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STATE OF MINNESOTA

OFFICE OF OMBUDSPERSON FOR FAMILIES

**BIENNIAL REPORT 2000-2001
TO THE GOVERNOR**

***SUBMITTED BY BAUZ L. NENGCHU, OMBUDSPERSON FOR ASIAN-
PACIFIC FAMILIES, PURSUANT TO MINNESOTA STATUTE 257.0766,
SUBD. 2***

**1450 ENERGY PARK DRIVE, SUITE 106 ST. PAUL, MINNESOTA 55108-5227
TOLL FREE: 1-888-234-4939
PHONE: 651-643-2514
EMAIL: bauz.nengchu@state.mn.us**

TABLE OF CONTENTS

Introduction.....	Pg. 3
Mission Statement.....	Pg. 3
What is an Ombudsperson?.....	Pg. 3
Office of Ombudsperson for Families.....	Pg. 3
Ombudsperson For Families.....	Pg. 4
Community-Specific Board.....	Pg. 4
Job Description.....	Pg. 4 - 5
Data on Asian-Pacific Children in Minnesota.....	Pg. 6 - 7
Maltreatment Data from the Department of Human Services.....	Pg. 8 - 10
Number of Asian-Pacific Children cases open in Child Protection by County.....	Pg. 11 - 15
Trends in Child Protection cases for Asian-Pacific Children.....	Pg. 16 - 17
Summary of Ombudsperson's Activities Year 2000-2001.....	Pg. 18 - 20
Cases/Referrals.....	Pg. 20 - 21
Challenges for Social Service Agencies in serving Asian-Pacific Families.....	Pg. 22
Recommendations.....	Pg. 23
Statute.....	Pg. 24 - 28
Appendix.....	Pg. 29 - 30
Acknowledgments.....	Pg. 31

INTRODUCTION

Pursuant to Minnesota Statute 257.0766, Subdivision 2, the ombudsperson shall at the end of each year report to the governor concerning the exercise of the ombudsperson's functions during the preceding year. This report has been prepared as a biennial report combining years 2000 and 2001 to (1) provide a summary of the ombudsperson's activities, (2) to identify Asian-Pacific children and their families in child protection services, (3) to identify trends in child protection cases for Asian-Pacific children, (4) to identify the challenges that Asian-Pacific children and families are facing in the area of child protection and social services, and (5) to make recommendations to the Governor of the State of Minnesota.

1. MISSION STATEMENT

The mission statement of the Office of Ombudsperson for Families is to ensure that children and families are protected by laws in all child placement proceedings conducted by public and private agencies and organizations.

2. WHAT IS AN OMBUDSPERSON?

An ombudsperson is an independent governmental official responsible for reviewing government and government-regulated agencies in an effort to ensure that their practices are fair, reasonable, and appropriate. To do this, the ombudsperson:

- Receives complaints;
- Reviews, investigates, and if appropriate
- Makes recommendations to remedy the complaints.

(Minnesota State Ombudsman Services)

3. OFFICE OF OMBUDSPERSON FOR FAMILIES

The Office of Ombudsperson for Families, an independent state agency, was created in 1991 under Minnesota Statute 257.0755 in response to requests from families, who had been negatively impacted by the intervention of social service agencies.

The main goal of the office is to ensure that all laws governing the protection of children and their families are implemented in a culturally competent manner and that decision-making processes are in compliance with the laws that protect children of color in the State of Minnesota.

4. OMBUDSPERSON FOR FAMILIES

Minnesota Statute 257.0755 Subd.2 states that the Ombudsperson shall be selected by the applicable community-specific board established in section 257.0768. The Ombudsperson serves in the unclassified service at the pleasure of the community-specific board and may be removed only for just cause. The Ombudsperson must be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy regarding the protection and placement of children from families of color. In addition, the Ombudsperson must be experienced in dealing with communities of color and knowledgeable about the needs of those communities. No individual may serve as ombudsperson while holding any other public office.

5. COMMUNITY-SPECIFIC BOARD

Each community-specific board consists of five members. Currently, there are four members of Asian-Pacific Advisory Board who advise and assist the Ombudsperson in selecting matters for attention in their community, and in developing policies, plans, and programs to carry out the ombudsperson's functions and powers.

The four Asian-Pacific Advisory Board Members are:

- | | |
|--|---|
| (1). Linda Davis, Chairperson
Special Education
Teacher | (3). Daniel Lew
State of Minnesota Public
Defender |
| (2). Gail Chang Bohr
Executive Director Children's Law
Center of Minnesota | (4). Pakou Ly, Program Manager
Minnesota Department of
Human Services |

To fulfill their obligation, they also held joint meetings with the other three community-specific boards, at least four times per year. The Board Members advise the ombudspersons on overall policies, plans, protocols, and programs for the office, besides conducting their own quarterly meetings with the Ombudsperson.

The Ombudsperson is grateful to have them as her advisors, and for their commitment and continuing support of the office to help improve standards of competence, efficiency, justice, and protection of rights for all Asian-Pacific Families and their children in the State of Minnesota. For further information on the community-specific Board in regard to its memberships, meetings, and duties, please refer to the Statute (Minnesota Statute 257.0768).

6. JOB DESCRIPTION

On July 14, 2000, the Asian-Pacific Advisory Board revised the job description of the Ombudsperson to reflect changes in the position.

The four principal responsibilities of the revised job description for the Ombudsperson are the following:

- a). To monitor, as to ensure that State, county, and private social service agencies are in compliance with all child welfare laws impacting Asian-Pacific and children and families;
- b). To receive, investigate, and resolve complaints from any source concerning an action or an agency, facility or program;
- c). To heighten awareness and sensitivity of service providers, public policymakers, social service agencies, and local courts to diverse belief systems and family relationships as they impact the services provided to children and families; and,
- d). To prepare a comprehensive annual report in a timely manner to the Governor of the State of Minnesota, based upon empirical data, observations, and conclusion of the random sample assessing the "Challenges for Social Services Agencies in Serving Asian-Pacific American Families in the Next Millennium," including a summary of the activities of the Ombudsperson for the preceding year.

Simultaneously, five goals and objectives were identified as follows:

- 1. Identify those children and families who are under the jurisdiction of the Ombudsperson's oversight.
- 2. Select random population of children and families who are under the jurisdiction of the Ombudsperson.
- 3. Identify trends in child protection cases for Asian-Pacific children and families.
- 4. Identify the challenges for the third millennium that Asian-Pacific children and their families will face in the area of child protection and social services.
- 5. Present a quality report that makes quality recommendations to the Governor of the State of Minnesota identifying:
 - a. The challenges for social service agencies in serving Asian-Pacific families and children,
 - b. The services needed and service gaps,
 - c. The strengths and current benefits of the child protection system,
 - d. The weaknesses and shortcomings of the current child protection system; and,
 - e. A comprehensive policy recommendations for the next millennium.

7. DATA ON ASIAN-PACIFIC CHILDREN IN MINNESOTA

Table 1. Minnesota Population Profiles: Asian-Pacific children age 17 and under and gender.

Number of Asian-Pacific Children by Age and Gender				
Age	Male	Female	All	Percent of Total Asian Population
Under 5 years	6,930	6,986	13,916	9.80
5 to 9 years	7,548	7,225	14,773	10.41
10 to 14 years	7,990	7,914	15,904	11.20
15 to 17 years	4,473	4,765	9,238	6.51
Total Population of persons 17 years and younger	26,941	26,890	53,831	37.92

Source: 2000 Census: State of Minnesota

Table 2. Minnesota Population Profiles: Native Hawaiian and other Pacific Islander children age 17 and under, and gender.

Native Hawaiian and other Pacific Islander Children by Age and Gender				
Age	Male	Female	All	Percent of Total
Under 5 years	63	71	134	6.77
5 to 9 years	97	88	185	9.35
10 to 14 years	89	76	165	8.34
15 to 17 years	48	34	82	4.14

Source: 2000 Census: State of Minnesota

Table 3. Data on Asian-Pacific children in out-of-home care.

Year	1998*	2000**
Total number of Asian-Pacific children in Minnesota	52,194	53,831
Number of out-of-home care	408	440

Sources: 1). * Bulletin #00-68-6, "1998 Out-of-Home Care by Race of Heritage of children in Care 1994-1998," Minnesota Department of Human Services (DHS), May 25, 2000 and total number of children in Minnesota for year 1998 provided by DHS; 2). **All Kids Count! Assessing the Well-Being of African-American, American Indian, Asian, and Latino Children by Children's Defense Fund of Minnesota.

Table 4. Minnesota Statewide Asian-Pacific children reported in out-of-home care 2000.

Race	Total Statewide
Asian	438
Pacific Islander	2
Total	440

Source: Department of Human Services

Table 5. Minnesota County breakdown of Asian-Pacific children reported in out-of-home care in 2000: Dakota, Hennepin, and Ramsey counties.

Dakota county	Hennepin county	Ramsey county
20	126	198

Source: Department of Human Services

8. MALTREATMENT DATA FROM THE DEPARTMENT OF HUMAN SERVICES (DHS)

At the Ombudsperson's request, the Minnesota Department of Human Services provided the following maltreatment data to be included in this report. This data is crucial to further help identifying the ages of Asian-Pacific children "being maltreated", the maltreatment type, and the gender for year 2000, in Ramsey, Hennepin, and Dakota counties as well as the State of Minnesota.

***Note:** To be culturally sensitive, the word "victims" is being replaced by "being maltreated".

- 1). Determined number of Asian-Pacific "being maltreated" by their ages in 2000.

State of Minnesota

Age at Intake	N
<1	24
1	23
2	21
3	21
4	22
5	24
6	38
7	35
8	28
9	32
10	41
11	24
12	18
13	21
14	20
15	12
16	12
17	9
Missing Data/Error	7
Total	432

Ramsey County

Age at Intake	N
<1	9
1	11
2	10
3	10
4	11
5	14
6	20
7	14
8	14
9	19
10	19
11	11
12	7
13	7
14	10
15	4
16	6
17	4
Missing Data/Error	2
Total	202

The highest number is at the age of ten.

The highest number is at the age of six.

Hennepin County

Age at Intake	N
<1	10
1	7
2	6
3	4
4	7
5	5
6	14
7	16
8	11
9	12
10	19
11	12
12	6
13	12
14	8
15	4
16	5
17	2
Missing Data/Error	5
Total	165

Dakota County

Age at Intake	N
<1	1
1	1
2	3
3	2
4	1
5	1
7	1
8	1
10	1
12	2
16	1
17	1
Total	16

The highest number is at the age of ten.

The highest number is at the age of two.

- 2). Determined number of Asian-Pacific children "being maltreated" by maltreatment type in 2000.

State of Minnesota

Ramsey County

Hennepin County

Dakota County

Maltreatment Type	N	Maltreatment Type	N	Maltreatment Type	N	Maltreatment Type	N
Neglect	306	Neglect	132	Neglect	128	Neglect	12
Physical abuse	124	Physical abuse	64	Physical abuse	41	Physical abuse	4
Sexual abuse	27	Sexual abuse	9	Sexual abuse	12	Sexual abuse	1
Mental injury	2	Mental injury	0	Mental injury	0	Mental injury	0

Note: A child may have been maltreated to more than one type of abuse; therefore the counts may be greater than the number of victims.

- 3). Determined Number of Asian-Pacific children "being maltreated" by gender in year 2000.

State of Minnesota		Ramsey County		Hennepin County		Dakota County	
Gender	Number	Gender	Number	Gender	Number	Gender	Number
Female	231	Female	103	Female	90	Female	10
Male	201	Male	99	Male	75	Male	6
Total	432	Total	202	Total	165	Total	16

Remarks: Based on the data of the determined number of Asian-Pacific children "being maltreated" by their ages in 2000 for the State of Minnesota, the highest number is at the age of ten. The highest number of maltreatment type is neglect; and, the highest number by gender is female.

9. NUMBER OF ASIAN-PACIFIC CHILDREN CASES OPEN IN CHILD PROTECTION BY COUNTY: RAMSEY, HENNEPIN, AND DAKOTA

To carry out her responsibilities as described on the revised job description, the Ombudsperson, with the approval of the Asian-Pacific Advisory Board, have selected Hennepin, Ramsey, and Dakota Counties (where there is a significant Asian-Pacific population), as the three main sites to identify those families and children who had active social services files for the year 2000; and, whether they were child protection cases, out-of-home placements, termination of parental rights, and permanency placements. Please see table 3-table 5 below.

Table 1

	*Ramsey County	Hennepin County	Dakota County
Date of initial contact to inquire for information	August 30, 2000	August 30, 2000	August 30, 2000
Date of response to the information	September 26, 2000	September 22, 2000	September 13, 2000
Q: What is the total number of cases of Asian-Pacific children currently receiving child protection services from your agency?	A: * <u>43 cases</u> open in four central locations	A: <u>41 cases</u> currently open to the child protection field.	A: Currently <u>24 number of children</u> open in the system.

Note: Dakota County provided information on the total number of children receiving services, not the total number of cases.

* Ramsey County Community Human Services has four central locations servicing the Asian-Pacific families and their children: Midway Central Unit, North Suburban, Midway-Frog town, and Eastside Office.

Table 2

Date of contacts	<u>Midway Central Unit</u>	<u>North Suburban</u>	<u>Midway-Frog town</u>	<u>Eastside Office</u>	TOTAL
	10/20/00; 10/31/00; & 12/20/00	October 20, 2000	October 20, 2000	October 20, 2000	
Total number of cases open for year 2000	33 cases	4 cases	One case	5 cases	43 cases

Note: These case numbers are not representative of geographic distributions.

A). Ramsey County: Forty-three cases of Asian-Pacific children open for year 2000.
 (As of November 1, 2000 for Eastside Office; November 3, 2000 for North Suburban;
 October 25, 2000 for Midway-Frog town; and December 20, 2000 for Midway Central
 Unit)

Table 3

	Midway Central Unit	North Suburban	Midway- Frog town	Eastside Office *	Number of cases: TOTAL
Race Subgroup					
Hmong	26	4	1	5	
Cambodian	5				
Vietnamese	2				
(Subtotal)	33	4	1	5	43 cases
Nature of Maltreatment					
Neglect	1	2		1	
Parent-child conflict	0				
Mental Illness	3				
Sexual Abuse	4				
Physical abuse/threatened physical abuse	5	1	1	1	
Run Away/Truancy	3				
Threatened to harm self and child	4				
Chemical Dependency	0				
Domestic Abuse	2			1	
Delinquency	2			0	
Unavailable through SSI	0				
Unspecified	6				
Interstate Compact	1				
Medical Neglect	0	1		1	
(Subtotal)	33	4	1	5	43 cases
Placement					
Foster Home	3				
Shelter	0				
Other Placement	1				
Unavailable through SSIS	28				
No Placement	0				
	0	4	1	5	
Relative Placement	1				
(Subtotal)	33	4	1	5	43 cases

Note: These case numbers are not representative of geographic distributions.

Sources: Ramsey County Community Human Services

*Note: For Eastside Office, there are five (5) cases with one (1) physical abuse, one (1) domestic abuse, one (1) chemical dependency, one (1) medical neglect, and one (1) neglect.

B). Hennepin County: Forty-one cases of Asian-Pacific children open in child protection for year 2000. (As of September 22, 2000)

Table 4

Race Subgroup	Number of Cases
Hmong	12
Vietnamese	9
Chinese	4
Laotian	4
Cambodian	4
Korean	3
Japanese	1
Pakistani	1
Taiwanese/Hmong	1
Other Southeast Asian	1
Filipino	1
Total	41
Nature of Maltreatment	
A) Simple physical abuse	3
B) Aggravated physical abuse	1
C) Confinement by tying or locking in	0
D) Threatened physical abuse	2
E) Other physical abuse	0
F) Sexual abuse or incest	1
G) Sexual exploitation or prostitution	0
H) Threatened sexual abuse	0
I) Other Sexual abuse	0
J) Inadequate supervision	0
K) Disregard for safety	1
I) Inadequate provision for medical needs	0

M) Inadequate care for emotional needs	0
N) Inadequate attention to educational needs	0
O) Abandonment	3
P) Other neglect	4
Q) No substantiated maltreatment	6
R) Parental drug use	0
S) Inadequate supervision	1
T) Inadequate provision for physical needs	0
U) Child's behavior problems—mental health	3
All of A), H), M), N), and K)	1
All of A), and P)	3
All of A), B), F), and K)	1
All of J), K), P), and F)	1
All of A), F), K), and P)	1
All of K), T), and P)	1
All of K) and B)	1
All of A) and K)	1
All of A), C), and D)	1
All of F), H), and K)	1
All of P), A), R), O), and K)	1
All of F) and P)	1
All of H), K), and F)	1
Unavailable/unidentified	1
Total	41
Placement	Number of Cases
Pre-adoptive home-relative	0
Pre-adoptive home-none-relative	0
Foster family home-non-relative	10
Foster family home-relative	1
Group home	1
Residential treatment/institution	4
Supervised independent living	0
Runaway (from placement)	0
No placement	24

Shelter	1
Total	41

Sources: Hennepin County Children & Family Services

C). Dakota County: Twenty-four number of Asian-Pacific Children open for year 2000. (As of September 13, 2000.)

(Note: Twenty-four children, not twenty-four cases.)

Table 5

Race Subgroup	Number of Children
Cambodian	11
Korean	4
Vietnamese	4
Thai	2
Laotian	2
Asian Indian	1
Subtotal	24
Nature of Maltreatment	
Mental Health	(1)*
Parent-Child Conflict	3
Neglect	17
Unavailable through SSIS	4
Subtotal	24
Placement	1

(Sources: Dakota County Children and Family Social Services)

* Note: This one child is not in the tallies provided.

10. TRENDS IN CHILD PROTECTION CASES FOR ASIAN-PACIFIC AND CHILDREN

A). From Table 3, the highest number of cases of Asian-Pacific children open in Ramsey County is Hmong, with 36 cases out of 43, followed by Cambodian with five (5) cases, and Vietnamese with two (2) cases. For the maltreatment type, *physical abuse/threatened physical abuse* is the highest with eight (8) cases, followed by *threatened to harm self and child* and *sexual abuse*, each with four (4) cases. For placement, although 28 cases were not available through SSIS at the time, 10 cases have no out-of-home placements.

Ramsey County

(From Table 3 of page 12)

Race Subgroup	Number of Cases/Total	Maltreatment Type	Number of cases/Total
Hmong	36/43	Physical abuse/threatened physical abuse	8/43
Cambodian	5/43	Threatened to harm self and child	4/43
Vietnamese	2/43	Sexual abuse	4/43

B). From Table 4, the highest number of cases of Asian-Pacific children open in Hennepin County is Hmong, with 12 cases out of 41, followed by Vietnamese with nine (9) cases, Laotian, Cambodian, and Chinese, each with four (4) cases. For the maltreatment type, *no substantiated maltreatment* is the highest with six (6) cases. Further analysis to understand the underlying issues is desirable. *Neglect* is the second highest with four (4) cases followed by, *simple physical abuse*, *abandonment*, and *child's behavior problems*, each with three (3) cases. For placement, the highest number with 10 cases is the foster family home--non-relative, followed by residential treatment/institution with four (4) cases compared to the 24 cases with no out-of-home placements.

Hennepin County

(From Table 4 of page 13)

Race Subgroup	Number of Cases/Total	Maltreatment Type	Number of Cases/Total	Placement Type	Number of Cases/Total
Hmong	12/41	No Substantiated Maltreatment	6/41	Foster family home-non-relative	10/41
Vietnamese	9/41	Neglect	4/41	Residential Treatment/Institution	4/41

Laotian	4/41	Simple Physical Abuse	3/41		
Cambodian	4/41	Abandonment	3/41		
Chinese	4/41	Child 's behavior Problems	3/41		

C). From Table 3 and Table 4, **the highest number of cases of Asian-Pacific children open in Hennepin County and Ramsey County is Hmong** with 48 cases out of 84, followed by Vietnamese with 11 cases, Cambodian with nine (9) cases, Laotian and Chinese, each with four (4) cases. Please note that one case with the ethnicity of Taiwanese/Hmong is not included in this tally. **For maltreatment type, the highest number of cases is *physical abuse/threatened physical abuse/aggravated physical abuse*** with 14 out of 84, followed by neglect with eight, sexual abuse with five, and *threatened to harm self and child* with four. **For placement type, the highest number of cases with 13 out of 84 is the foster family home—non-relative.**

Hennepin and Ramsey Counties

(From Tables 3 &4)

Race Subgroup	Number	Maltreatment Type	Number of Cases/Total	Placement Type	Number of Cases/Total
Hmong	48/84	Physical abuse/threatened physical abuse/aggravated physical abuse	14/84	Foster family home--non-relative	13/84
Vietnamese	11/84	Neglect	8/84	Residential treatment/institution	4/84
Cambodian	9/84	Sexual abuse	5/84	Foster family home-relative	2/84
Laotian	4/84	Threatened to harm self and child	4/84		
Chinese	4/84				

Note: Table 5 on **Dakota County** information is not included in this study due to the fact that the number of Asian-Pacific children open in child protection was provided, not the number of cases. **The highest number of children is Cambodian and the highest number of the nature of maltreatment is neglect.**

11. SUMMARY OF OMBUDSPERSON'S ACTIVITIES YEAR 2000-2001

The following table highlights some of the Ombudsperson's involvement and participation with community based organizations and state government agencies in a variety of ways (e.g. meeting/networking, task force, advisory committee), as needed, in regard to the child welfare issues impacting the Asian-Pacific and Islander children and their families.

Observations in Courts	Task Force/Advisory Committees	Community Meeting/Networking	Training/Conferences
2/29/00 Hennepin County Juvenile Court	4/11/00 Juvenile Justice Services Task Force-- Juvenile Focus Group	4/13/00 "Health Resource Fair" by Head Start at Arlington High School, St. Paul	4/7, 4/8, and 4/9/2000 Hmong Circles of Peace in St. Paul, Minnesota
7/6/00 Scott County Court House	12/18/00 <u>Statewide Assessment Consultation Team-- DHS</u>	01/22/00, 2/12, 3/15, 4/12, 5/13, and 4/19/00; <u>Hmong Community Initiate</u> at Lao Family Community, Inc.	4/14/00 Pre-Conference Broadcast -- How diverse community can have access to State resources or networking, DHS
7/13/00 Ramsey County Juvenile Court	12/27/00 Statewide Assessment Consultation Team-- DHS	4/19/00 Hmong Circles of Peace	01/31/01, 02/13/01, and 03/09/01 Budget Hearing at the State Capitol and Senate House
7/20/00 Scott County Court House	01/8/01 Statewide Assessment Consultation Team-- DHS	5/13/00 Hmong Initiate at Lao Family Community, Inc.	02/07/01 Leadership Training at Hamline University
8/17/00 Ramsey County Juvenile Court	01/22/01 Statewide Assessment Consultation Team-- DHS	7/18/00 Hmong Circles of Peace	03/16/01 Mental Health on Southeast Asian community
10/26/00 Jackson County Courthouse	05/01/01 Statewide Assessment Consultation Team-- Orientation at Aeronautics Bldg	01/11/01 Council on Asian-Pacific Minnesotans with the Executive Director	06/15/01 Special Training Opportunity for Safety Committees
05/31/01 Ramsey County Juvenile Court	05/14/01-05/18/01 Federal review of Children and Family Services in Minnesota--reviewed child protection cases in Hennepin County	01/11/01, 09/06/01, and 12/27/01 Minnesota <u>Ombudsman Roundtable</u>	06/07/00-06/09/00 Ombudsman <u>Leadership Forum Conference in San Francisco, CA</u>
08/16/01 Ramsey County Juvenile Court	06/08/01 Statewide Assessment Consultation Team-- DHS	01/16/01 Presentation of the Ombudsperson's activities to the Board Members of the Council on Asian-Pacific Minnesotans	11/01/01 Hmong Circles of Peace

12/14/00 Attending policy guidance of the office for Civil Rights (OCR) regarding the challenges of extending services to individuals with limited English proficiency (LEP) at the International Institute of Minnesota	06/15/01, 07/20, 9/14, 11/05, and 12/21/01 Hmong Resource Fair Planning Committee	12/19/01 Hmong Circles of Peace--domestic assault case
11/29/01 Ramsey County Juvenile Court	09/11/01 Council on Asian-Pacific Minnesotans	

Ombudsman Leadership Forum Conference in San Francisco, CA: On June 7th, 8th, and 9th, 2000, the Ombudsperson attended the Second Ombudsman Leadership Forum Conference on "Our Common Work: Trends and Tools for the Millennium" in San Francisco, CA, to further enhance her investigative skills, and to develop her writing skills for effective reports, as well as to increase her networking with other ombudsman across the country. OLF is an informal group of six associations representing ombudsman in higher education, government, long-term care facilities and the corporate sector.

Hmong Community Initiate: The Hmong Community Initiate was formed in January 2000 by members of community organizations in response to Hmong issues (e.g. Asian gang shootings, two teenage rapes in 1999 in the Twin Cities, a tragic loss involving a couple who left eight children behind). It followed the Hmong Town Hall Meeting, organized by the members of the Board Presidents and Executive Directors of Hmong community organizations, who came together and took action. (Hmong Community Initiate Report dated 2/12/2000 and Meeting Announcement).

Hmong Circles of Peace: the Minnesota Department of Corrections, the Office of Community Oriented Policing Services, and the U.S. Department of Justice, to address the increase of crimes and violence within the Hmong community in Minnesota, fund this program. The Honorable Lawrence D. Cohen, (Former) Chief Judge of Ramsey County District Court, the Ramsey County Attorney's Office, the Saint Paul City Attorney's Office, the Upper Midwest Community Policing Institute, and members and leaders of the Hmong community created the Hmong Circles of Peace in October of 1999. (Upper Midwest Community Policing Institute 3/8/00)

On April 7th, 8th, and 9th of 2000, the Ombudsperson completed a training session to have a good understanding of the restorative justice program, and to become an effective decision maker in the Circle process. She continued to participate in the Hmong Circles of Peace meetings on 4/19/00, 7/18/00, and 11/01/01; and, on 12/19/01 she had the opportunity to hear the first case. This domestic assault case was assigned by Ramsey County District Court to Hmong Circles of Peace for resolution through the Circle process.

Statewide Assessment Consultation Team: Participated in the development of the statewide assessment of Minnesota child and family service system to examine the state's compliance with federal requirements, and its success in achieving positive outcomes for children and families in the areas of safety, permanency, and child well being.

Minnesota Ombudsman Roundtable: Created in 1994, the Minnesota Ombudsman Roundtable consists of Minnesota's eleven state ombudsman offices. The Ombudsman Roundtable meets on a monthly basis to share resources/information and to provide support for each other's work.

Office Coordinator: Lack of funding in the current budget impedes the hiring of an office assistant to provide efficient and timely support and administer the necessary and routine paperwork. All four Ombudspersons representing the four communities have agreed to take turns being the office coordinator. And since July 1st, 2001 to the present, the Ombudsperson for Asian-Pacific Families has volunteered to be the office coordinator for at least two years.

12). CASES/REFERRALS

From January 2000 to December 2001, the Ombudsperson for Asian-Pacific Families received a total of seven (7) complaints, two (2) referrals for consultation, and close to one hundred fifty calls for information. There are four (4) Hmong cases, two (2) Laotian, one Vietnamese, one Filipino, and one Cambodian. The following highlights samples of one case and two referrals for consultation. For the case, it describes the types of issues/complaint received, findings and recommendations made by the Ombudsperson to the child protection agency to remedy the complaint, and last but not least, the outcome.

Case: Issues/Complaint: A distraught mother with limited English proficiency called the Ombudsperson for help concerning her son's whereabouts. According to her, her son who is five year-old went to school on a Friday afternoon and did not come home. She went looking for him at school but was unable to obtain accurate information about her son's whereabouts. She said she cried all Friday afternoon, Saturday, and Sunday. She thought someone might have kidnapped him or hurt him.

Findings: A five year-old boy was placed under 72-hours protective hold on Friday. An untrained interpreter was used during the assessment process, based on the audiotape that contains the translation between the child protection worker and the mother. The police officer that removed the child contacted the family and explained it through a 13 year-old daughter that the child had been placed. The 13 year-old failed to inform her mother in a timely manner.

Recommendations/outcomes: It was agreed that the agency will continue to strive to provide appropriate training for the current staff regarding issues specific to the Southeast Asian community; that the agency is committed to hiring culturally competent staff to better serve the Southeast Asian families; and, that the agency has much work to do in order to better address specific language and cultural issues with its growing diverse population. The child was later reunited with his family. The case was referred to alternative response.

Referral # 1: Issues: A child protection social worker referred a case of a 16 year-old (male) truant. There were concerns about the parents' ability to understand the laws in this country and about their abilities to set boundaries for him.

Recommendations to Child Protection Social Worker: Following a phone conversation with the parents and the teenager, the Ombudsperson made recommendations to: (1) provide a qualified interpreter to communicate effectively with the parents; (2) find out and acknowledge the difficulties that the parents may have in dealing with their son's truancy; (3) empower them by educating them about the laws and the parents' responsibilities in this country; and, (4) contact the specific-community based organization that can provide services to meet the needs of the family. The

Ombudsperson provided the name and phone number of the non-profit organization to the worker.

Referral # 2: Issues: A child protection social worker contacted the Ombudsperson for advice on marriage customs and for recommendations on a case. A pregnant teenage girl was placed in an out-of-home placement due to a domestic assault incident between her and her boyfriend. Meanwhile, the parent also contacted the Ombudsperson and reported that her daughter was married to her boyfriend, according to the Asian marriage customs. She wanted child protection to return her daughter to the family.

Action taken: Following phone contacts with the family, the Ombudsperson recommended to the child protection social worker to initiate a meeting with the parent (mother) and to provide a qualified female interpreter to bridge the language barriers. Information on marriage customs was also provided to the worker.

Remarks:

According to the Office for Civil Rights (OCR), recipients of Federal financial assistance from the U.S. Department of Health and Human Services must take reasonable steps to ensure that limited English proficient (LEP) persons have meaningful access to the programs, services, and information those recipients provide, free of charge, to avoid discrimination against LEP persons on the ground of national origin. Thus, by April of 2001, all Minnesota county human services department were directed to submit a Limited English Proficiency plan. In May and June of 2001, the Ombudsperson requested and received copies of the Limited English Proficiency plan from two counties: Ramsey County and Scott County.

13. CHALLENGES FOR SOCIAL SERVICE AGENCIES IN SERVING ASIAN-PACIFIC FAMILIES

In order to identify the challenges that Asian-Pacific children and their families are facing in child protection and social services, five random cases were selected by the beginning of year 2001 from the three sites: Ramsey, Hennepin, and Dakota counties. The following is the report of the Ombudsperson's findings based on the review of nine files out of fifteen, three from each county:

- Short fall of effective, culturally sensitive, and gender-specific services for young sexually abused female victims;
- Existing language barriers for parent(s) to communicate effectively with law enforcement, child protection agency staff, and court officials;
- Short fall of culturally sensitive resources and effective programs to serve Asian-Pacific families to correct the problems that led to the out-of-home placements;
- Short fall of culturally sensitive resources, gender-specific services, and effective programs for Asian-Pacific habitual truants, who also are individualized education program (IEP) students with limited English Skills;
- Cultural and language barriers can limit parents' ability to adapt to Western parenting styles;
- Discrepancies of services that were to be provided according to the service plan, and the actual services being provided;
- Language barriers and insurance problems hindered family's ability to obtain therapy in a timely manner;
- Financial difficulties due to spouse's absence compelled the parent to prematurely seek reunification with the spouse;
- Parents should be included in the decision making process regarding a need for their child to either attend a treatment program or to abstain from all use of mood altering substances;
- Interpretive services must be taken into consideration when doing the psychological evaluation for people with limited English skills;
- A toddler can be very traumatized by being placed with people who are not from the same ethnic background and who don't speak his/her native language.

14. RECOMMENDATIONS

The following are the recommendations of the Ombudsperson based on her observations in counties juvenile courtrooms (Scott County, Ramsey County, Hennepin County, and Jackson County) and of her meetings with court officials in Hennepin and Ramsey Counties Juvenile Courts:

- To create and compile a list of culturally competent resources/services that court officials and child protection agencies could use to meet the needs of the Asian-Pacific families and their children. This list should be updated periodically.
- To recruit more guardians ad litem from the Asian-Pacific community. Presently, there are not enough guardians ad litem who are Asian-Pacific.
- A need for a Community Juvenile Court Liaison in Ramsey County, preferably a bi-lingual position, to educate Asian-Pacific families who are involved in the court system. This Liaison would help them learn about the court process, their rights, how to access interpretive services when needed, to understand court documents and/or to effectively communicate with public defenders, and, to provide any other assistance to the Asian-Pacific community related to the court system.
- To develop and implement uniform guidelines for juvenile courts on how to use interpreters effectively at the beginning of the courtroom session. An example would be asking or reminding everyone to speak slowly and clearly, to pause, and to wait for the proper translation to be completed; or, to allow enough time for interpreter transactions between clients and courtroom officials.

15. STATUTE

OMBUDSPERSON FOR FAMILIES

257.0755 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATONS; FUNCTION.

Subdivision 1. **Creation.** One ombudsperson shall operate independently from but in collaboration with each of the following groups: the Indian Affairs Council, the Council on Affairs of Chicano/Latino people, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans.

Subd. 2. **Selection; qualifications.** The ombudsperson for each community shall be selected by the applicable community-specific board established in section 257.0768. Each ombudsperson serves in the unclassified service at the pleasure of the community-specific board and may be removed only for just cause. Each ombudsperson must be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy regarding the protection and placement of children from families of color. In addition, the ombudsperson must be experienced in dealing with communities of color and knowledgeable about the needs of those communities. No individual may serve as ombudsperson while holding any other public office.

Subd. 3. **Appropriation.** Money appropriated for each ombudsperson from the general fund or the special fund authorized by section 256.01, subdivision 2, clause (15), is under the control of each ombudsperson for which it is appropriated.

257.076 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 257.0755 to 257.0768, the following terms shall have the meanings given them in this section.

Subd. 2. **Agency.** "Agency" means the divisions, officials, or employees of the state departments of human services and health and local district courts or a designated county social service agency as defined in section 256G.02, subdivision 7, engaged in providing child protection and placement services for children. "Agency" also means any individual, service, or program providing child protection or placement services in coordination with or under contract to any other entity specified in this subdivision.

Subd. 3. **Communities of color.** "Communities of color" means the following: American Indian, Hispanic-Latino, Asian-Pacific, African, and African-American communities.

Subd. 4. **Compadrazgo.** "Compadrazgo" is a kinship institution within the Hispanic-Latino community used as a means of parenting and caring for children from birth to adulthood.

Subd. 5. **Family of color.** "Family of color" means any family with a child under the age of 18 who is identified by one or both parents or another trusted adult to be of American Indian, Hispanic-Latino, Asian-Pacific, African, or African-American descent.

Subd. 6. **Facility.** "Facility" means any entity required to be licensed under chapter 245A.

Subd. 7. **Trusted adult.** "Trusted adult" means an individual recognized by the child's parent or legal guardian, the child's community, or both, as speaking for the child's best interest. The term includes compadrazgo and other individuals with a kinship or community relationship with the child.

257.0761 ORGANIZATION OF OFFICE OF OMBUDSPERSON.

Subdivision 1. **Staff; unclassified status; retirement.** The ombudsperson for each group specified in section 257.0755 may select, appoint, and compensate out of available funds the assistants and employees as deemed necessary to discharge responsibilities. All employees, except the secretarial and clerical staff, shall serve at the pleasure of the ombudsperson in the unclassified service. The ombudsperson and full-time staff shall be members of the Minnesota state retirement association.

Subd. 2. **Delegation to staff.** The ombudsperson may delegate to staff members any of the ombudsperson's authority or duties except the duty of formally making recommendations to an administrative agency or reports to the office of the governor, or to the legislature.

257.0762 DUTIES AND POWERS.

Subdivision 1. **Duties.** (a) Each ombudsperson shall monitor agency compliance with all laws governing child protection and placement, as they impact on children of color. In particular, the ombudsperson shall monitor agency compliance with sections 256F.07, subdivision 3a; 256F.08; 260C.215; 257.075; 260.751 to 260.835; and 260C.193, subdivision 3.

(b) The ombudsperson shall work with local state courts to ensure that:

- (1) court officials, public policymakers, and service providers are trained in cultural diversity. The ombudsperson shall document and monitor court activities in order to heighten awareness of diverse belief systems and family relationships;
- (2) experts from the appropriate community of color including tribal advocates are used as court advocates and are consulted in placement decisions that involve children of color;
- (3) guardians ad litem and other individuals from communities of color are recruited, trained, and used in court proceedings to advocate on behalf of children of color; and
- (4) training programs for bilingual workers are provided.

Subd. 2. **Powers.** Each ombudsperson has the authority to investigate decisions, acts, and other matters of an agency, program, or facility providing protection or placement services to children of color. In carrying out this authority and the duties in subdivision 1, each ombudsperson has the power to:

- (1) prescribe the methods by which complaints are to be made, reviewed, and acted upon;
- (2) determine the scope and manner of investigations to be made;

- (3) investigate, upon a complaint or upon personal initiative, any action of any agency;
- (4) request and be given access to any information in the possession of any agency deemed necessary for the discharge of responsibilities. The ombudsperson is authorized to set reasonable deadlines within which an agency must respond to requests for information. Data obtained from any agency under this clause shall retain the classification which it had under section 13.02 and shall be maintained and disseminated by the ombudsperson according to chapter 13;
- (5) examine the records and documents of an agency;
- (6) enter and inspect, during normal business hours, premises within the control of an agency; and
- (7) subpoena any agency personnel to appear, testify, or produce documentary or other evidence which the ombudsperson deems relevant to a matter under inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the laws of this state. The ombudsperson may compel nonagency individuals to testify or produce evidence according to procedures developed by the advisory board.

257.0763 MATTERS APPROPRIATE FOR REVIEW.

- (a) In selecting matters for review, an ombudsperson should give particular attention to actions of an agency, facility, or program that:
 - (1) may be contrary to law or rule;
 - (2) may be unreasonable, unfair, oppressive, or inconsistent with a policy or order of an agency, facility, or program;
 - (3) may result in abuse or neglect of a child;
 - (4) may disregard the rights of a child or other individual served by an agency or facility; or
 - (5) may be unclear or inadequately explained, when reasons should have been revealed.
- (b) An ombudsperson shall, in selecting matters for review, inform other interested agencies in order to avoid duplicating other investigations or regulatory efforts, including activities undertaken by a tribal organization under the authority of sections 260.751 to 260.835.

257.0764 COMPLAINTS.

An ombudsperson may receive a complaint from any source concerning an action of an agency, facility, or program. After completing a review, the ombudsperson shall inform the complainant, agency, facility, or program. Services to a child shall not be unfavorably altered as a result of an investigation or complaint. An agency, facility, or program shall not retaliate or take adverse action, as defined in section 626.556, subdivision 4a, paragraph (c), against an individual who, in good faith, makes a complaint or assists in an investigation.

257.0765 RECOMMENDATIONS TO AGENCY.

(a) If, after reviewing a complaint or conducting an investigation and considering the response of an agency, facility, or program and any other pertinent material, the ombudsperson determines that the complaint has merit or the investigation reveals a problem, the ombudsperson may recommend that the agency, facility, or program:

- (1) consider the matter further;
- (2) modify or cancel its actions;
- (3) alter a rule, order, or internal policy;
- (4) explain more fully the action in question; or
- (5) take other action as authorized under section 257.0762.

(b) At the ombudsperson's request, the agency, facility, or program shall, within a reasonable time, inform the ombudsperson about the action taken on the recommendation or the reasons for not complying with it.

257.0766 RECOMMENDATIONS AND PUBLIC REPORTS.

Subdivision 1. **Specific reports.** An ombudsperson may send conclusions and suggestions concerning any matter reviewed to the governor and shall provide copies of all reports to the advisory board and to the groups specified in section 257.0768, subdivision 1. Before making public a conclusion or recommendation that expressly or implicitly criticizes an agency, facility, program, or any person, the ombudsperson shall inform the governor and the affected agency, facility, program, or person concerning the conclusion or recommendation. When sending a conclusion or recommendation to the governor that is adverse to an agency, facility, program, or any person, the ombudsperson shall include any statement or reasonable length made by that agency, facility, program, or person in defense or mitigation of the ombudsperson's conclusion or recommendation.

Subd. 2. **General reports.** In addition to whatever conclusions or recommendations the ombudsperson may make to the governor on an ad hoc basis, the ombudsperson shall at the end of each year report to the governor concerning the exercise of the ombudsperson's functions during the preceding year.

257.0767 CIVIL ACTIONS.

The ombudsperson and designees are not civilly liable for any action taken under sections 257.0755 to 257.0768 if the action was taken in good faith, was within the scope of the ombudsperson's authority, and did not constitute willful or reckless misconduct.

257.0768 COMMUNITY-SPECIFIC BOARDS.

Subdivision 1. **Membership.** Four community-specific boards are created. Each board consists of five members. The chair of each of the following groups shall appoint the board for the community represented by the group: the Indian Affairs Council; the Council on Affairs of Chicano/Latino people; the Council on Black Minnesotans; and the Council on Asian-Pacific Minnesotans. In making appointments, the chair must consult with other members of the council.

Subd. 2. **Compensation; chair.** Members do not receive compensation but are entitled to receive reimbursement for reasonable and necessary expenses incurred.

Subd. 3. **Meetings.** Each board shall meet regularly at the request of the appointing chair or the ombudsperson.

Subd. 4. **Duties.** Each board shall appoint the ombudsperson for its community. Each board shall advise and assist the ombudsperson for its community in selecting matters for attention; developing policies, plans, and programs to carry out the ombudsperson's functions and powers; establishing protocols for working with the communities of color; developing procedures for the ombudspersons' use of the subpoena power to compel testimony and evidence from nonagency individuals; and making reports and recommendations for changes designed to improve standards of competence, efficiency, justice, and protection of rights.

Subd. 5. **Terms, compensation, removal, and expiration.** The membership terms, compensation, and removal of members of each board and the filling of membership vacancies are governed by section 15.0575.

Subd. 6. **Joint meetings.** The members of the four community-specific boards shall meet jointly at least four times each year to advise the ombudspersons on overall policies, plans, protocols, and programs for the office.

257.0769 FUNDING FOR THE OMBUSPERSON PROGRAM.

(a) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, clause (15), to the Indian Affairs Council for the purposes of sections 257.0755 to 257.0768.

(b) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, clause (15), to the Council on Affairs of Chicano/Latino people for the purposes of sections 257.0755 to 257.0768.

(c) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, clause (15), to the Council of Black Minnesotans for the purposes of sections 257.0755 to 257.0768.

(d) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, clause (15), to the Council on Asian-Pacific Minnesotans for the purposes of sections 257.0755 to 257.0768.

257.175 DUTIES OF COMMISSIONER OF HUMAN SERVICES.

It shall be the duty of the commissioner of human services to promote the enforcement of all laws for the protection of defective, dependent, neglected, and delinquent children, to cooperate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate executive officer and such assistants as shall be necessary to carry out the purposes of this section and section 257.33.

16. APPENDIX



Minnesota Department of **Human Services**

March 9, 2000

Bauz L. Nengchu
Ombudsperson for Asian Pacific Families
1450 Energy Park Drive, Suite 160
St. Paul, MN 55108

Dear Bauz:

Thank you for participating in the development of guidelines for Alternative Response. The broad representation on the Advisory Committee, including the knowledge and experience you brought to the process, resulted in program guidelines that will best serve at-risk children and families.

The Alternative Response guidelines will be distributed to local welfare agencies, and be available to other interested parties, in a Department of Human Services Bulletin in the near future. You will receive a copy of the Bulletin.

We will provide technical assistance, training, and guidance to local welfare agencies interested in implementing an Alternative Response program. We will issue a Request for Proposals in mid-April to assist the funding of Alternative Response programs in local welfare agencies. We will contract for an independent evaluator to complete program research and will provide evaluation results to county agency and community representatives.

Once again, thank you for making yourself available for this important initiative.

Sincerely,

A handwritten signature in cursive script that reads "Erin Sullivan Sutton".

Erin Sullivan Sutton
Acting Assistant Commissioner
Children's Services



June 5, 2001

Bauz Nengchu
Ombudspersons for Families
1450 Energy Park Dr
Suite 106
St. Paul, MN 55108

Dear Ms. Nengchu:

The onsite portion of the Federal review of Children and Family Services in Minnesota has been completed thanks in part to your efforts. It was a week of long hours and intense work. I am grateful for your involvement in this project. Your dedication and commitment to the children and families we serve is readily apparent in activities like this. We plan to continue to call upon you as we develop and implement a Program Improvement Plan.

Again, thank you very much.

Sincerely,

Erin Sullivan Sutton
Assistant Commissioner

444 Lafayette Road North • Saint Paul, Minnesota • 55155 • An Equal Opportunity Employer



March 5, 2001

Bauz L. Nengchu
Ombudsperson for Asian-Pacific Families
1450 Energy Park Drive
Suite 106
St. Paul, MN 55108

Dear Mr. Nengchu:

Thank you for participating in the Statewide Assessment Consultation Team during the last several months. As you are aware, the federal review is an important and comprehensive examination of services to children and families in Minnesota. We deeply appreciate your role in this review. We have received positive comments from the Regional Office in Chicago about both the breadth of the team and the quality of the discussions. Children's Services needs close collaboration with community partners and stakeholders in order to fulfill its mission and improve services to children and families in the state. Your participation in the Statewide Assessment Consultation Team has helped foster this collaboration.

Again, we are grateful for your commitment to and participation in this process.

Sincerely,

Erin Sullivan Sutton
Assistant Commissioner

17. ACKNOWLEDGMENTS

The Ombudsperson for Asian-Pacific Families wishes to thank the following individuals and social service agencies for making this biennial report possible: Nkauj'lis Lyfoung, Pafoua Xiong, Children's Law Center of Minnesota, Hennepin County Children & Family Services, Ramsey County Community Human Services, Dakota County Children and Family Social Services, and the Minnesota Department of Human Services.

A special thanks to Linda Davis, Daniel Lew, Gail Chang Bohr, and Pakou Ly.