



Positive Action on Behalf of Children and Families



State of Minnesota Office of Ombudsperson for Families

2008 - 2009 Report



A special thank you to Ashley Reisenauer for developing the Office of Ombudsperson for Families 2008 - 2009 Report. Ms. Reisenauer was a volunteer intern with our agency from December 2010 through March 2011. She is currently a full-time Master Degree candidate at the University of Minnesota, Institute of Public Affairs. Her concentration is public and nonprofit leadership.

We would also like to thank Luke Lyfoung for arranging the photos in the annual report.

Independent Support for Child Welfare in Minnesota

The office of Ombudsperson for Families was created in 1991 by the state legislature to provide a fair, neutral and transparent environment between state and county agencies and families of color in Minnesota. We strengthen family connections through child welfare redesign that creates racial equity in services, and improves outcomes for children of color.

We work with state and local courts, policy makers, and service providers to promote integrated systems to ensure family reunification, stability, security, and permanency. We also develop policy to support and create culturally competent and bilingual social workers and Guardians ad litem (court-appointed guardians) in communities of color throughout Minnesota



*Our mission is to ensure
that children and families
are protected by law in all
child placement proceedings
conducted by public and private
agencies and organizations.*

Our office performs an unusual role in government. While we receive complaints from the public, who often feel they aren't being heard, our job is to remain a neutral investigator of facts. Our role is to make recommendations to correct wrongs done to individuals to improve the administration of government. Data received is maintained according to the Data Privacy Act.

Four full time Ombudspersons operate independently but in collaboration with the Indian Affairs Council, the Chicano Latino Affairs Council, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans. There are four community-specific boards that comprise the full board that advises the Office.

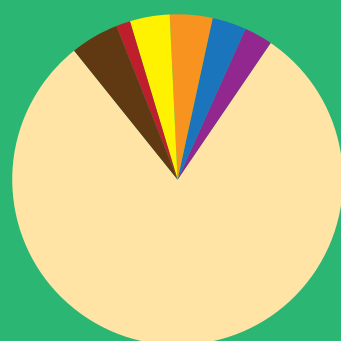
Strategies for the Best Interests of Children and Families



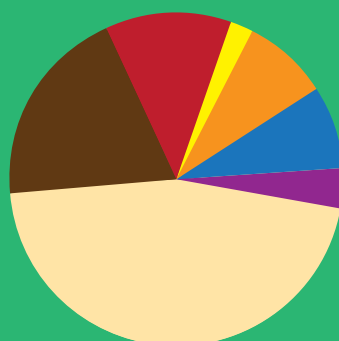
As our purpose is to ensure better outcomes for American Indian, African American, Latino, Asian and Pacific Islander children in the child protection system, we've developed strategies and procedures to:

- Assist in the development of policies and practices that help eliminate racial disparities from intake to permanency
- Develop policy to support and create culturally competent and bilingual social workers and Guardians ad litem in communities of color
- Monitor and review court proceedings to ensure that bilingual and bicultural professionals are used in the process
- Ensure that court officials and service providers are trained in cultural diversity
- Ensure that Guardians ad litem from communities of color are recruited, trained, and used in court proceedings
- Conduct ongoing community outreach meetings to educate communities of color on changes and updates in child welfare laws and policies.

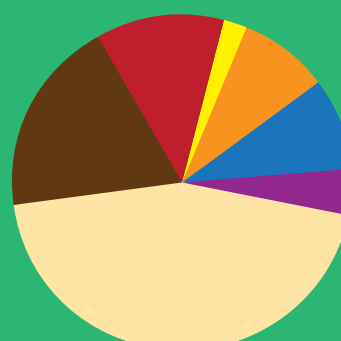
The chart below shows the increase in disparity of children of color in Minnesota's out of home placements compared to white children.



**2000 Census
Percentage of
Minnesota Children**



**2008
Percentage of MN Children
in out of home placement**



**2009
Percentage of MN Children
in out of home placement**

Source: Minnesota Department of Human Services, *Race/Ethnicity of Children in out of home care in Minnesota (2009)*. Numbers are based on 2000 census data.

Race/Ethnicity	% of MN Children	% in Out of Home Placement	
	2000	2008	2009
Black/African American	5.0	21.4	20.8
American Indian/Alaska Native	1.6	13.1	13.4
Asian/Pacific Islander	4.2	2.4	2.2
Hispanic*	4.3	9.1	9.5
Two or More Races	3.4	8.9	9.8
Race Unknown/missing data	3.1	4.2	4.7
White	83.9	49.7	48.8

*Hispanic ethnicity may be of any race.

The full report, entitled "Minnesota's Child Welfare Report, 2009" can be found at <http://edocs.dhs.state.mn.us/lfserver/Public/DHS-5408B-ENG>

Investigating Disparities in Out of Home Placement

Families who contact the Ombudsperson's Office with an inquiry or complaint often feel their concerns have not been adequately addressed by the county social services department.

We concentrate especially on racial disparity in out of home placement. Minnesota fares poorly in comparison to other states. According to the 2004 profile, "The Race and Child Welfare Project" by the Center of Study for Social Policy, Minnesota is classified as one of the worst offenders among 16 states that have "extreme disproportion" in their child welfare systems.¹

Further, according to the Minnesota Child Welfare Disparities Report, February 2010, American Indian children in Minnesota were twelve times more likely to spend time in an out of home placement than White children. African American children were 5.3 times more likely to spend time in placement.²

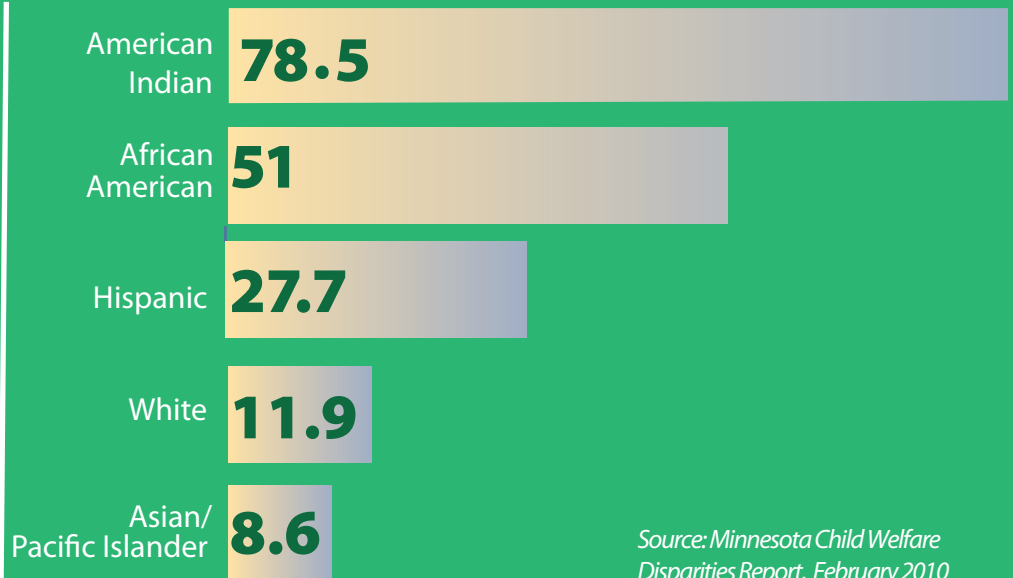
1. Frances Buckley, "Racial Disparities in Minnesota", citing, Center for the Study of Social Policy, The Race and Child Welfare Project, Fact Sheet 2, State by State Statistical Profile of Racial Overrepresentation in Foster Care; and further citing: United States Government Accountability Office, Report to the Chairman, Committee on Ways, Means, House of Representatives, African American Children in Foster Care, available at <http://www.gao.gov/docsearch/abstract.php?rptno=GAP-07-816>

2. The full report entitled "Minnesota Child Welfare Disparities Report, February 2010" can be found online at <http://edocs.dhs.state.mn.us/lfserver/Public/DHS-6056-ENG>

Maltreatment Report Rates per Thousand Children in 2008

With the exception of Asian/Pacific Islanders, children of color were reported to child protection at strikingly higher rates than White children.

American Indian and African American children in Minnesota were six and four times more likely to be the subject of maltreatment reports than White children.



Source: Minnesota Child Welfare Disparities Report, February 2010

A Profile in Placement

In 2009, nearly 11,700 Minnesota children spent some time in out of home care; slightly more boys than girls. Though the majority were white adolescents, the African American and American Indian children represented a disproportionate amount when compared to their total racial population in the state.

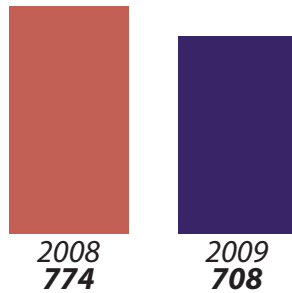
Such racial disparity also carries over into many areas of society and culture, and may even determine which children are placed out of the home, the accessibility and quality of services they receive, the urgency of delivery, and the evaluation of family case outcomes.

Over half the Minnesota children are brought to the attention of social services because of their parents' behavior; 25% for the child's behavior or substance abuse. In 2009, 22% of them stayed in out of home care one week or less, another 27% stayed more than one year. About 24% of children who entered care in 2009 had also been there within the previous year. In 2009, nearly 72% of children were returned to their parents or relatives; another 9.9% were adopted.²

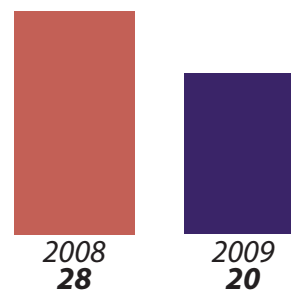
A lack of culturally educated child welfare workers adds to cultural and linguistic challenges and consideration for their permanency, particularly for families and children of immigrants and refugees.

2. Minnesota Child Welfare Report, 2009

Number of Contacts, Inquiries, and Complaints Received by the Office of Ombudsperson for Families (2008-2009)*



Number of Investigations by the Office of Ombudsperson for Families (2008-2009)*



* Complaints include a person making a specific claim against a county child welfare agency, or its agent, a public or private child placing agency, (or its agent), the courts, the GAL Program, and others. A person may call to complain about current laws, policies, and practices.

Impact on Families and Children of Color

Through our actions, recommendations, and work with the state and counties, courts, elected officials, other key stakeholders, and communities, Minnesota has experienced an improved rate of children who are reunified with their families, as well as an increased number of children placed with family members in pre-adoptive and adoptive homes.

The most current research supports the need for adoptive placements with relatives or families that can best address the individual and cultural issues of foster children, thereby maximizing the best opportunity for children to develop their fullest potential.

Types of complaints received and resolved

The Office of Ombudsperson for Families receives a wide range of calls each year that include the following types of complaints:

- Unjust cause for child's removal
- Relatives or families are not being considered for temporary or permanent placement
- The social worker, service providers, court staff, and Guardian ad litem do not speak the clients' language, nor are interpreter services being provided.
- Transportation is a barrier to visitation
- The case plan is completed but the social service agency will not return the children
- Unable to get into necessary health or chemical dependency treatment in a timely manner
- Inadequate housing
- Ineffective counsel, no attorney provided
- Social worker/supervisor will not return calls
- Mistreatment of child in foster home
- Unable to obtain foster care licensing or employment because of past child protection involvement, criminal record or maltreatment finding.
- Failure to provide linguistically and culturally appropriate mental health services.
- Placement is not in the best interest of the child
- Court officials lack cultural sensitivity and are disrespectful

A Sample Case Study



Mary, a single mother of two, Josh, age 17 and his sister, Marissa, age 6 find themselves in the child protection system for appropriate reasons after a drug bust at Mary's boyfriend's house, where everyone had been living. Josh has very high needs as he is developmentally delayed and functions at a 4th grade level in school. Marissa has been doing well in school and has no other concerns.

Although Mary has family members in the area willing to help her with placement of the children, the county does not place the children with their relatives and instead places the children in a county foster home.

As timelines approach, the county moves for a transfer of legal custody (TLC) of the children to the foster family. Mary objects to the TLC and requests for the children to be placed with her family. Mary calls the Ombudsperson.

In the Ombudsperson's review of the case, she finds that Josh, being ready to age out of the system in 2 months, does not yet have an Independent Living Plan nor does he have skills to be living on his own and does not have an updated Individualized Education Plan (IEP). It is also discovered in case notes that Marissa has been baptized while in foster care without notification to Mary. Worse, the foster home and Mary do not share the same belief systems when it comes to religion and spirituality.

Upon further review, it is discovered that the foster home had lost its foster care license shortly after the children were placed there in full understanding of the county. The charges alleging welfare fraud by the foster family are substantiated after appeals of the case were concluded. Regardless, the county stands by the foster family for placement.

The Ombudsperson recommends to the county to rectify these issues and to move the children to a relative placement and work with those relatives to become licensed. The county ultimately does not choose to move the children but develops Josh's independent living plan and updates his educational assessment and IEP and they let Josh know that he can receive services until he reaches age 21.

A culturally appropriate spiritual person, known to Mary, is contacted for Marissa. The spiritual person, Mary and Mary's family are working through this issue with Marissa and the foster family.

The children continue to live with the foster family as the county refused to move the children to a relative placement. The county is still pursuing a transfer of legal custody to the foster family.

From 2007-2009 the Office of Ombudsperson for Families has collaborated on many initiatives and task forces that have had an ongoing and positive impact on eliminating racial disparities in child welfare, and improving outcomes for children and their families involved in child protection cases.

The following initiatives reflect how we utilize the strategies in our work:

■ ***Department of Human Services (DHS) African American Disparities Committee***

This committee was created at the request of community members and the Minnesota Legislature in 2001. In addition to making recommendations for improving practice and policies in child welfare, the committee has been evaluating the progress DHS has made in reducing disparities statewide.

■ ***Department of Human Services (DHS) Reduce Disparities Priority***

This committee assists DHS in identifying disparities in services and outcomes across the agency. It also sets goals and implements targeted and coordinated strategies toward reducing racial and ethnic disparities in Minnesota.

■ ***Ramsey County Ending Racial Disparity Task Force***

The Ramsey County Child Safety Advisory Team (CSAT), with the sponsorship of the Ramsey County Ending Racial Disparities Project, has developed a 4-part series focusing on the effects of historical and individual trauma on cultural communities and individuals.

■ ***The Minnesota Child Welfare Immigration Workgroup***

This workgroup developed a Minnesota Child Welfare Immigration facts document that covers key child welfare and CHIPS case proceedings, protocols and resources.

■ ***DHS Children's Justice Act (CJA) Task Force***

The task force promotes and supports the development of multidisciplinary child protection teams as mandated by state statute.

■ ***Overcoming Racism/Facilitating Racial Equity Collaborative***

This collaborative organizes workshops focusing on overcoming racism in three domains: individual; institutions; and community. Minnesota Department of Human Services is a co-sponsor.

■ ***Resources for Child Care Board***

The mission of the Resources for Child Care Board is, "To advance quality care and education of children in their crucial early years." The board is responsible for assisting in the planning of the organization's strategic direction, and evaluating its progress in achieving the mission. As a member of the board, the Ombudsperson for Families believes the agency's mission is a step toward improving outcomes for Minnesota's most vulnerable children.

■ ***Race to the Top Community Advisory Committee***

This committee was convened by Minnesota Senator Patricia Torres Ray. This committee worked collectively to provide recommendations to the Commissioner of Education on the six priorities identified on the Race to the Top Program application.

■ **Minnesota Supreme Court Children's Justice Initiative (CJI)**

Our office makes recommendations to the CJI Advisor Committee and Department of Human Services regarding what steps can be taken to reduce racial disparities in the out of home placement of children of color; to identify areas in the child protection system that need improvement, and to develop action plans for making reforms in practices and procedures.

These two state entities work closely with the juvenile courts, social services agencies, county attorneys, public defenders, court administrators, Guardians ad litem, and other key stakeholders in each of Minnesota's 87 counties to improve the processing and outcomes of child protection cases.

Through our cross-system collaboration, we identify CJI best practices designed to improve outcomes for children of color and American Indian families. We also work to identify and address barriers to child safety, permanency, and well being at the state and county levels. In addition, we serve as the liaison for our communities' respective stakeholder groups and communicate the CJI goals and values to those stakeholders.

■ **Asian Curriculum Committee**

From October 2008 to October 2009, the office collaborated with Minnesota Department of Human Services Training Unit Child Safety and Permanency to form a committee to develop the Culture and Diversity Asian Curriculum, to teach child welfare social workers about the different Asian populations and how to best create working relationships to understand some of the issues that might come out with family and children.

■ **Challenges for Asian State Court Interpreters**

The office continues to partner with the Minnesota Justice Foundation (MJF) to provide internship opportunities to volunteer law students from the four metro law schools. In 2009, Karl Johnson, volunteer law student, conducted a random telephone survey to interview 52 Asian court interpreters who were listed on the Minnesota statewide court interpreter roster, to get their feedback on the challenges they encountered as court interpreters.

Of the 22 court interpreters interviewed, results showed the majority of them would like more training on the legal system, court procedures, legal terminology, and working with distraught clients. They also believe they could do a better job if the parties provided some background information in advance.

■ **Casey Family Peer Technical Assistance**

The Casey Family Programs created this systems improvement method that leverages the knowledge and experience of a state, county, tribe or organization (aka, "peer consultant") that has developed innovative practices and policies effecting successful system change. This agency was a member of the Minnesota team, and we were paired with peer consultants from Allegheny County, PA and Texas. They helped us with the development and implementation of strategies to address racial disparities and disproportionality in Minnesota's child welfare system. As a result of the technical assistance, we developed an action plan with key next steps, timelines and specific commitments from the partners involved.

■ **Center for Advanced Studies in Child Welfare Advisory Committee (CASCW)**

The Office of Ombudsperson for Families advises CASCW staff and engages in long-term planning for CASCW initiatives, trainings and research. Located in the School of Social Work at the University of Minnesota, CASCW receives Title IV-E funding through the Minnesota Department of Human Services.

■ ***American Indian Curriculum Development***

In 2008 the Department of Human Services was looking toward its Culture and Diversity Subcommittee of the Child Welfare Training System to develop a series of new curricula centered on working with diverse communities to address racial disparities in the child protection system. The Ombudsperson, seeing a need for greater community participation, took the idea back to the tribes and the Indian Affairs Council for their recommendations. As a result, the American Indian community stepped up to lead and support the development of a curriculum that is the first of its kind in the nation from a tribal perspective about what Minnesota tribal communities think is important for non-Indian, county social workers to know in their work with Indian families in the child protection system.

The curriculum is set to pilot in January 2011. Each tribe will present a portion of the training based on what they think is important for non-Indian social workers to know, such as the history of the tribe, tribal community members' experiences in child protection, boarding schools, and/or foster care, current programming the tribe offers to its membership, historical trauma, positive aspects of being tribal members, and strength-based approaches to Indian Child Welfare.

This work included many meetings about curriculum development over two years to complete this training component. There were many hours of negotiating with the department staff to reach consensus on content and sharing of power between the two government entities. In the end, the product will be innovative and a training already in demand by county workers.

■ ***Memoranda of Collaboration***

In 2008, the Ombudsperson collaborated with members of the legislature and the State Councils of Color to develop a memorandum of collaboration to work together on issues of child welfare, the achievement gap and other issues surrounding American Indian children and children of color. As a result, the legislature passed a resolution regarding the memoranda and our willingness to work with others to assist families who need our help.

■ ***Indian Child Welfare Report to the Court***

In 2008 and 2009 the Ombudsperson worked with Department staff to produce an ICWA Report to the Court in SSIS (DHS Social Services Information System) that social workers can use to document state and federal requirements for ICWA cases, such as: Active Efforts to prevent break-up of the Indian family; qualified expert witness(es); tribal representatives; and, relative search/extended family members who are participating in the case.

■ ***American Indian Foster Family Home Study Application***

The Ombudsperson worked with Department staff in 2008 to create a box within the American Indian Foster Family Home Study Application to indicate tribal membership or affiliation for the foster family. This way, the tribe is easily able to distinguish whether a family who identifies as American Indian has tribal ties to a community and whether to look more closely into the family's history, heritage, and involvement in the Indian community as to whether the family is a good fit for the child in question.

■ ***10th Judicial District Equal Justice Committee***

In 2008, the Ombudsperson for American Indian Families was invited to join the 10th Judicial District, Equal Justice Committee. The committee looks at complaints from the public regarding the district, forwards the matters on to appropriate staff to address, works on addressing racial disparities in the judicial system in the 10th District, and makes the judiciary a more culturally competent system.

Collaborative Efforts Define the Future



The Office of Ombudsperson for Families has and will continue to provide exceptional service to families of color in Minnesota who, without our help, would find it extremely difficult to navigate the complexities of Minnesota's social service agencies. We are achieving our goal of ensuring that all laws governing children and their families are implemented in a culturally appropriate manner, and that children are kept safe at home with their families, in loving and caring communities.

We will continue our ongoing work throughout the state by working closely with the Department of Human Services, the Minnesota courts system, and other key stakeholders to develop policies and best practice standards that positively and directly impact communities of color and that improve the lives of all Minnesota families.



Muriel R. Gubasta, J.D.

Ombudsperson for Spanish Speaking Families

651-643-2537

Muriel.Gubasta@state.mn.us

Dawn Blanchard, J.D.

Ombudsperson for American Indian Families

651-643-2523

Dawn.Blanchard@state.mn.us

Bauz Lyfoung Nengchu, MPA

Ombudsperson for Asian-Pacific Families

651-643-2514

Bauz.Nengchu@state.mn.us

Ann Hill

Ombudsperson for African American Families

651-642-0897

Ann.Hill@state.mn.us



State of Minnesota

1450 Energy Park Drive, Suite 106

St. Paul, Minnesota 55108

O) 651-603-0058

F) 651-643-2539

Out of Area: 1-888-234-4939

www.ombudsfamilies.state.mn.us