

## OFFICE OF OMBUDSPERSON FOR FAMILIES

### ANNUAL REPORT TO THE GOVERNOR

1999

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

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#### OMBUDSPERSON'S ADVISORY COMMITTEE

There are four Advisory Board Members to advise and assist in carrying out the Ombudsperson's duties, as mandated in Minnesota Statutes 257.0768. The Ombudsperson wants to acknowledge their high level of commitment, contribution, and dedication in carrying out their role to their best ability and on fulfilling their duties diligently. The Advisory Board Members and the Ombudsperson met four times, on a quarterly basis. Each of them brought with them his/her own unique experience, expertise, and insights to this office. The four Advisory Board Members are:

- (1). Linda Davis, Chairperson  
Special Education  
Teacher, St. Paul
- (2). Gail Chang Bohr, Executive  
Director Children's Law Center of  
Minnesota
- (3). Pakou Ly, Program Manager  
Minnesota Department of Human  
Services

- (4). Daniel Lew  
State of Minnesota  
Public Defender

In December of 1999, Mr. Adeel Z. Lari appointed Mr. Daniel Lew, Assistant Public Defender in Duluth, Minnesota, as Chairperson of Council on Asian-Pacific Minnesotans, to replace Dr. Miriam Lo. The Ombudsperson wants to acknowledge and recognize Dr. Lo's past tremendous involvement and contribution to this office and wishes her the best in her future endeavors.

#### OFFICE FUNCTIONS: Policy Development

The Ombudsperson is pleased to report that this office can and has made a direct impact into the lives of families and children of color in the state of Minnesota, particularly the Southeast Asians. This report will summarize and highlight some of these impacts. But first, the Ombudsperson would like to emphasize that the Southeast Asians are new comers whose lives have been significantly and dramatically changed over the last 25 years, after the communist regime took over their respective countries (South Vietnam,

Laos, and Cambodia) in 1975. They are still struggling to adjust their lifestyles to their new country. Each Southeast Asian group, with their own unique history, beliefs and culture, are immersing, evolving, and enriching this country, as others have in the past and still continue to do so, with each new step forward.

In 1998, the Ombudsperson was invited by the Department of Human Services to participate in the Maltreatment of Minors Advisory Committee, to assist in creating recommendations for improving protection and support for children and families in Minnesota. Due to the paramount concerns and misunderstanding in Asian-Pacific community over the people's concern that the law does not permit them to discipline their children according to their cultural norms, the Ombudsperson consciously chose the Maltreatment of Minors Definitions Subcommittee, out of the four subcommittees, to accomplish the tasks that the 1998 Legislature directed the Maltreatment of Minors Advisory Committee to undertake. As a result, some of the recommendations identified by this office, while participating on the Maltreatment of Minors Advisory Committee, became law in 1999. This aided tremendously in clarifying the acts or omissions that constitute physical abuse in our society, and also in ensuring that all laws governing the protection of children and their families are implemented in a culturally competent manner in the State of Minnesota.

The Ombudsperson wants to thank the Department of Human Services for inviting her to participate on the Maltreatment of Minors Advisory

Committee. Furthermore, she would like to thank the individuals and community based organizations who have provided valuable insights, regarding the proposed legislative changes to the maltreatment definitions during the Maltreatment of Minors Definitions Subcommittee Community Feedback Group, on July 28, 1998 at Lao Family Community Center in Saint Paul, Minnesota. Without their on-going support and involvement, this successful collaboration could not have happened. The Ombudsperson hopes that they will continue to be involved in the future, and will keep supporting its goals and mission to making a difference and improving the lives of all Asian-Pacific children in the State of Minnesota.

The statements below are clarifications of definition of physical abuse pursuant to Minnesota Statutes 626.556, subdivision 2 (d). The Ombudsperson believes that it is a benefit to all Asian-Pacific parents to be familiar with and aware of, especially the italicized portion of the statute:

“Physical abuse” any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825. *Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian, which does not result in an injury. Actions which are not reasonable and moderate include, but are not limited to, any of the following*

that are done in anger or without regard to the safety of the child:

- (1) *throwing, kicking, burning, biting, or cutting a child;*
- (2) *striking a child with a closed fist;*
- (3) *shaking a child under age three;*
- (4) *striking or other actions with result in any non accidental injury to a child under 18 months of age;*
- (5) *unreasonable interference with a child's breathing;*
- (6) *threatening a child with a weapon, as defined in section 609.02, subdivision 6;*
- (7) *striking a child under age one on the face or head;*
- (8) *purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results the child to medical procedures that would be unnecessary if the child were not exposed to the substances; or*
- (9) *unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining.*

**ASIAN-PACIFIC CHILDREN IN OUT-OF-HOME CARE DURING 1998**

One of the primary duties of the Ombudsperson is to monitor agency's compliance with all laws governing the protection and placement of children of

Asian-Pacific heritage, as they impact on children of color. To fulfill this charge, it is crucial that the data of the children of color in out-of-home placement is available on a yearly basis. The following tables are excerpted from the Children in Out-of-Home care: A 1998 Minnesota Report required by Minnesota Statutes, by the Department of Human Services. Please note that it only contains the data pertaining to Asian-Pacific children out-of-home care during 1998. The data for 1999 was not available to be included in this report at this time.

**Table 1**

**Asian-Pacific Islander Children in Care 1994-1998**

Year	1994	1995	1996	1997	1998
#	292	308	285	332	408

Percent 1.5% 1.7% 1.6% 1.8% 2.2%  
 1998 MN Child Population: 4.1%

(Bulletin #00-68-6, "1998 Out-of-Home Care by Race of Heritage of Children in Care 1994-1998," Minnesota Department of Human Services, May 25, 2000)

Notes: Total Asian-Pacific Children population in:

1997: 49,175  
 1998: 52,194

(Information provided by DHS)

**Table 2**

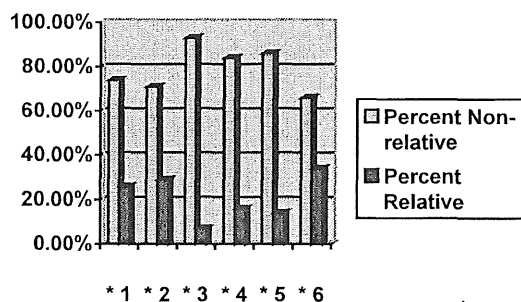
**Age of Asian-Pacific Islander Children Entering Care as Percent 1996-1998**

Age	1996	1997	1998
0-7 Years	15	23	26
8-12 Years	6	17	10
13+ Years	78	60	64

(Bulletin #00-68-6, "1998 Out-of-Home Care by Age and Race or Heritage of Children Entering Care as Percent 1996-1998," Minnesota Department of Human Services, May 25, 2000)

**Table 3**

**Kinship Care by Race or Heritage in 1998**



- \*1: African American
- \*2: American Indian
- \*3: Asian/Pacific Islander
- \*4: Hispanic
- \*5: White
- \*6: Unknown

(Bulletin #00-68-6, "1998 Out-of-Home Care by Kinship Care by Race of Heritage for Children with Last Placement in Family Foster Homes in 1998," Minnesota Department of Human Services, May 25, 2000)

Asian-Pacific Islander children have the highest rates of non-relative care (92.9 percent) and lowest rates of relative care (7.1 percent), compared to children of other ethnic groups. This is an alarming concern, which demands the attention of all our communities to take a stand to address for changes. On the other hand, due to the lack of very little information known or available to identify the important underlying issues which contribute to this high rate of non-relative care, a first step towards a thorough process of understanding the cause of it would be helpful and meaningful. The Ombudsperson believes that by identifying the subgroup of these Asian-Pacific Children along with the barriers which prevent the relative care, would be instrumental into finding solutions and would lead to recommendations in improving this alarming matter.

**COMMUNITY OUTREACH**

The Ombudsperson pursued community outreach at local and Greater Minnesota community-based organizations and social service agencies in a variety of effective ways. These incorporated presentations, meetings and crucial networking. Highlights of community outreach activities included: A joint presentation with staff from Wilder Social Adjustment Program for Southeast Asians to Benton Social Services in Foley, Minnesota; a formal reporting on the Ombudsperson's activities of 1998 to the Council on Asian-Pacific Minnesotans Board Meeting; a presentation at Hmong American Partnership for Hmong parents support group; a collaboration with the Ombudsperson for Spanish-Speaking Families and the Coordinator of the Education Helpline which resulted

in a presentation at the Intercultural Mutual Assistance Association of Southeastern Minnesota (IMAA) and another presentation at the refugees/immigrants forum in Rochester, Minnesota.

In July of 1999, the Ombudsperson was graciously invited by *Kev Koom Siab*, the Twin Cities' only Hmong television show, (Channel 17), to inform its community and the public about the role of the office and the services that it provides. In August, the Ombudsperson was invited to speak on a live radio show, *Fresh Air Radio* in Minneapolis, to reach out to its Asian-Pacific listeners, whom a large amount of its audience is from the Hmong community (currently the largest Southeast Asians population in the State of Minnesota.)

#### EDUCATION

This office has been able to provide specific and valuable information to research and college students, along with internship opportunities. Those who have a special interest in child welfare issues which impact children of color, and/or in the work of this office, are able to inquire assistance and have assisted the staff in certain areas as well. From May to August of 1999, the Ombudsperson was fortunate to have an intern student from the Metropolitan State University to assist in her work. As a result of her hard work and dedication to these issues, this intern has helped develop a new intake process for complaints.

#### CASES/REFERRALS

The Office of Ombudsperson for Families was legislatively created in 1991 pursuant to the Minnesota Statute 257.0755 in response to requests from families who had been negatively impacted by the intervention of social service agencies. During 1999, the Ombudsperson received 37 inquiries and seven (7) child protection cases (four Hmong, one Korean, one Lao, and one Vietnamese).

Number of inquiries received: 37

Number of calls	Issues
7	Community Resources
2	Internship opportunities/research students
5	Language/cultural barriers
3	Immigration status
6	Information about the services of this office
1	Information on child abuse
1	Alleged of maltreatment in nursing home
1	Alleged of maltreatment in correction for juvenile
2	Alleged of maltreatment by physicians/dentists
2	Alleged of maltreatment by police officers
1	Information on family court
1	Alleged of maltreatment of child by school
1	Child support
3	Legal matters: adoption/criminal charge/domestic abuse involved undocumented partner
1	MFIP benefits

## Seven Child Protection Cases

Issues/complaints	Findings/recommendations by the Ombudsperson	Outcomes
Alleged of being mentally ill, a young single mother complained that she had not been giving a chance to be a parent to her infant.	Disagreed with the termination of parental rights; recommended infant to be placed with the father for the child's best interest; and recommended the mother to get the appropriate services.	The mother discontinued her involvement with this office. This case was open with the office of Ombudsman for Mental Health/Mental Retardation.
A parent requested the involvement of this office as child protective agency petitioned to terminate his parental rights.	Recommended to child protective agency to dismiss the termination of parental rights due to interpretation services were inadequately provided, lack of cultural sensitivity, and not in the best of interests of the children.	Child protective agency disagreed with the findings/recommendations of the Ombudsperson stating that they will act in accordance with the resulting court order.
A young child was severely injured; determined of child maltreatment occurred; parent was found guilty in criminal court.	Recommended for the hiring of a bilingual/bicultural intake worker; when placing Southeast Asian children, priority should be considered to place them in Southeast Asians shelter; and to ensure that severe injuries cases should be thoroughly reviewed by supervisor.	Child protective agency agreed with the recommendations stating that: the hiring of a bilingual/bicultural intake worker will proceed with the earliest vacancy; a full time Southeast Asian culturally sensitive foster care licensing position is devoted to recruiting more of these homes and supporting the homes already licensed; and all cases of severe injuries will be reviewed by a supervisor.
A parent tried to commit suicide and threatened to harm the children.	Finding of the problems revealed marital and financial problems.	The children were later reunified with the parents.
A foster parent requested the involvement of this office to find out about the legal status of the foster children and who had decision-making responsibility.	The Ombudsperson involved the Department of Human Services, Family and Children's division to help resolved the matters.	Case closed.
A child protection worker called to consult on the case of a single mother who left the children unattended.	The Ombudsperson provided some recommendations and referred the worker to the appropriate community-based organization.	Case closed.
Upon personal initiative, the Ombudsperson engaged in an investigation of an alleged sexual abuse case involving a young age girl.	The Ombudsperson observed the initial hearing and later discontinued the investigation when the child was removed from shelter and placed with the relatives.	Case closed.