

m1 MINNESOTA
OFFICE OF OMBUDSPERSON
FOR AMERICAN INDIAN FAMILIES



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Re: Bill SF 4204

Thank you Chair and members. For the record, my name is Jill Kehaulani Esch. I am the Ombudsperson for AMERICAN INDIAN Families with the Office of Ombudsperson for AMERICAN INDIAN Families. We are the only independent state agency of its kind in The Nation. I speak today on behalf of our Agency, as well as the Office of Ombudsperson for Foster Youth, the Office of Ombudsperson for Families, and the Ombuds for Family Child Care Providers.

We appreciate the opportunity to speak about our offices' interest in having direct access to information that is maintained in systems that contain key child welfare related case information, such as the Social Service Information System, commonly referred to as SSIS.

Through the enabling statutes for each of our offices, we currently have the power to request and be given access to a wide breadth of information from agencies. This includes information such as juvenile court data, foster care placement data, and medical data, which may include private data or confidential data, when it is deemed necessary for performing our ombudspersons' responsibilities.

Currently, our offices do not have direct access or log-ins to SSIS. We have to rely on a process of requesting the data and records that we need from either the Department of Human Services or the local social services agency responsible for the case, so that we can perform our investigative and oversight duties. This process can take quite some time, and we can't ensure that we are seeing all of the information that is needed in a record for us to complete our duties.

What we are seeking is direct access to SSIS and to some of the child welfare case data that it contains, such as child protection, foster care and adoption case records. Direct access to the state's departmental computer networks is an essential tool for our agencies' abilities to carry out our statutory mandates.

This is a high need for our offices, as it promotes transparency and accountability for our state's child welfare systems. It also decreases the time burden for DHS or the social service agency in searching for and providing the necessary case information in response to our requests.

It would expedite and empower our agencies' investigative abilities, and it would help us to more easily establish jurisdiction when our offices receive a complaint or question needing

resolution. Having immediate access is extremely valuable where urgency is required in assisting families.

In addition to having access to the child welfare information that all of our respective offices are looking for within SSIS, our agency, the Office of Ombudsperson for AMERICAN INDIAN Families, would specifically need access to important information about all things regarding Indian Child Welfare Act cases, including Inquiry and Active Efforts.

Here are two examples where having direct and immediate access could have helped me:

- On Tuesday evening, I returned a telephone call to a Native mother who told me that there was a hearing on Wednesday morning at 9:00 when the county was moving to terminate her parental rights. According to the mother, she did not believe that the tribe had been contacted by the county. I attended the court hearing to observe the proceedings and no tribal representative attended. If I had access to SSIS, I could have looked to see if notice had been provided to the tribe.
- I just received an email from someone asking me to help a Native foster mother. According to the information in the email, the foster mother took in two Native youth, with no help from the county. If I had access to SSIS, I did not have to contact DHS and/or the county to get more information.

In comparison to similar Ombuds offices in other states who also respond to complaints from children and families involved with the state's child protection system, Minnesota is the exception by restricting direct access. I co-chair the United States Ombudsman Association Children and Families Chapter and in a survey of other state offices last year, of the 19 who responded, all but one office had direct access and agreed that this direct access was a high need, as it supports transparency and accountability.

Our offices request read only access, which eliminates any possibility of deleting or altering records. We understand and respect that there would be some restrictions to what we can access, such as documents or correspondence that would be considered attorney-client privilege or documents filed under seal of the court. Our offices can commit to upholding standards for safeguarding the confidentiality of information in accordance with data privacy requirements under Chapter 13.

We support the State investing in a better system than SSIS because it needs a complete overhaul; however, the Ombuds offices cannot wait to gain access until that is done – it will take years. We need access now and we are asking you to support and pass Bill SF 4204.

We would like to thank Senators Mitchell, Hoffman and Champion. Thank you for your time on this topic, and we welcome any questions that you have today or in the future.

Respectfully submitted by:

 3/7/2024

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