a comprehensive Excel spreadsheet (see Appendix D).

We found significant variation among state ombuds programs (see Table 1). A little over half of states (n=27) had a children and families ombudsperson, typically titled the “Office of the Child Advocate” or “Children’s Ombudsman.” Only five states-- California, Maryland, Oregon, Texas, and West Virginia-- had foster youth-specific ombuds offices. In other states--such as New Mexico, Ohio, Pennsylvania, and Vermont--there has been recent momentum among advocates

Table 1: Summary of State Ombuds Offices

Ombuds Office Type	Number of States
Foster Youth Only	3
Children/Families Only	25
Both	2
None of the Above	21
Total	51

and legislators to establish an ombuds office for children and families, but as of this report these efforts have not succeeded yet.

The scope and jurisdiction of these children’s ombuds or foster youth ombuds offices varied from state to state. While most states outlined the purpose, authority, and duties of their ombuds offices in statute (e. g. California, Washington), others did not (e. g. Maryland, Florida). State ombuds offices also existed on a wide spectrum of independence. Some states established their ombuds offices in departments outside of Human Services. For example, Georgia placed its Office of the Child Advocate in the state Planning and Budget Office. However, states such as New Jersey house their offices within their respective departments for Human Services and/or Children and Family Services. Others explicitly limited their scope to certain sub-segments of youth populations. For example, the New York Office of the Ombudsman is housed within the Office of Child and Family Services, but only covers issues related to the juvenile justice system rather than the broader scope of child welfare.

After compiling the spreadsheet, we created a short-list of state offices to reach out to for interviews, giving priority to states that were referenced in academic literature and had detailed websites that contained annual reports and other publications for reference. To achieve a spread

**Table 2: Short-List for Interviews with State Offices
Ombudsperson Offices**

Foster Youth	Children & Families	Emerging
California	New York	Pennsylvania
Texas	Washington	Ohio
Oregon	Colorado	
	Georgia	
	South Carolina	
	Tennessee	

of characteristics-- such as foster-specific programs, organizational independence, and state-versus-county-run child welfare-- we developed three categories: foster-specific ombuds offices, children and families ombuds offices, and emerging ombuds offices that had not been established yet. We identified several states in each category and developed a short-list of states to interview (see Table 2).

Interviews with State Ombuds Offices

We reached out to every state listed in Table 2 via email and/or phone (see Appendix B for recruitment script). We received replies from four states, and we conducted interviews with the following offices:

- California Foster Care Ombudsperson
- Oregon Foster Care Ombudsperson
- Texas Foster Care Ombudsperson
- Washington Office of the Family and Children’s Ombuds

Interviews were recorded and transcribed to aid in analysis. We organized our interview findings and analysis thematically, focusing on five main categories:

- Organizational Capacity and Program Design
- Jurisdiction
- Adult Client Interactions
- Youth Client Interactions
- Data and Outcomes

Organizational Capacity and Program Design

Representatives from the four state offices discussed how their mandated job duties impacted aspects of their organizational capacity and program design. Table 3 shows the variation in organizational capacity of the four offices. Oregon, Texas, and Washington organize their offices around several ombudspersons, though each state differed in their inclusion of supportive staff and administrators. The Texas Foster Youth Ombudsperson has four ombudspeople, each of whom carries between 22-30 cases. Housed within Health and Human Services but independent of Child Protective Services, the office is designed as a neutral third party that can review individual cases, identify systemic issues within the child welfare, consult with policy advisors, and provide direct outreach to youth and youth providers in residential treatment facilities.

Table 3: Organizational Capacity of Selected Ombudsperson Offices

State	Manager/ Administrator	Ombudspersons	Intake	Investigations	Technical Support	Special Projects	Total
California	4	0*	5	3	1	--	13**
Oregon	1	4***	--	1	--	--	6
Texas	--	4	--	--	--	--	4
Washington	1	4	--	--	1	1	7

* California's Foster Youth Ombudsperson's term ended in the first quarter of 2021. At the time of the interview, the position had not been filled.

** California's office has capacity for 18 staff, but due to funding and turnover they operate with 5 fewer staff.

*** Oregon currently has two unfilled ombudsperson positions and was in the process of hiring one at the time of the interview.

While the Oregon and Washington offices differ in terms of where they are housed (the Department of Human Services and the Governor's Office, respectively), both states have an office manager or director that helps to supervise the ombudspeople and support staff to assist with investigations and special projects to ensure operations run smoothly. Both states prioritize cases as they come in by the work (e.g. investigation, reviewing primary and secondary sources); the fit between the case and the scope of their mission; and the level of urgency before assigning cases. The Oregon Foster Youth Ombudsperson carries about 50 cases on their caseload, while in Washington, each ombudsperson carries a caseload of 30 cases. Supportive and managerial staff help to free up ombudspeople to focus on cases that are within the scope of their work and to

attend to their other obligations (e.g. community engagement).

California has the largest office of the four, with thirteen staff members and capacity for five additional FTEs. This includes intake and investigative specialists, administrators, and the Foster Youth Ombudsperson who oversees the office. On-duty intake staff screen cases, then office managers assign the cases to investigators. Staff carry an average of 40 cases. California's office's size is proportional to the expansive work it does outside of investigations and policy recommendations: the office also devotes a significant amount of resources towards outreach and training across the state for youth, youth providers, and parents (foster, biological, and kinship) on the rights of foster youth. The office's size also allows for more specialization: for example, one office manager we interviewed focuses on investigations, while the other office manager focuses on training and community outreach.

All of the offices underscored that capacity was one of the biggest hurdles they faced in providing services and carrying out their duties. One of the ombudspersons we spoke with identified that more staff would help expand outreach to youth and youth providers. Another foster youth ombudsperson highlighted a need for an additional five to six FTE for more investigative capacity, in order to conduct independent investigations without the reliance on Child Welfare's investigations.

Jurisdiction

All four programs are governed by state legislation. Legislation clearly outlines the duties and mandates of each office, their funding sources, and their independence as an organization. California's office, for example, draws its legislative authority from California Bill 899 (see Appendix A). The office is housed within-- and is funded by-- the California Department of Social Services, but is regarded as a neutral third party and has few limitations regarding its guiding mission to provide a system of checks and balances for the California child welfare system as a whole. Oregon, which placed its Foster Youth Ombudsperson within the Department of Human Services, mandates all publicly funded entities must cooperate with the ombudsperson's investigations.

One of the offices pointed out that there has been recent movement to move the office outside of DHS, and pondered what could help make an ombudsperson more effective and nimble in making change. For example, an external ombudsperson could leverage relationships with the community and the media to raise support for issues, or could go directly to leadership for change. However, a possible downside to an external ombudsperson could be that they may lose quick access to DHS information and databases. Generally, the offices in all four states enjoyed extensive access to information in their investigations, though there were some safeguards in place (e.g. consent from the youth to contact child welfare agencies). Despite this, some offices found that agencies were at times not aware of certain state policies, or had interpreted them

incorrectly. In other cases, ombudspeople dealt with active resistance to investigations from child welfare executive staff.

However, all four states noted that they did not have unlimited jurisdiction when carrying out their investigations. For example, none of the four programs had jurisdiction over county and district courts, and they could not supersede judges' orders. One state noted they have no jurisdiction over the hiring or firing of Department of Social Services employees. Another state observed their office has no jurisdiction over the juvenile correctional system nor over cases involving Indigenous children, and has limited ability to pursue complaints against caseworkers.

Several of the ombudspeople also noted that their states did not require child welfare agencies to implement recommendations from their office. One ombudsperson, for example, pointed out that the role of an ombudsperson "has zero power per se and does not have the ability to make direct change. The Ombuds role is to investigate, problem-solve, mediate, and escalate issues to leadership." Another office reflected on the reactive nature of their work as investigators of policy violations. While their office works with advocacy groups on legislative priorities and offers recommendations to both the legislature and the state's governor, they wondered whether there was a way for their office to be more proactive in reaching out to families before issues escalated into a complaint. They admitted, however, that this type of work would be more accurately classified as system advocacy, rather than system accountability.

Client Interactions

The four programs typically received complaints both via phone calls and through their online portals. Accessibility was a key consideration for the programs-- for example, California's office has an online intake form that is translated into both Spanish and English, and contracts with third-party translators when needed. The Texas office also receives a wide range of hotline calls, letters, emails, and online intake forms depending on the complainants' access to the internet.

While our interviews focused on how the offices worked with youth, we found that adult clients made up a sizable majority of the calls for several of the states. The next two sections of our analysis discuss how the offices interacted with both adult and youth clients.

Adult Client Interactions

In California, the majority of calls received are from adults-- typically foster and biological parents, as well as relatives. Staff have three to five days to respond to adult clients, and typically take up to ten business days to complete each case. In Oregon, parents also make up the majority of calls to the office-- however, while the foster youth ombudsperson works with some parents, usually another ombudsperson will take these cases. Foster parents usually call the Oregon office for help navigating foster care rules (e.g. out of state trips, respite care). However, when parents

ask for help regarding the court process of terminating parental rights, the Oregon office directed callers back to their attorneys since courts are outside of the ombudsperson's jurisdiction. Most offices were not able to identify where exactly parents were learning about ombuds services, though one ombudsperson cited that parents and caregivers often learn about their office via Google, or as referrals from child welfare caseworkers, teachers, judges, and attorneys.

Youth Client Interactions

All four states work with both former and current foster youth, and receive calls from young people across their respective states. Youth are usually referred by supportive figures such as caseworkers, attorneys, counselors, and family members. Typically, foster youth in the four states called with a wide range of concerns, including:

- Abuse and neglect in foster care
- Sexual harassment and sexual assault in residential treatment facilities
- Issues with psychiatric care
- Support for intellectual disabilities
- Homelessness and housing instability
- Ensuring continuation of services past age 18
- Official documentation including social security cards and other IDs
- Family visits with children removed from the home

Youth made up about a quarter of the overall volume of calls in both California and Oregon. The administrators from the California office noted that their program was primarily established to assist youth, and calls from foster youth require a priority response. The office still assesses whether or not the complaints are within their scope, and about ten percent of calls that advance to the investigative state are youth-initiated calls.

One office pointed out that having a foster youth ombudsperson allows for greater issues specific to foster youth of all ages (the office works with youth as young as six years old). Further, the office is able to address youth concerns as they arise, and can anticipate other issues that would cause other youth to have similar experiences in foster care. Another ombudsperson also highlighted the importance of educating youth on the process and to help them navigate the child welfare system. Even when youth are not happy with the results of the investigation, the state office still calls them to inform them of the outcomes and to answer any questions they have.

One of the biggest challenges the states faced was direct outreach to foster youth. For example, one office pointed out that while they were able to interface with foster parents, community providers, and youth advocates, it was difficult to reach out to youth specifically. Another office cited that foster youth learn about the office by having the office phone number listed on the mandatory Bill of Rights that is posted in all foster homes in the state. All four states noted that

increasing the visibility of their office to foster youth is a necessity, but they must frequently rely on providers and advocates to disseminate information to foster youth on their behalf.

The states employed different strategies to overcome this gap. Some states posted flyers containing information on ombuds services in foster homes and licensed residential facilities, and worked with providers to make sure they directed youth to their contact information when needed. One state noted that increasing the office's online presence did not have a discernible effect on the volume of youth calls-- indeed, their most successful outreach was two years ago through face-to-face meetings with youth at congregate care facilities. Youth were able to talk to the ombudspople confidentially about concerns they had, and the ombudspople later followed up over the phone.

Of the four states, California had the most robust outreach program. In addition to printed informational materials and publications, the office also hosts an average of forty-five training sessions per year for youth, youth-serving facilities, parents, and community providers across the state. The office also has its own Twitter, Facebook and Instagram accounts, where they share youth resources (e.g. scholarships) and updates regarding changes to child welfare policy. The California office would like to expand best practice efforts by visiting every licensed facility and foster home in the state to help provide better assistance and guidance to youth callers.

Overall, these findings spoke to one of our research questions: what are other states doing to protect foster youth and maintain accountability in their child welfare systems? They all have their limitations through legislation and court systems. However, focusing on outreach and visibility seems to be the best strategy to make sure children's voices are heard in the child welfare system.

Collection and Assessment of Data

All four states tracked calls coming into their offices and collected data on case closure rates, response times, and corrective action. For example, one office reported that only about one percent of complaints they receive fall outside of the scope of their office's authority, and sixty percent of their investigations find there is no basis for corrective action. The offices typically sent out yearly or quarterly reports to their respective governor's offices and legislatures, which included a summary of their work to date and specific recommendations based on indicators they were observing. One state, for instance, pays attention to the demographics of callers to their hotline, and can use that data to identify trends. Complaint data trends are also used to identify the need for specialized trainings.

Indeed, the representatives of the states we interviewed all noted that the presence of systemic bias in the child welfare system: the disproportionate representation of youth of color in foster care is rarely far from their minds. One state we interviewed not only looks at whether or not the

racial and ethnic makeup of those calling their office matches the demographics of families involved in child welfare in the state, but it also looks at whether or not their staff actually matches those demographics as well. One of the state Foster Youth Ombudspersons we spoke to also acknowledged the racial disparities in foster care and child welfare, and noted that all of their staff are women of color, which lends them a culturally informed perspective in their work.

However, a key difference between the four states was how they chose to use their data, and what their measures of success were. This largely depended on whom they felt were the primary stakeholders they answered to. For example, Oregon's Foster Youth Ombudsperson has quarterly meetings with an advisory group that is open to the public but includes advocates from a foster care organization that helped to lobby for the office originally. One office discussed wanting to pull together a satisfaction survey to gauge how their services are landing with fosters-- they acknowledged that at this point, there are few ways to accurately determine whether young people are receiving information on the existence of ombuds services. On the other hand, one of the ombudspeople we spoke to noted that they are ultimately answerable to their youth clients, and that they measure success based on action: e.g., whether they met the concerns of youth, whether youth recidivated (i.e. called back after the case had been resolved due to another complaint) and what the child welfare agency did in response to its recommendations.

The Minnesota Context

Interviews with the Ombudspersons

As a team we were able to engage 75% of the Ombuds from the Minnesota Office of the Ombudsperson for Families, or 3 of the 4 team members. We asked questions similar to those asked of the other state ombudsperson, as found in Appendix B, though sometimes pointed them more towards the Minnesota context.

Organizational Capacity and Program Design

In comparison with the other states, the Minnesota office differed as it did not have a supervising body for all four ombuds. Rather, each ombudsperson has a corresponding community board that advises and assists the ombuds in determining the priority area in the community of interest, and in developing policies, plans, and programs for the ombudsperson to focus on.³⁴ There is also only one support staff for the MN OBFF who is an administrative specialist. One interviewee stated that their office was currently planning on hiring two more employees to provide administrative support. As of the writing of this paper, there are no public job postings for these positions, however, the Minnesota state website does have positions posted for other Ombuds offices, indicating that the state is resuming hiring new employees.

³⁴ State of Minnesota Office of Ombudsperson for Families. (2014) Biennial report 2012 -2013 to the Governor. *Minnesota Legislative Reference Library*. Retrieved from <http://www.leg.state.mn.us/lrl/lrl.asp>.

The caseloads of the three ombudspersons interviewed varied significantly. Interviewees take on cases either from complaints received by the office or through their own investigations in to current court cases. One of the Ombudspersons periodically researches cases that are on the court calendar to try to make sure her population is being advocated for. Two of them received cases based on complaints that were submitted to the office. One of them had over sixty cases. Sometimes, if one Ombudsperson has too many cases, they are unable to take more, even if they get more complaints. This speaks to the concern of the office's current capacity to adequately serve youth.

The research team also saw issues surrounding cases of capacity when it came to the distribution of White children and how their cases were distributed among the OBFF office. The original plan was for these cases to be distributed between the four ombudspersons, however in reality two of the four ombudspersons have such large caseloads that they do not participate in this rotation.

Jurisdiction

The Minnesota Office of the Ombudsperson for Families does not have authoritative power over other state agencies, which means that they can only propose suggestions to the county workers. One ombudsperson lamented the fact that "if there is not a due date or a consequence people do not always do something." Whether or not a county absorbs those recommendations is entirely up to them, though there may be further pressure down the line to conform if issues continue to arise. A voluntary community board is also appointed to advise and work with the OBFF on recommended priorities and legislative issues, such as the legislation proposed by William Mitchell which asks the Minnesota Government for money to represent parents through their Child Protection Program.

Collection and Assessment of Data

The Minnesota Office of the Ombudsperson for Families keeps records, but they are very general. They have categories, such as relatives, fathers, so the data collection is more situation based than population based." This makes it easy for them to know that most cases they see are in reference to neglect, but makes it difficult to see if it is more mothers, fathers, grandparents, or other relatives contacting them as an office. As the office is already spread so thin, there is not consistent data from the office as they each have their own note taking and follow through methods because of the independent nature of their work. The ombudspersons can therefore evaluate their impact through the number of cases closed or individuals served, but have difficulty with evaluating their success as they have not defined as an agency what that entails.

Client Interactions

The Minnesota Office of the Ombudsperson for Families is contacted in three primary ways: phone, email, or through the online intake form. Each ombudsperson's phone number and work

emails are listed on the Minnesota State website, though in most cases clients receive the office's number through their case worker or someone else connected to their case (such as a GAL). Part of the reason for this is that there is little to no interaction with the public, and most clients do not understand the role of the ombudsperson when they first get introduced.

Adult Client Interactions

In most cases the ombudsperson has direct communication with family members, such as parents, grandparents, or aunts and uncles. They try to connect with the specific populations through a number of ways such as providing translation services or hosting educational events in the community of interest. As there was no manual that came with being an ombudsperson, each person is able to adjust the position to be as useful for their target population as possible. However, even with all this flexibility the one issue that remains is the fact that the general population does not know what the ombudsperson is there to do. The ombudspersons interviewed felt as though they were contacted as a last resort or when a department just wanted the complainer to become someone else's problem.

Youth Interactions

When discussing interactions with youth, all three Minnesota Ombuds indicated that very few youth are accessing their services. Whether this is because there is no youth outreach, or the children in question are too young to have contact with the ombudsperson, there is a definitive gap in services for this population. The online intake form on the office website is also geared primarily towards parent complainants, which may also act as an additional barrier to youth filling it out. One ombuds stated that though there is no connection to youth currently "If the Office of Ombudsperson for Families were to expand and had the resources to hire additional staff, it would be helpful to have an ombudsperson, or advocate, who deals specifically with foster care youth."

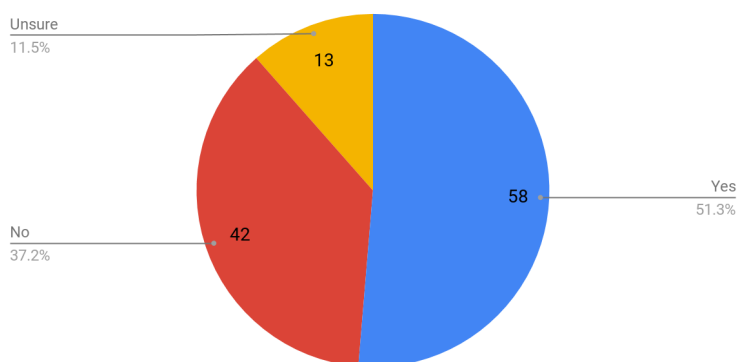
Foster Youth Ombudsperson

When asked about the feasibility of an ombudsperson specific for foster youth in the Minnesota context, the ombuds in Minnesota had a variety of opinions. One felt as though having an ombuds specific for foster youth would be beneficial from a "pie in the sky" approach, but not so feasible the way the office is currently positioned. Another discussed the history of trying to get such a position in place and said they thought a huge hurdle was the apparent lack of demand. This lack of demand could stem from the lack of clarity regarding youth services provided by the office or it could reflect the lack of publicity the office receives. Different ombudspersons also had different ideas of what the position could entail, such as acting as a child advocate or applying a systemic lens to look at where the gaps currently exist.

Results from Stakeholder Survey

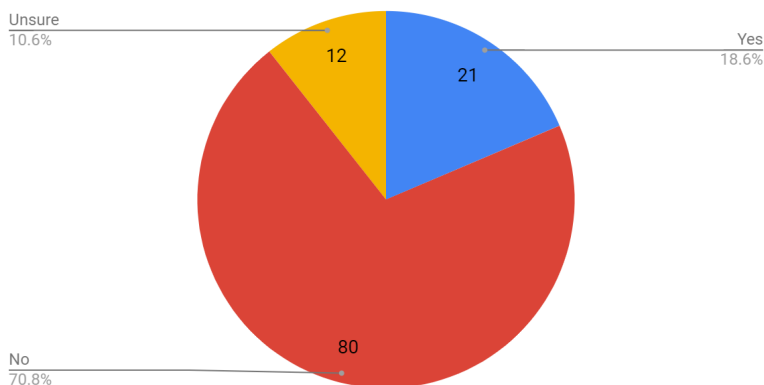
The research team developed a stakeholder survey and sent it to Guardian ad Litems and Social / Caseworkers across the state of Minnesota. We asked a total of six questions, all of which can be found in Appendix CD. The survey was designed to understand whether or not these stakeholders had heard of the MN OBFF before, if they had worked with the office previously, and if they had worked with them how the services were provided. We also provided a space for any additional comments they might have regarding the MN Office of the Ombudsperson for Families. The following discussion highlights the main findings of the survey as well as provides important analysis of these results.

Graph One: Have you heard of the Minnesota Office of Ombudsman for Families?



First, a large percentage of both GALs and social workers have never heard of the existence of the office, with 37.2% responding with “No” and 13.5% “Unsure” of whether or not they had heard of the office before (as seen in Graph One). Furthermore, of those who had heard of the office, 70.8% had no experience with working with the MN OBFF (as seen in Graph Two).

Graph Two: Have you worked with the Minnesota Office of Ombudsman for Families?



However, the ones who had worked with the office before were primarily satisfied, 26.9%, with their interactions which is a positive argument for the effectiveness of an Ombuds office (as seen in Chart One). However, of those with these satisfactory interactions, most of them had worked with them in the context of parental complaints reflecting the interviews with the Minnesota Ombudspersons.

Chart One: Ratings of Response Time, Quality of Service and Resolutions



Discussion

After the team completed each of these four research methods, team members met to discuss not only the findings from each individual method, but discussed how the results related to each other and how to synthesize these mixed methods findings into a summary or results that could be used to both create and support recommendations. Through looking at the state landscape analysis, the interviews in other states and Minnesota, as well as the Minnesota stakeholder survey, the team decided on the following conclusions.

First and perhaps the most glaring and central finding is the difference between states with foster specific Ombudspersons and those such as Minnesota without. The interviews support the literature. Ombudspersons are integral to creating accountability and transparency for specific systems. As demonstrated in the states with foster specific Ombudspersons, there is a need for foster youth to have access to these offices. These states get many calls and emails from youth who need help. In contrast, Minnesota Ombudspersons have not talked to youth and many of them did not believe there was a need for this service, as demonstrated by the survey and other interviews, this is not due to a lack of need in Minnesota but rather a lack of knowledge of the capabilities of Ombudspersons and the ways in which they can be useful. Additionally, foster specific Ombudspersons were much more aware of both the capabilities and challenges faced by

foster youth. One important finding from this research is that many offices measure success through client satisfaction.

Through this research, the team can conclude that foster specific Ombudspersons are an extremely effective way to empower, educate, and monitor foster youth. Currently, there is a lack of knowledge and capacity for this to be effective in Minnesota, and only through increased knowledge, transparency, and reform, can foster youth in Minnesota get the services they need.

Recommendations

Through our research and interviews with ombudspeople in Minnesota and other states, we recommend three options for reform to the Minnesota Office of Ombudsperson for Families, organized in order of effectiveness. Seeking to finally answer the question: What steps must be taken to make the Minnesota OBFF a more accessible and effective service for foster youth? Our recommendations incorporate the following tactics, based on findings from interviews with the ombudspeople in Minnesota, California, Oregon, Texas, and Washington:

- Revise existing *legislation* governing the Minnesota Office of Ombudsperson for Families
- Increase *funding* for the Office
- Expand the Office's capacity to *evaluate* its effectiveness
- Widen the Office's *outreach to foster youth*

Option A: Establish a Foster Youth Ombudsperson within the OBFF

Tactics:

Legislation: Revise Minnesota statute 257.0755 et seq. (Supp. 1991) to:

- Require Minnesota counties to implement recommendations from the Office of Ombudsperson for Families, unless ordered not to by a county judge.
- Expand the capacity of the Office to include an additional five FTE³⁵:
 - An office manager to coordinate case assignments and investigations
 - Three investigative specialists
 - A Foster Youth Ombudsperson to respond to foster youth cases and lead systems-change efforts on behalf of Minnesota foster youth

³⁵ Full Time Equivalent

Funding: The average wage for an ombudsperson in the Office of Ombudsperson for Families is \$69,852.64.³⁶ In the Office of Ombudsman (sic) for Mental Health and Developmental Disabilities, the managers earn between \$92,707.68 and \$119,537.60.³⁷ Investigators employed by the Minnesota state government earned on average \$67,830.11.³⁸ In addition to these five FTE there would also need to be office and administrative costs. Typically operating expenses are 16% of the budget,³⁹ which means there would also need to be an additional \$60,714.50.⁴⁰ To employ these five additional FTE, the legislature would need to increase the funding of the Office of the Ombudsperson for Families by \$449,180.⁴¹ While these numbers are an approximation, they only factor in salary, there are of course other expenses such as pensions, this outside the scope of this team, the numbers above provide a baseline estimate to explain the funding that would be needed, however, further research would be needed to determine exact numbers.

Evaluation: Establish an advisory board to monitor this specific office, this would be similar to the community boards that exist for the other offices, however, it would have a broader scope and foster youth would sit on the board.

Outreach: Increase outreach to foster youth through direct engagement of youth in residential treatment facilities and group homes; flyers posted in residential treatment facilities and foster homes; and social media channels such as Facebook, Twitter, and Instagram. Increase outreach to community providers through training and information sessions to ensure they can direct fosters to supportive services, including ombuds services.

Risks and Rewards:

Risks: This option reorganizes the entire office structure and creates a new advisory board for the youth ombudsperson that has not previously existed in the Minnesota ombuds system. It has the biggest funding increase and additionally will require revised legislation that may be politically infeasible, as it may cause significant front-end expenses to educate new staff and existing staff, as well as county social workers and other child welfare professionals across the state. It may also be politically contentious to mandate counties to follow the office's recommendations. This

³⁶ Minnesota Salary (n.d.) Ombudsperson for Families. Retrieved from [https://www.minnesotasalary.info/agencysearch.php?Agency_Name=Ombudsperson for Families&Year=2019](https://www.minnesotasalary.info/agencysearch.php?Agency_Name=Ombudsperson+for+Families&Year=2019).

³⁷ Minnesota Salary (n.d.) Ombud Mental Hlth. Retrieved from https://www.minnesotasalary.info/agencysearch.php?Agency_Name=Ombud%20Mental%20Hlth%20&%20Dev%20Dis&Year=2019.

³⁸ Minnesota Salary. (n.d.) Investigator. Retrieved from https://www.minnesotasalary.info/titlesearch.php?Job_Title=investigator&Year=2019

³⁹ Minnesota Legislature. (2019). Office of Ombudspersons for Families 2020-21 Governors Biennial Budget. Retrieved from <https://www.leg.mn.gov/docs/2019/mandated/190516/ombudsperson-for-families.pdf>

⁴⁰ This number was found by the following equation $\{ \$69,852.64 + [(\$92,707.68 + \$119,537.60) / 2] + (\$67,830.11 * 3) \} * .16 = \$60,714.4976$ (rounded to the tenths place as 60,714.50).

⁴¹ This number was found by the following equation $\{ \$69,852.64 + [(\$92,707.68 + \$119,537.60) / 2] + (\$67,830.11 * 3) + \$60,714.50 \} = \$440,180.1076$. We then rounded to the nearest dollar.

will require thoughtful consideration of ways to support counties in meeting the recommendations, and enforcing non compliance with trainings or legal action.

Rewards: This option directly addresses gaps in the Minnesota ombuds system that we identified in our analysis. Currently, county and state offices are not obligated to follow the recommendations of the Minnesota ombuds office. Instead, this option empowers the ombuds office by mandating agencies to implement recommended changes, creating more opportunity for the ombuds office to lead meaningful change and improve systemic issues plaguing the child welfare system in Minnesota. This will have a trickle-down effect for the state's child welfare system by anticipating and fixing issues that otherwise may lead to the endangerment of foster youth as well as curbing any potential lawsuits by former and current foster youth.

Increased funding to the office will go directly to new staff. The inclusion of an office manager reflects best practice in the states we interviewed, and will help to both clarify the chain of command and allow ombudspeople to focus more of their attention on carrying cases rather than managerial tasks. In our research, we found that the states that invested in additional staff allowed their ombudspeople to focus more of their efforts on systems-level work, such as youth outreach and trainings for providers. In addition, creating the advisory board for youth and advocates will give space for youth with lived experience of foster care to have a voice in the system. The increased oversight from this advisory board will help the office to better define its objectives and to evaluate its impact.

Furthermore, increased focus on youth outreach will also ensure the office is visible to foster youth in the state and will motivate providers and advocates to connect more youth to ombuds services. The increased capacity from having more staff will help to pick up the influx of new youth cases, growing the office's ability to serve youth and ensure a fair system of checks and balances for the child welfare system.

Option B: Establish a Foster Youth Ombudsperson within the MN Governor's Office

Tactics:

Legislation: Introduce new legislation to:

- Establish a Foster Youth Ombudsperson Office outside of the Office of Ombudsperson for Families, but within the Minnesota Governor's Office.
- Require Minnesota counties to implement recommendations from the Office, unless ordered not to by a county judge.
- Set the capacity of the office to three FTE, including:
 - An intake specialist
 - An investigative specialist

- A Foster Youth Ombudsperson to respond to foster youth cases and lead systems-change efforts on behalf of Minnesota foster youth

Funding: The average wage for an ombudsperson in the Office of Ombudsperson for Families is \$69,852.64. Investigators employed by the Minnesota state government earned on average \$67,830.11. Intake specialists earn on average \$34,813 a year.⁴² Operating expenses are 16% of the budget, which means there would also need to be an additional \$27,599.32.⁴³ To employ these three additional FTE, the legislature would need to set the budget of the Foster Youth Ombudsperson Office at \$200,095.⁴⁴

Evaluation: Establish an advisory board to evaluate the Foster Youth Ombudsperson's effectiveness through monthly meetings with former and current foster youth, and community advocates.

Outreach: Increase outreach to foster youth through direct engagement of youth in residential treatment facilities and group homes; flyers posted in residential treatment facilities and foster homes; and social media channels such as Facebook, Twitter, and Instagram. Increase outreach to community providers through training and information sessions to ensure they can direct foster youth to supportive services, including ombuds services.

Risks and Rewards:

Risks: This option creates an additional office outside of the one that already exists and will cause seasoned ombudspersons currently employed in the Office of Ombudsperson and Families to work in partnership with a completely different staff. While there was some general support among Minnesota ombudspersons for a foster youth ombudsperson within the existing office, it's unclear from our conversations with them of how supportive they would be of another office outside of their own, especially if they are working with a similar population or even the same family. This could be advantageous if the foster youth Ombudsperson needs to advocate for a youth and one of the other Ombudspeople is advocating for someone else in that youth's family, because then, everyone is being supported. This will also require additional office space and leaves the current office as is despite its current deficiencies outlined in this report. We've acknowledged that there are several issues in the current Office and this option largely ignores those issues to create something new. It will also require revised legislation that may be politically infeasible, as it causes significant front-end expenses to educate new staff and existing staff, as well as county social workers and other child welfare professionals across the state. Staff in the new office will also need significant time to build relationships with providers across the

⁴²Glassdoor. (2021). Intake Specialist salary. Retrieved from https://www.glassdoor.com/Salaries/intake-specialist-salary-SRCH_KO0.17.htm.

⁴³ This number was found by the following equation $(\$69,852.64 + \$67,830.11 + \$34,813) * .16 = \$27,599.32$

⁴⁴ This number was found by the following equation $\$69,852.64 + \$67,830.11 + \$34,813 + \$27,599.32 = \$200,095.07$. We then rounded to the nearest dollar to get \$200,095.

state, as they may not be able to lean on existing relationships established by the existing office for families. It may also be politically contentious to mandate counties to follow the office's recommendations. This will require thoughtful consideration of ways to support counties in meeting the recommendations, and enforcing non compliance with trainings or legal action.

Rewards: This new office's organizational structure has the potential to cause positive change in how children affected by the Minnesota Child Welfare system are heard. Establishing an office specifically for foster youth will allow the program to focus exclusively on issues affecting young people, and may have more capacity to pursue systems change in conjunction with daily investigations. Similarly to Option A, this option empowers the ombuds office by mandating agencies to implement recommended changes, creating more opportunity for the ombuds office to lead meaningful change and improve systemic issues plaguing the child welfare system in Minnesota. Placing the office within the governor's office will, ideally, allow the office retain access to government data and some existing relationships with state and local agencies, while also remaining independent from the Department of Human Services.

Creating the advisory board for youth and advocates will give space for youth with lived experience of foster care to have a voice in the system. The increased oversight from this advisory board will help the office to better define its objectives and to evaluate its impact.

The increase in youth outreach will increase the likelihood of uptake by youth by ensuring the office is visible to youth in the state and that providers have accurate information on how to connect more youth to ombuds services. The increased capacity from a dedicated office for foster youth will help to pick up the influx of new youth cases.

Option C: Establish a Foster Youth Ombudsperson within a Non-Governmental Community Organization

Tactics:

Establish a Foster Youth Ombudsperson Office outside of the Department of Human Services and house it within an existing nonprofit organization in Minnesota. The office would consist of three FTE, including:

- An intake specialist
- An investigative specialist
- A Foster Youth Ombudsperson to respond to foster youth cases and lead systems-change efforts on behalf of Minnesota foster youth

Legislation: Introduce new legislation to require all Minnesota county and state agencies (with the exception of county and state courts of law) to:

- Cooperate with the Office's investigations

- Provide access to requested information and personnel interviews in a timely manner
- Implement recommendations from the Office, unless ordered not to by a county or state judge

Funding: The average wage for an ombudsperson in Minnesota is \$69,852.64. Investigators employed by the Minnesota state government earned on average \$67,830.11. Intake specialists earn on average \$34,813 a year. Operating expenses are 16% of the budget, which means there would also need to be an additional \$27,599.32. To employ these three additional FTE, the legislature would need to set the budget of the Foster Youth Ombudsperson Office at \$200,095.⁴⁵

Evaluation: Establish an advisory board to evaluate the Foster Youth Ombudsperson's effectiveness through monthly meetings with former and current foster youth, and community advocates.

Outreach: Reach out to foster youth through direct engagement of youth in residential treatment facilities and group homes; flyers posted in residential treatment facilities and foster homes; and social media channels such as Facebook, Twitter, and Instagram. Reach out to community providers through training and information sessions to ensure they can direct foster youth to supportive services, including ombuds services.

Risks and Rewards:

Risks: The success of this option is dependent on the strength and capacity of the non-governmental organization chosen to house the foster youth ombudsperson office. Choosing the appropriate non-profit with the capacity to support 86 different counties within the Minnesota system will require oversight and stretch government capacity to ensure that the program is successful.

This option also does not give the existing Minnesota OBFF any ownership over the establishment of a foster youth ombudsperson. This may be a risky step for child welfare leaders and legislators to admit that there are systemic issues in the child welfare system affecting foster youth, and they do not have the capacity to fix them. We've acknowledged that there are several issues in the current Office and this option largely ignores those issues to create something new. New relationships will also need to be formed between the new foster-specific ombuds office and the existing office for families-- new legislation will need to anticipate issues of overlapping jurisdiction that could create tension between the two offices. This may also have implications for the advisory boards that currently work with the Office of Ombudsperson for Families, and the extent to which they work with the new office. Out of the three options, this may be the most

⁴⁵ This number was found by the following equation $\$69,852.64 + \$67,830.11 + \$34,813 + \$27,599.32 = \$200,095.07$. We then rounded to the nearest dollar to get \$200,095.

politically contentious to mandate counties to follow the recommendations of a non-governmental organization. The NGO may not have the same power as a government agency to support counties to meet recommendations through required training, or to follow up with legal action.

As it stands, the current office is able to receive information from child welfare agencies as it is embedded within the government. However, legislation for a new office outside of the state government will need to build information-sharing guidelines between the new office and child welfare agencies: this may cause significant issues regarding data privacy and could slow down the investigative process.

Rewards: This option will provide valuable advocacy for youth-- a critical gap we have identified in the existing Minnesota ombuds system. Establishing an office specifically for foster youth will allow the program to focus exclusively on issues affecting young people, and may have more capacity to pursue systems change in conjunction with daily investigations. Additionally, being closer to the community gives the organization more flexibility to pursue change outside of the system, enlisting other community organizations and even the media in its work.

Creating the advisory board for youth and advocates will give space for youth with lived experience of foster care to have a voice in the system. The increased oversight from this advisory board will help the office to better define its objectives and to evaluate its impact. The increase in youth outreach will also increase the likelihood of uptake by youth by ensuring the office is visible to youth in the state and that providers have accurate information on how to connect more youth to ombuds services. The increased capacity from a dedicated office for foster youth will help to pick up the influx of new youth cases.

Conclusion

Thirty years ago, legislation was passed in the state of Minnesota to address the fact that children of color were disproportionately being removed from their homes. This legislation created the current OBFF office which still exists today. However, currently in Minnesota foster youth face many challenges. Foster youth are more likely to face disruption to education, mental and physical health challenges, along with many adverse childhood conditions. Despite the reason for the creation of the OBFF children of color are still overrepresented in foster care. As requested by Foster Advocates, this team created a project examining the current Ombudspersons offices in Minnesota and other states to determine if current programs were adequate for monitoring foster care. In short, they are not. Through research, this team determined that several changes could drastically improve the system including both a foster specific Ombudsperson office in Minnesota as well as increasing funding, office capacity, and improving legislation to make this

office more effective. Additionally, outreach must be improved to make both youth, and those who provide youth services, aware of the OBFFs existence, and how it can be useful to foster youth. These changes would create more effective monitoring for foster care in Minnesota as well as improving the ways in which foster youth can have their voices heard. Through continuing research, including gaining testimonies and experiences of foster youth, speaking with more of the states in the landscape analysis, and advocating for legislative reforms, the lives of Minnesota foster youth could be greatly improved.

Appendix A: Cal. Welfare And Institutions

Code § 16164

(a) The Office of the State Foster Care Ombudsperson shall do all of the following:

(1) Disseminate information on the rights of children and youth in foster care and the services provided by the office. The rights of children and youths in foster care are listed in Section 16001. 9. The information shall include notification that conversations with the office may not be confidential.

(2) Investigate and attempt to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services.

(3) Decide, in its discretion, whether to investigate a complaint, or refer complaints to another agency for investigation.

(4) Upon rendering a decision to investigate a complaint from a complainant, notify the complainant of the intention to investigate. If the office declines to investigate a complaint or continue an investigation, the office shall notify the complainant of the reason for the action of the office.

(5) Update the complainant on the progress of the investigation and notify the complainant of the final outcome.

(6) Document the number, source, origin, location, and nature of complaints.

(7) Compile and make available to the Legislature all data collected over the course of the year including, but not limited to, the number of contacts to the toll-free telephone number, the number of complaints made, the number of investigations performed by the office, the number of referrals made, and the number of unresolved complaints.

(8) Have access to any record of a state or local agency that is necessary to carry out his or her responsibilities, and may meet or communicate with any foster child in his or her placement or elsewhere.

(b) The office may establish, in consultation with a committee of interested individuals, regional or local foster care ombudsperson offices for the purposes of expediting investigations and resolving complaints, subject to appropriations in the annual Budget Act.

(c) (1) The office, in consultation with the California Welfare Directors Association, Chief Probation Officers of California, foster youth advocate and support groups, groups representing children, families, foster parents, children's facilities, and other interested parties, shall develop, no later than July 1, 2002, standardized information explaining the rights specified in Section 16001. 9. The information shall be developed in an age-appropriate manner, and shall reflect any relevant licensing requirements with respect to foster care providers' responsibilities to adequately supervise children in care.

(2) The office, counties, foster care providers, and others may use the information developed in paragraph (1) in carrying out their responsibilities to inform foster children and

youth of their rights pursuant to Section 1530. 91 of the Health and Safety Code, Sections 27 and 16501. 1, and this section.

Appendix B: Qualitative Survey Outreach Material

Participant Recruitment Script

Subject Line: University of Minnesota Capstone: Foster Youth Ombudsperson

To the (insert name/title here),

My name is (insert name). I am a graduate student at the Humphrey School of Public Affairs at the University of Minnesota. I, along with a team of my peers and our supervising professor, Dr. Maria Hanratty, am working on a graduate capstone project on behalf of a Minnesota nonprofit called Foster Advocates. Our project aims to evaluate the current Minnesota Ombudsperson for Families, and its ability to serve Minnesota foster youth. Our study will offer recommendations for how to improve the Minnesota ombuds process, including the option to establish Minnesota's own foster youth ombudsperson. To inform our recommendations, we are reaching out to children and foster ombudsperson programs across the nation to understand their systems, as well as their best practices, that could be replicated in Minnesota.

We would greatly appreciate your insight as there are few ombudspeople in the U.S. and you occupy a rare occupation. Would you be willing to participate in a one hour virtual interview with us?

For the purpose of this interview, we hope to learn more about the scope of your program; how foster youth access your services, and the outcomes you use to measure success. The interview will be confidential-- we ensure that any quotes or information we use in our report will be anonymous, and that any identifying information is removed.

If you are willing to participate, please let us know some days or times between March 9th-March 31st that would work for your schedule. Please also know participation is voluntary, and you can end your participation at any time.

In the meantime, if you have any questions, please reach out to me via email at (insert email and/or phone).

Thank you so much for your time!

Sincerely,

(insert your name)

Informed Consent (to be distributed to participants in advance of the interview and discussed verbally)

Background and Purpose of the Study

We (Samantha Flax, Jerica Gomez, Suriya Vijayasathy, and Emily Zaffiro) are a team of graduate students from the Humphrey School of Public Affairs at the University of Minnesota.

Our team is inviting you to participate in our graduate capstone project. This project as a collaborative design, has been developed on behalf of a Minnesota nonprofit organization called Foster Advocates, and under the supervision of our professor Dr. Maria Hanratty.

Our project aims to evaluate the current Minnesota Ombudsperson for Families, and its ability to serve youth in Minnesota foster care. In essence, our study tries to answer the question: who watches the watchers?

Our study will offer recommendations for how to improve the Minnesota ombuds process, including the option to establish Minnesota's own foster youth ombudsperson.

To inform our recommendations, we are reaching out to children and foster ombudsperson programs in Minnesota and across the nation to understand their systems, as well as their best practices, that could be replicated in Minnesota. You were chosen for this study due to your experience and/or expertise in this area.

Procedures

If you agree to participate in our project, your participation will include an interview of approximately one hour. This will be a semi-structured, informal interview via Zoom. We will provide you with a copy of this document before the interview.

During the interview, we will ask questions about the scope of your state's ombudsperson program, how foster youth access your services, and the outcomes you use to measure success.

Before we begin the interview, we will ask you how you would like us to cite you when we write our report-- for example, "a state ombudsperson" or by your initials. You may change your answer to this question at any time during the interview. We will also ask you the question again at the very end of the interview to confirm your answer.

Confidentiality

Any identifying information you provide about your name, position, and background will be kept confidential. If we choose to pull any quotes from the interview, we will cite you in the manner you prefer, and will contact you before submitting our final paper to ensure we have accurately and appropriately cited you.

Permission to Record

We will ask at the beginning of the interview to record it-- these recordings will be transcribed later. If you prefer not to be recorded, we will not record the interview. You may also ask to stop the recording at any time during the interview, or may ask for the recording to be purged before the report is complete. All recordings, as well as any sensitive information and identifiers, including names, will be kept on a Google Drive that is accessible only to the research team and our supervising professor. All recordings will be deleted in their entirety after the completion of this project in May 2021.

Risk and benefits of participation

We will do everything we can to make interviews a comfortable and positive experience. As our questions are generally open-ended, we encourage you to answer to whatever level of detail feels comfortable to you. We also recognize that in speaking about your work, sensitive topics may come up regarding past cases or experiences working within the child welfare and foster care systems. At any point during the interview, you may decline to answer a question or take a break.

We acknowledge the potential risk for readers of this report to identify you based on answers you give. We will do our best to mitigate that risk through steps listed above, including removing any identifying information, asking your consent to include information from the interview in our report, and keeping all recordings in a secure drive accessible only to members of the research team.

There is no financial compensation for participating in this interview.

Voluntary Nature of the Study

Participation in this study is completely voluntary. You may withdraw from the study at any time, including during the interview and before submission of the final report to Foster Advocates. During the interview, you may ask any questions, or ask for any answers to be given "off the record." recall permissions in section titled "Permission to Record "

Contact Us

We encourage any and all questions before, during, and after the interview. Please reach out to any member of our team:

Dr. Maria Hanratty (supervising professor), hanra003@umn.edu
Samantha Flax, flax0008@umn.edu
Jerica Gomez, gomez540@umn.edu
Suriya Vijayasathy, vijay132@umn.edu
Emily Zaffiro, zaffi008@umn.edu

Consent to Participate

I have read the above information and understand it to the best of my ability. I have asked questions and have received answers to my satisfaction.

I consent to participate in the study.

Name of participant:

Verbal Consent Given: Yes/No

Date:

Interview Guide

Research Questions

1. How effective and equitable are the current guidelines for the four existing Minnesota ombudspersons in implementing safeguards to protect the rights of youth in foster care and to offer them opportunities for recourse?
2. What reforms and changes could be implemented in the current Minnesota ombudsperson system to more effectively and equitably protect the rights of youth in foster care and offer them opportunities for recourse?
3. To what extent would Minnesota foster youth benefit from having a dedicated ombudsperson for foster youth rights?

Non-MN Ombudsperson Interview Guide

Introductions and Context

1. What is your official job title? In a sentence or two, what are your most important functions in your role?
 - a. Probe for qualifications, professional or lived experience in child welfare/foster care, specific training working with fosters duration

Scope of Work

2. Would you walk us through a typical day in your office?
 - a. What are your responsibilities?
 - b. What is your typical caseload?
 - c. What do interactions with administrative staff, support staff look like?

- d. How are cases assigned?
- 3. Where does the authority of your office derive from (i.e. statute, congressional act)? How does this define the scope of your work in practice?
 - a. Probe for limitations of authority or mandate
 - b. Probe for where office is housed, and what that dynamic looks like in practice
 - c. Probe for funding sources, and impacts of funding on scope of work
 - d. Probe for implications on independent review of complaints
- 4. If a state has county-administered child welfare: what is the dynamic between state-level social services and county services, and how does that affect your work?
 - a. If a state with state-administered child welfare: do you work directly with local (city and county) government, or does your work mostly stay at the state level?
- 5. If interviewee is a foster ombudsperson: What is the rationale behind having an ombudsperson specific to foster youth?

Services for Foster Youth

- 6. Our project is primarily focused on ombuds services for fosters.
 - a. If interviewee is a foster ombudsperson: Walk us through how a foster youth would contact your office. What are ways in which foster youth reach out to your office?
 - b. If interviewee is a children and families ombudsperson: Do foster youth reach out to access your services? If so, walk us through how they contact your office. What are ways in which foster youth reach out to your office?
- 7. In what ways does your office reach out to foster youth specifically?
 - a. Probe for social media platforms, communication with foster parents, community engagement strategies
- 8. How visible do you feel your program is to foster youth in your state?
- 9. From filing the complaint to the resolution of that complaint, how does a foster youth move through your ombuds process?
- 10. If a foster ombudsperson: What do you feel are the advantages and disadvantages of having a foster ombudsperson, rather than (or in addition to) just an ombudsperson for all children and families?
 - a. If a children and families ombudsperson: do you feel your state would benefit from an ombudsperson specific to foster youth? Why or why not?

Outcomes

- 11. What does success look like for your program? What outcomes do you use to measure your effectiveness?
- 12. What does equity mean to you in your work? How do you measure it?
- 13. What feedback do you receive from foster youth about your services?
- 14. Overall, what do you feel the strengths of your program are? What are areas for improvement?
 - a. What action steps would you take to improve your program, given those areas for growth?

Wrap-up

- 15. Are there any resources we can access regarding your programmatic data and outcomes?
- 16. Are there any questions you wish we asked you?
- 17. Do you have any questions for us?

MN Ombudsperson Interview Guide

Introductions and Context

1. What is your official job title? In a sentence or two, what are your most important functions in your role?
 - a. Probe for qualifications, professional or lived experience in child welfare/foster care, specific training working with youth

Scope of Work

2. Would you walk us through a typical day in your office?
 - a. What are your responsibilities?
 - b. What is your typical caseload?
 - c. What do interactions with administrative staff, support staff look like?
 - d. How are cases assigned?
3. Where does the authority of your office derive from (i.e. statute, congressional act)? How does this define the scope of your work in practice?
 - a. Probe for limitations of authority or mandate
 - b. Probe for where office is housed, and what that dynamic looks like in practice
 - c. Probe for funding sources, and impacts of funding on scope of work
 - d. Probe for implications on independent review of complaints
4. How does the dynamic of Minnesota's county-administered child welfare system affect your work?

Services for Foster Youth

5. Our project is primarily focused on ombuds services for fosters. Do foster youth reach out to access your services? If so, walk us through how they contact your office. What are ways in which foster youth, or other youth, reach out to your office?
6. In what ways does your office reach out to youth/foster youth specifically?
 - a. Probe for social media platforms, communication with foster parents, community engagement strategies
7. How visible do you feel your program is to youth/foster youth in your state?
8. From filing the complaint to the resolution of that complaint, how does a youth/foster youth move through your ombuds process?
9. Do you feel Minnesota would benefit from an ombudsperson specific to foster youth? Why or why not?

Outcomes

10. What does success look like for your program? What outcomes do you use to measure your effectiveness?
11. What does equity mean to you in your work? How do you measure it?
12. What feedback do you receive from youth/foster youth about your services?
13. Overall, what do you feel the strengths of your program are? What are areas for improvement?
 - a. What action steps would you take to improve your program, given those areas for growth?

Wrap-up

14. Are there any resources we can access regarding your programmatic data and outcomes?
15. Are there any questions you wish we would have asked you?

16. Do you have any questions for us?

Appendix C: Quantitative Survey Questions

Email to Send to Participants

Subject Line: University of Minnesota Capstone: Foster Youth Ombudsperson

To the (insert name/title here),

My name is (insert name). I am a graduate student at the Humphrey School of Public Affairs at the University of Minnesota. I, along with a team of my peers and our supervising professor, Dr. Maria Hanratty, am working on a graduate capstone project on behalf of a Minnesota nonprofit called Foster Advocates. Our project aims to evaluate the current Minnesota Ombudsperson for Families, and its ability to serve Minnesota foster youth. Our study will offer recommendations for how to improve the Minnesota ombuds process, including the option to establish Minnesota's own foster youth ombudsperson. To inform our recommendations, we are reaching out to ombudspersons across the nation to understand their systems, as well as their best practices, that could be replicated in Minnesota. We are also reaching out to those who have experience in the foster care field, such as case workers or Guardian ad Litems like yourself.

We would greatly appreciate your insight as a caseworker/ Guardian ad Litem within the state of Minnesota. If you are so able please take a moment to fill out this survey in connection with your experience with the Minnesota Ombudsperson. All information will remain anonymous.

In the meantime, if you have any questions, please reach out to me via email at (insert email and/or phone).

Thank you so much for your time!

Sincerely,

(insert your name)

Survey Tool



UNIVERSITY OF MINNESOTA
Driven to Discover®

Thank you for participating in our graduate school capstone project and investing in current and future foster youth. The following survey should take approximately five minutes to complete, and is completely anonymous.

Our project aims to evaluate the current Minnesota Office of Ombudsman For Families, and its ability to serve Minnesota's foster youth. Our study will offer recommendations for improvement to the Minnesota ombuds process; including the option, but not limited to, establishing Minnesota's own foster youth ombudsperson.

This survey aims to understand the current relationship between caseworkers/Guardian Ad Litem and the Minnesota ombudspersons process.

Please feel free to contact me, Jerica Gomez with any questions via email at gomez540@umn.edu or phone: (360)941-4322





What is your official job title?

Have you heard of the Minnesota Office of Ombudsman for Families?

Yes

No

Unsure

Have you worked with the Minnesota Office of Ombudsman for Families?

Yes

No

Unsure

If you have experience with the ombudsperson process please rate below:

	Dissatisfied	Slightly dissatisfied	Neither Sat/ Dissatisfied	Slightly Satisfied	Satisfied
Response Time	☐	☐	☐	☐	☐
Quality of Service	☐	☐	☐	☐	☐
Resolution	☐	☐	☐	☐	☐

When foster youth on your caseload have complaints or grievances, how do they report them?

Additional Comments to guide our research on the Minnesota Ombudsman process:

Appendix D: State Scan

State	Abbreviation	Foster Youth Ombud?	Links	Children's Ombud?	Links	Other Relevant Ombud?	Links	Other Complaint Office?	Links	Statute?	Links	Other Agencies Providing Services	Notes
Alabama	AL	No		No		No		Yes	Department of Human Resources Administrative Hearings	No			General state ombudsman covers children/foster issues. Recent foster care investigation (https://ombud.alaska.gov/ombudsman-releases-report-investigation-of-change-of-foster-care-placement-by-oc/)
Alaska	AK	No		No		Yes	Alaska Ombudsman	Yes	Alaska Office of Children's Services	Yes	Alaska Stat. 24.55.010-340		
Arizona	AZ	No		Yes	Department of Child Safety Office of the Ombudsman	Yes	Arizona Citizens' Aide Foster Parent Ombudsman (no website, link goes to a list of state ombudsmen)	No		Yes	Ariz. Rev. Stat. 41-1371 through 41-1383	CASA of Arizona	Interesting Jurisdictional wrinkles: the State Ombudsman does not have any affiliation with the DCS Ombudsman and doesn't have much jurisdiction for children/family cases. The Juvenile Ombudsman has statutory authority, but the foster parent ombudsman does not. A Child Welfare Ombudsman was created in statute in 2019 but no information on it on the internet (https://law.justia.com/codes/arkansas/2019/title-20/subtitle-5/chapter-82/subchapter-2/section-20-82-211/). A bulletin went out about DHS wanting a department-wide ombudsman (https://humanservices.arkansas.gov/news/dhs-creating-department-wide-ombudsman/)
Arkansas	AR	No		Yes	Arkansas Public Defender's Commission's Juvenile Ombudsman	Yes		No		Yes	Ark. Code Ann. § 16-87-216		This is definitely a state we should look at. Their Foster Care Ombudsman also seems to have a pretty solid social media presence: probably helps to increase visibility, particularly for young people (https://www.facebook.com/CA-FosterCareOmbudsman/). Link to the bill of rights history: https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=200120020AB889&showamends=false
California	CA	Yes	Foster Care Ombudsman	No		No		Yes	Complaints Against Child Welfare Agencies	Yes	Cal. Welfare And Institutions Code § 16160-16167		
Colorado	CO	No		Yes	Office of Colorado's Child Protection Ombudsman	No		Yes	Department of Human Services Complaints. Links to several reporting agencies, including the CP Ombudsperson. Not super relevant... but Office of Early Childhood has a complaint procedure	Yes	Colo. Rev. Stat. § 19-3-3-101 to -109	Children's Law Center	Another one to look into. Lots of resources for youth (https://coloradocpo.org/youth/). LinkedIn page is updated fairly regularly (https://www.linkedin.com/company/iccopo/). The Ombudsperson also did a child welfare investigation report in 2017 (https://leg.colorado.gov/sites/default/files/html-attachments/s_jud_2018a_01082018_090554_am_committee_summary18JointJud0108AttachH.pdf).
Connecticut	CT	No		Yes	Connecticut Office of the Child Advocate	No		Yes		Yes	Conn. Gen. Stat. § 46a-13a	Children's Law Center	They have a flyer! (http://www.clcct.org/resources/) Also have lots of annual reports (https://portal.ct.gov/OCA/OCA-Annual-Report/Recent-Annual-Reports) and seem to be connected to Public Relations
Delaware	DE	No		No		No		Yes	Department of Services for Children, Youth, and Their Families	Yes	Del. Code Ann. tit. 29, § 9001A - 9009A	Delaware Office of the Child Advocate	Office of the Child Advocate has statutory authority, but it's not an independent investigative office that looks into complaints/reports. Instead, they are lawyers embedded in the Court who represent the rights of the child-- more akin to a GAL (guardian ad litem). In fact, the statute says that while they have the ability to recommend changes to legislation and investigative procedures, they must refer all complaints to Family/Social Services. I decided not to define this as an ombudsman-- do we have other states in a similar boat? This one is interesting. They have a CFSA Ombudsman, but also refer to a Youth Ombudsman (creatively named Yo Bud). It does not have statutory authority but there is a policy brief detailing its functions (https://cfssa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Program%20-%20Office%20of%20the%20Ombudsman%20-%2028final%29.pdf) Their annual reports (https://cfssa.dc.gov/service/be-heard) suggest that the youth ombud is a separate track specifically for foster youth so it appears to be a little like a foster ombudsman, in function if not in name. It's unclear whether Yo Bud is just a separate communication channel to the same ombudsman who handles all CFS issues, or if it's a separate FTE that covers just fosters-- will need follow up. CFSA Ombud's LinkedIn page (https://www.linkedin.com/in/marianna-abraham-41841269/). Hoang's contact would be able to give us some context on the new Ombud's Office: this would be a more independent body free of court oversight (https://washingtoncitypaper.com/article/506827/d-c-council-set-to-overide-two-more-bowser-voices/?utm_medium=email&utm_source=govdelivery).
District of Columbia	DC	No		Yes	Children and Family Services Agency, Youth Ombudsman (Yo Bud)	Yes	Children and Family Services Agency Ombudsman	Yes	Suggestions and Complaints	No			
Florida	FL	No		Yes	Florida Children's Ombudsman	No		Yes	Office of Inspector General (https://www.myffamilies.com/about-us/office-inspector-general/investigations/fil-e-a-complaint-or-make-a-report.shtml) and Child Care Complaint Form (https://www.myffamilies.com/service-programs/child-care/complaint)	No	Couldn't find any statutory language	LSF Ombudsman	Additional info on the Child Ombudsman here (http://kidsfla.com/who.shtml). A Senate Bill from 2019 was introduced to grant more autonomy to the Ombudsman and strengthen protections for youth died in the Appropriations Subcommittee for HHS and has been withdrawn (https://www.flsenate.gov/Session/Bill/2019/646/By/version)
Georgia	GA	No		Yes	Georgia Office of the Child Advocate	Yes	Caregiver Ombudsman, Division of Children and Family Services (found no other info on this) Office of the Ombudsman (not child welfare specific)	Yes	3 step Advocacy and Grievance Process	Yes	Ga. Code Ann. § 15-11-740 et. Seq.	Multi-Agency Alliance for Children	Interesting to see where states are placing their ombudsmen. GA places theirs in the Planning and Budget Office for administrative purposes and, arguably, more independence from social services. Found another complaint procedure that seems to link to the Division of Children and Family Services, but hosted through a nonprofit org for resilient youth (https://www.garyse-llp.org/georgia-division-family-and-children-services-youth-rights-grievance-form)
Hawaii	HI	No		No		Yes		Yes	Human Services Complaints Process	Yes	Hawaii Rev. Stat. § 96-1 to 96-19		Links to annual reports (http://www.ombudsman.hawaii.gov/annual-reports/)
Idaho	ID	No		No		No		Yes	Civil Rights Complaint Form	No			Virtually nothing in the way of ombudsmen/people/services. Found a news story from 2016 about issues in the child welfare system and the need for legislative reform (https://www.idahostatesman.com/news/politics-government/state-politics/article59462954.html)
Illinois	IL	No		Yes	Office of the Inspector General	No		No		Yes	Ch. 20 Ill. Comp. Stat. § 505/35.5		
Indiana	IN	No		Yes	IDOA: DCS Ombudsman Bureau	No		Yes	FSSA Indiana Youth System of Care Office of Family and Consumer Affairs	Yes	Ind. Code § 4-13-19		
Iowa	IA	No		No		Yes		Yes	Board of Social Work Complaints	Yes	Iowa Code § 2C-1 et. seq.		
Kansas	KS	No		No		No		Yes	Office of the Ombudsman and Administrative Review	No			
Kentucky	KY	No		No		Yes		Yes	Consumer Complaints, Filing a Complaint, Office of the State Inspector General	Yes	Ky. Rev. Stat. Ann. § 194A.030(A)		
Louisiana	LA	No		No		Yes	Office of State Access Act Maines Public Access Ombudsman	Yes	Office of the Main AG Consumer Complaints or Questions	No			
Maine	ME	No		No		Yes		Yes		Yes	Me. Rev. Stat. tit. 22 § 4087-A		

Tennessee	TN	No	Yes	Tennessee Commission on Children and Youth's (TCCY) Ombudsman Program	No	Yes	Civil Rights Complaint Form	Yes	Tenn. Code Ann. § 37-3-101 et seq.	A pretty comprehensive program that is independent and autonomous. Annual Reports (https://www.tn.gov/content/tn/tccy/ombuds/tccy-ombudata.html) Paper written by the ombudsman (https://www.tn.gov/content/dam/tn/tccy/documents/omb/om-pap-jca040411.pdf)	
Texas	TX	Yes	Yes	Foster Care Ombudsman	Yes	Independent Ombudsman for the Texas Juvenile Justice Department	Yes	Office of Consumer Relations	Yes	Tex. Gov't Code § 87.301 Utah Code Ann. 62A-4a-208 Texas Youth Connection	Foster Care Ombudsman 2018 annual report (https://hhs.texas.gov/sites/default/files/documents/laws-regulations/reports-presentations/2018/sb-830-ombudsman-children-youth-foster-care-fy-2018.pdf)
Utah	UT	No	Yes	Office of the Ombudsman Child Protection Ombudsman	No	Yes	DCFS Constituent Services	Yes			Not an independent body-- under purview of the executive director of DCFS
Vermont	VT	No	No		No	Yes	Consumer Concerns Team	No			A House Bill was just introduced in Vermont on 2/15/21 to create an Office of the Child Advocate! Stay tuned (https://legislature.vermont.gov/bill/status/2022/H.265). PDF on the consumer complaint process (https://dcf.vermont.gov/sites/dcf/files/FSD/pubs/Voicing-Concerns.pdf).
Virginia	VA	No	Yes	Children's Ombudsman (not established yet)	Yes	Department of Juvenile Justice Ombuds Program	Yes	CPS Appeals	Yes	Va. Code § 2.2-438	Looks like the Children's Ombudsman was established through a house bill that was adopted by the senate. The office has not been created yet. VIRGINIA DEPARTMENT OF SOCIAL SERVICES APPEALS AND FAIR HEARINGS UNIT CHILD PROTECTIVE SERVICES SECTION Virginia Code § 63.2-1526 establishes the hearing procedure for Child Protective Services (CPS) appeals.
Washington	WA	No	Yes	Office of the Family and Children's Ombuds	No	Yes	Department of Children, Youth, and Families Constituent Relations	Yes	Wash. Rev. Code § 43.06A	Department of Children, Youth, and Families Oversight Board	The Ombuds is an independent and autonomous organization outside of DCYF. DCYF Oversight Board is a public-facing entity that monitors DCYF-- meetings are open to the public and elected officials chair the board. The board aligns with the newly established Department of Children and Families five goals.
West Virginia	WV	Yes	No	Foster Care Ombudsman	No	Yes	Health and Human Resources Client Services	Yes	Va. Code § 2.2-438		The ombuds is in the Office of the Inspector General. Press release on the Foster Care Ombudsman when it was first rolled out in 2019 (https://dhhr.wv.gov/News/2019/Pages/-DHHR-Appoints-Pamela-M-Woodman-Kaehler-as-West-Virginia%E2%80%99s-Foster-Care-Ombudsman-.aspx). The ombudsperson also did a presentation that has a nifty crosscheck of her office's responsibilities vs the complaint office's responsibilities (https://naeswww.socialworkers.org/LinkClick.aspx?fileticket=MCmat3ZowC4%3D&portalid=13). House Bill 4094.
Wisconsin	WI	No	No		No	Yes	Department of Children and Families Complaint Process	No		Disability Rights Ombudsman Program	DCF also has a civil rights complaint/grievance procedure (https://dcf.wisconsin.gov/civilrights/complaint-procedures) Milwaukee may have its own child welfare ombudsman but couldn't find much info on it besides a report from 2007 (https://www.impactinc.org/fileadmin/user_upload/planning-council/PDF/ombudsman_2007AnnualReport.pdf)
Wyoming	WY	No	No		No	Yes	Department of Family Services Complaint Resolution	No			