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**STATE OF MINNESOTA
OFFICE OF OMBUDSPERSON FOR FAMILIES**

**BIENNIAL REPORT 2012 - 2013
TO THE GOVERNOR**

*Submitted by Bauz L. Nengchu, Ombudsperson for Asian-Pacific Families
pursuant to Minn. Stat. § 257.0766, Subd. 2*

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ACKNOWLEDGMENTS

The Ombudsperson for Asian-Pacific Families wishes to thank the entire Asian Advisory Board for their commitment and continuing support of the Office of Ombudsperson for Families.

A special thank you to the following people: Maisue Xiong, Honorable Judge Gary W. Bastian, Sophia Y. Vuelo, Edward McBrayer, Polly Ryan, Adam C. Yang, Dao Xiong, Saw Morrison, Claudia Waring, Sunny Chanthanouvong, Thomas Herr, Bruce Thao, Kia Kehrer, and Kathy Frahm.

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INTRODUCTION

Pursuant to Minn. Stat. § 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 2012 and 2013 to provide **(1)** data on Asian Pacific children in out-of-home care from 2008 through 2013, and **(2)** a summary of the Ombudsperson's activities.

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 Minn. Stat. § 257.0755 in response to requests from families that have been negatively affected 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. COMMUNITY-SPECIFIC BOARD

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

The five Asian Advisory Board members are:

- | | |
|---|---|
| (1). Linda Davis, Chairperson
MA Education
Educator Special Education | (2). Regene Chan
Senior Social Worker
Hennepin County Human Service
and Public Health Department |
| (3). Yi Li You
Executive Director
Chinese Social Center of Minnesota | (4). Eric Hung
Pharmacist
Hennepin County Medical Center |
| (5). Hli Lee Xyooj
Senior Staff Attorney and Hmong Community Outreach Coordinator
Farmer's Legal Action Group, Inc. | |

To fulfill their obligation, the board members held joint meetings with the other three community-specific boards, at least four times per year, besides conducting their own quarterly meetings with the Ombudsperson. For further information on the community-specific board in regard to its memberships, meetings, and duties, refer to Minn. Stat. §257.0768.

5. WHO ARE THE ASIAN PACIFIC MINNESOTANS?

The Asian population and the Native Hawaiian and Pacific Islander population make up 4.8 % of Minnesota's population. The three largest Asian populations are Hmong, Asian Indians, and Chinese. Asian population which identifies as Southeast Asian includes Hmong (27%), Vietnamese (11.1%), Burmese (1.5%), Cambodian (3.9%), Laotian (4.9%), and Thai (1.1%). Asian population which identifies as South Asian includes Bangladeshi (0.4%), Pakistani (1.2%), Sri Lankan (0.4%), and Asian Indian (15.5%). Other ethnic groups of Asian population are Chinese (11.7%), Filipino (6.4%), Japanese (3.3%), Korean (8.6%), Taiwanese (0.6%), Nepalese (0.6%), Malaysian (0.2%), Indonesian (0.3%), and Bhutanese (0.1%).

The Native Hawaiian and Pacific Islander population (NHPI) in Minnesota include Native Hawaiian (1,847), Samoan (640), Guamanian or Chamorro (727), Tongan (100), Fijian (61), and Marshallese (50).

The ten largest ethnic groups of Asian population in Minnesota are: Hmong (66,181), Asian Indian (38,097), Chinese (28,778), Vietnamese (27,086), Korean (20,995), Filipino (15,660), Laotian (12,009), Cambodian (9,543), Japanese (7,995), and Burmese (3,763). The ten counties with highest Asian population are: Hennepin County (84,123), Ramsey County (65,144), Dakota County (21,455), Anoka County (15,789), Washington County (14,046), Olmsted County (9,332), Scott County (8,700), Stearns County (3,723), Carver County (3,164), and St. Louis County (2,579).

<http://mn.gov/capm/pdf/StateoftheAsianPacificMinnesotans.pdf>

Chart 1 below shows the 12 largest Asian ethnic groups in Minnesota in 2010. The largest group is Hmong followed by Asian Indian, Chinese, Vietnamese, Korean, Filipino, Laotian, Cambodian, Japanese, etc.

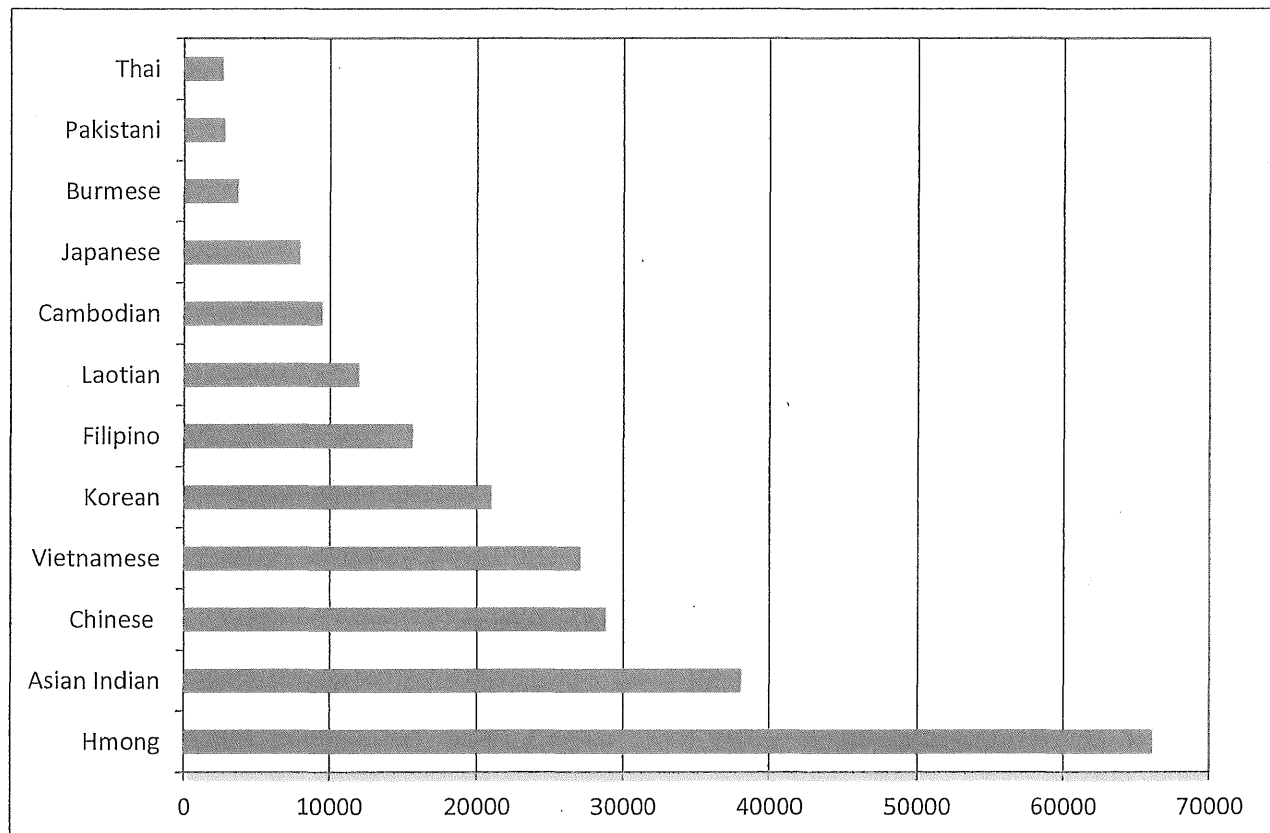
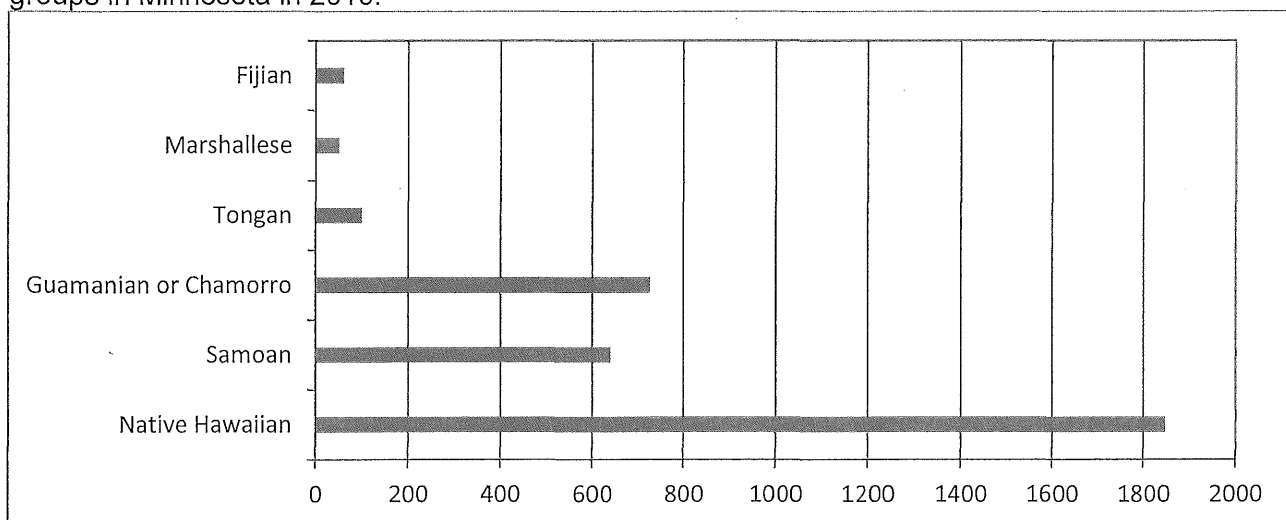


Chart 2 below shows the Native Hawaiian and Pacific Islander population (NHPI) by ethnic groups in Minnesota in 2010.



Source: Council on Asian Pacific Minnesotans:
<http://mn.gov/capm/pdf/StateoftheAsianPacificMinnesotans.pdf>

6. DATA ON ASIAN PACIFIC CHILDREN BY MALTREATMENT TYPE, 2011-2013

Table 1 below indicates that the most common maltreatment type for Asian Pacific children is neglect (non-medical) followed by physical abuse, sexual abuse, medical neglect, and mental injury from 2011 through 2013.

Table 1

Data on Asian Pacific Children on Child Subjects of Reports and Maltreatment Type			
	2011	2012	2013
Child population estimate	70,834	72,304	74,521
Total unique children*	565	541	620
Neglect (non-medical)	362	330	361
Physical abuse	186	194	243
Sexual abuse	58	29	63
Medical neglect	10	7	8
Mental injury	0	3	2

*The total unique child subjects does not equal the sum of unique children across response types, as some children were in more than one type of assessment.

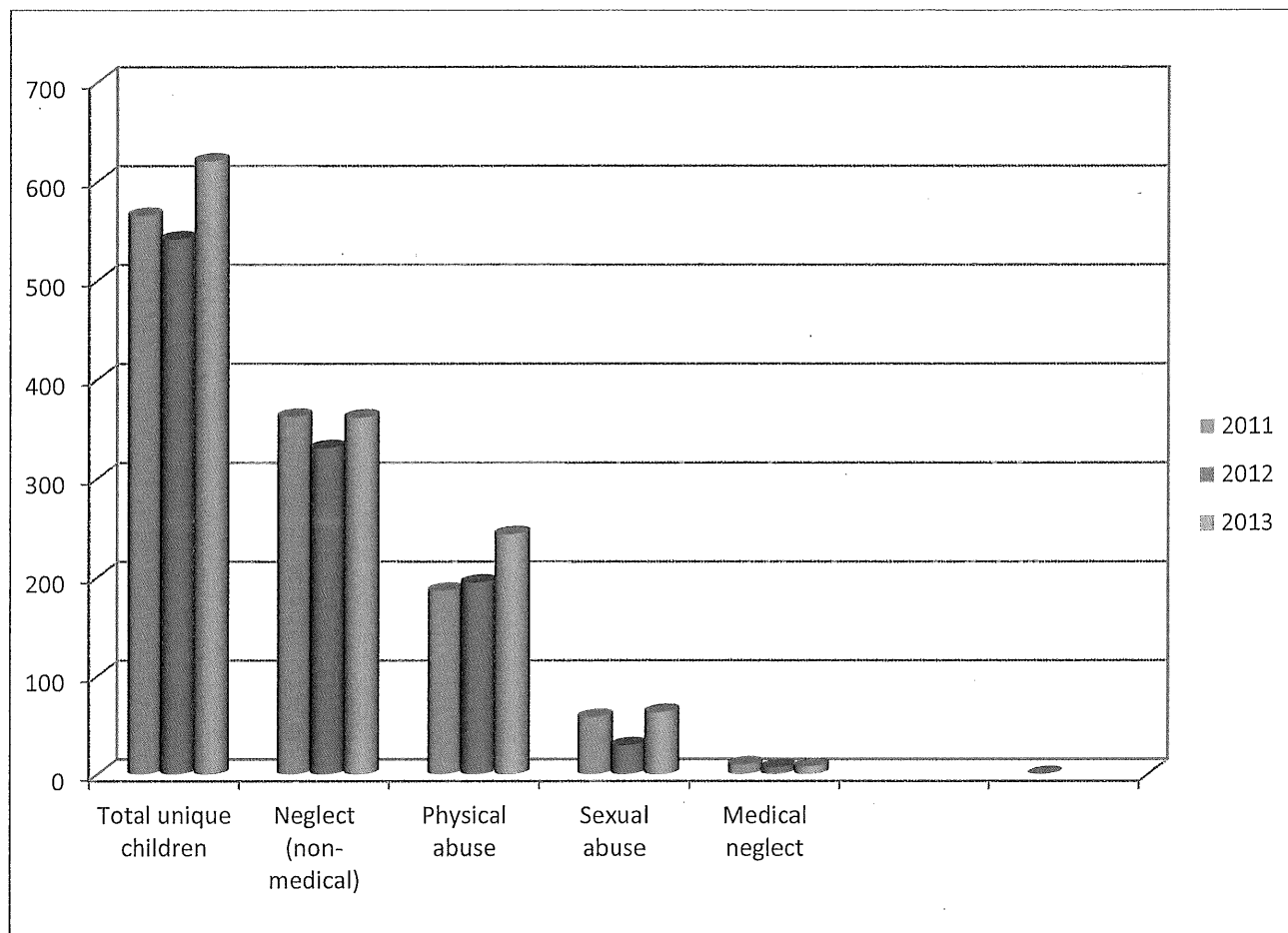
Sources: Minnesota Department of Human Services

-Section I - 2011 Child Maltreatment (page 15)

-Section I - 2012 Child Maltreatment (page 16)

-Section I - 2013 Child Maltreatment (page 16)

Chart 3. Data on Asian Pacific Children on Child Subjects of Reports and Maltreatment Type, 2011-2013



Sources: Minnesota Department of Human Services

-Section I - 2011 Child Maltreatment (page 15)

-Section I - 2012 Child Maltreatment (page 16)

-Section I - 2013 Child Maltreatment (page 16)

7. ASIAN PACIFIC CHILDREN IN OUT-OF-HOME CARE, 2008 – 2013

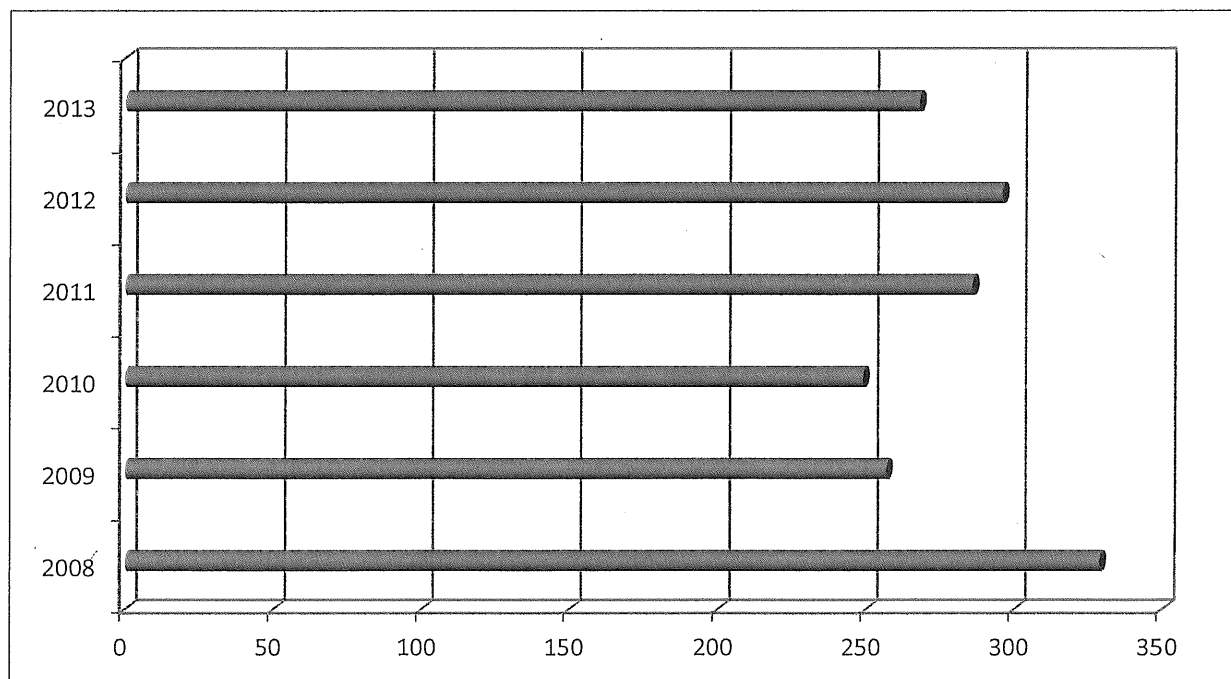
Table 2 and Chart 4 below show the numbers of Minnesota Asian Pacific children placed in out-of-home care from 2008 through 2013.

Table 2

YEAR	2008	2009	2010	2011	2012	2013
Total	329	257	249	286	296	268

Source: Minnesota Department of Human Services
-Section II – 2013 Children in Out-of-Home Care (page 11)

Chart 4



Source: Minnesota Department of Human Services
-Section II – 2013 Children in Out-of-Home Care (page 11)

Note: In 2013, the number of Asian Pacific children in out-of-home care decreased by 9 percent over 2012 numbers.

8. ASIAN PACIFIC CHILDREN IN OUT-OF-HOME CARE IN 7 METRO COUNTIES, 2011 - 2013

Table 3 below provides counts of Asian Pacific children in out-of-home care in 7 Metro Counties including Nobles and Olmsted Counties from 2011 through 2013.

From 2011 through 2013, Ramsey County had the highest number of Asian Pacific children in out-of-home care followed by Hennepin County. In 2013, the number of Asian Pacific children in out-of-home care in Ramsey County decreased by 12 percent over 2012 numbers.

Table 3

COUNTY	2011	2012	2013
Anoka	*	7	*
Dakota	*	*	7
Hennepin	77	58	56
Nobles	*	*	9
Ramsey	154	184	161
Scott	*	*	*
Washington	*	8	*
Olmsted	11	*	*
TOTAL	286	296	268

*The number of children is less than seven in that cell, and is not shown to prevent identification of individuals. Totals include the omitted data.

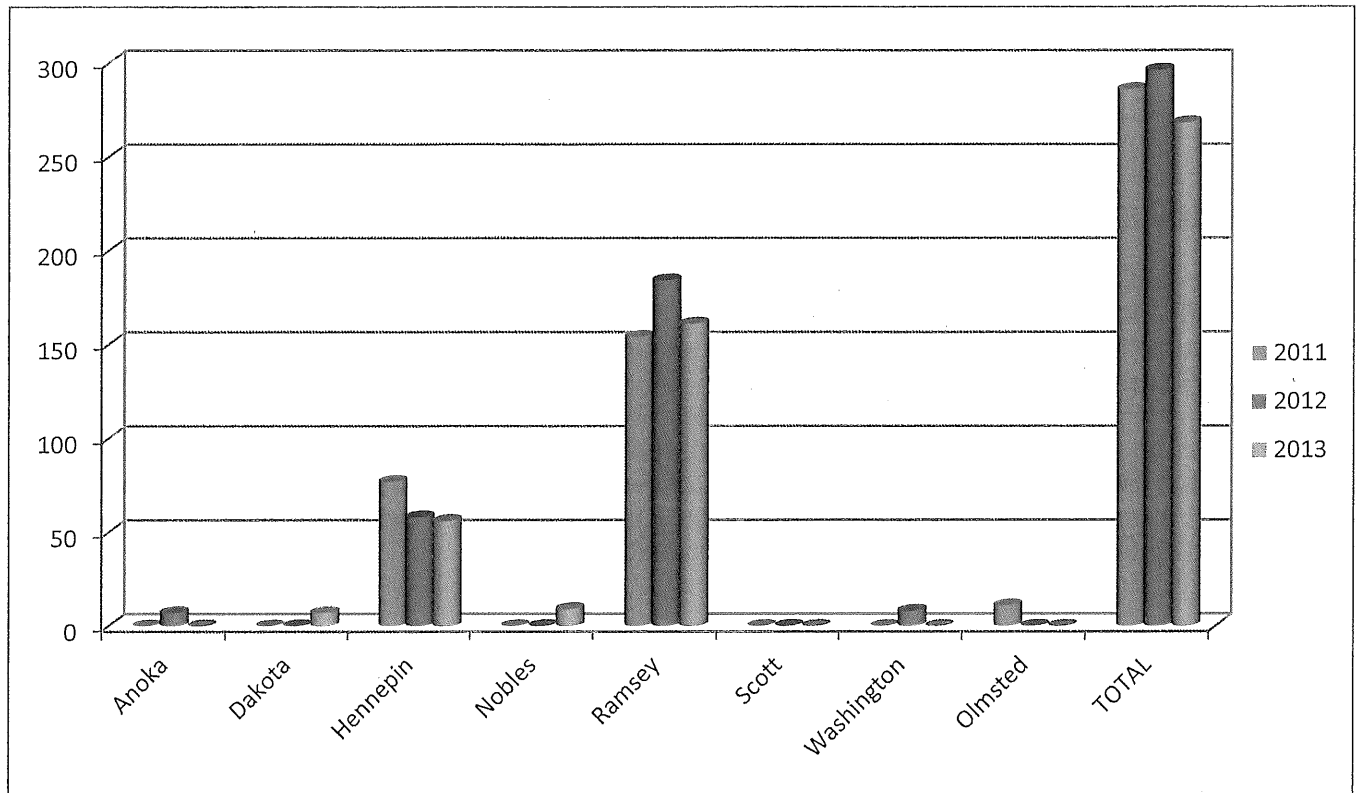
Sources: Minnesota Department of Human Services

-Section II – 2011 Children in Out-of-Home Care (pages 31 & 32)

-Section II – 2012 Children in Out-of-Home Care (pages 32 & 33)

-Section II – 2013 Children in Out-of-Home Care (pages 29 & 30)

Chart 5. Asian Pacific Children in Out-of-Home Care in 7 Metro Counties including Nobles and Olmsted Counties, 2011 - 2013



Sources: Department of Human Services

- Section II – 2011 Children in Out-of-Home Care (pages 31 & 32)
- Section II – 2012 Children in Out-of-Home Care (pages 32 & 33)
- Section II – 2013 Children in Out-of-Home Care (pages 29 & 30)

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_003712

9. SUMMARY OF OMBUDSPERSON'S ACTIVITIES, 2012 - 2013

From 2012 through 2013, an estimate of the Ombudsperson's work time in percentage is as follows: investigating complaints/court observations (50%); office liaison duties (5%); initiatives/meetings (30%); and community outreach (15%).

Activities in 2012

Calls/Complaints Received

In 2012, the office received 52 calls/complaints. Of these complaints, 11 were open child protection cases and six were investigated. The nature of complaints received include: transfer of custody issue; reunification problem; termination of parental rights; parental rights being terminated without knowledge; allegation of step child being abused by grandparent; child protection worker not returning calls and/or the mailbox was full; biased guardian ad litem. Other complaints include: truancy problem; mental health issues; needed resources on divorce matter; lost job due to criminal records of domestic abuse/violence; issues on child support and life insurance with ex-spouse; immigration matter related to international marriage; spouse missing from nursing home; and inquiries for information.

A case scenario

In 2012, the Ombudsperson received a complaint from a parent about an injury to their youngest child at the foster care home. Upon investigation and based on child protection records reviewed, it appears that the family had a long history with child protection system. The following highlights the number of times they were involved in the child protection system (CPS), the type of maltreatment, determination of maltreatment, and if CPS services were needed:

Number of times involved in CPS	Type of maltreatment	Determination of maltreatment	CPS services needed
1st	Parent threatened teen with knife.	YES--physical abuse	YES
2nd	Newborn baby tested positive for substance abuse at the time of his birth.	YES--neglect	YES
3rd	Police officer found substance abuse in the home and the house was filthy.	YES—neglect of minor children, disregard for safety.	YES

Summary of family background: The parents had no formal education and their English skills were limited. They left their native country and escaped to Thailand following the Vietnam War, in 1975. They arrived in the United States in the 90's from a refugee camp. Together, they have 7 children ranging from 2 year-old to over 18 year-old.

Some of the findings based on the child protection records that the Ombudsperson reviewed were:

- Current placement: The children were placed separately. Due to relatives not willing to be considered as foster care placement for all the children, half of the children were placed in a non-relative foster care and the other half were placed in a foster care specializing in caring for children with special needs.
- Incident reports of injuries on the youngest child: There were at least four reports of incidents that happened to the youngest child under the current non-relative foster care placement. The records showed that foster care provider reported all the injuries to the child protection worker assigned to the case and to the licensed foster care social worker.
- Issues that led the family into the child protection system include:
 - ❖ Parent's mental health due to depression and stress.
 - ❖ Financial difficulties, including personal debt or credit problems and facing house foreclosure.
 - ❖ Unemployment.
 - ❖ Parenting issues due to different child rearing practices.
 - ❖ Acculturation and language barriers.

Court Monitoring/Observations

In 2012, the Ombudsperson observed 18 cases involving 58 children placed in out-of-home care. Some of the reasons the families came into contact with the child protection system include: malicious punishment; physical and/or sexual abuse; unstable housing and methamphetamine use; newborn baby tested positive for methamphetamine; and opium use.

Board Recruitment

The Ombudsperson worked with the Minnesota Secretary of State to recruit new board members. She also sent out announcements to community members and met with prospective candidates who may be interested in applying for the volunteer community-specific board positions for the Office of Ombudsperson for Asian-Pacific Families. Ms. Regene Chan, a Senior Social Worker at Hennepin County Aging and Disabilities Services, was appointed in February; and, Ms. Hli Lee Xyooj, a Staff Attorney and the Hmong Community Outreach Coordinators for Famers' Legal Action Group (FLAG), was appointed in June, respectively by the Council on Asian-Pacific Minnesotans Board Chair.

Office Liaison Activities

The Ombudsperson served as the office liaison from July 1, 2010 through June 30, 2012. She continued to approve payments related to financial activities; conducted weekly staff meetings; acted as the office liaison between Human Resource, Financial Management

Reporting, and Office Enterprise Technology; and, provided supervisory support to Office Administrative Specialist staff, as needed. When her rotating duties as the office liaison ended, a new office liaison was assigned.

Meetings/initiatives

- On 3/15, attended Council on Asian-Pacific Minnesotans (CAPM) board meeting to report the Ombudspersons' activities 2011. She informed CAPM board members that there was a projected budget shortfall for the office concerning FY 2014 – 2015, if there would be no additional funding increases; that mental health problems and chemical dependency were the two main reasons why Asian families were brought into the child protection system; and that based on the hearings she observed, the majority of Asian court interpreters were non-certified court interpreters.
- On 4/29, the office held a workshop for the four community-specific boards in Minneapolis and discussed on reaching a consensus on purview and structure of the office, and how to proceed with establishing its future. As a result, the group identified the following key actions: (1) increase resources; (2) assess current legislation for limits and opportunities to make changes to statute and consider how staff resources are allocated; and (3) explore the pros and cons of maintaining or expanding purview including educating others on the functions of the office, establishing collaborative and working relationships, and establishing measurable outcomes and measures.
- On 5/15 and 5/16, attended Iowa Citizen's Aide/Ombudsman Training, "Sharpening Your Teeth" in Des Moines, Iowa. Learned the principles of effective investigations and techniques for conducting systemic investigations, interviewing witnesses, writing investigative reports, and making oneself heard via traditional and social media. The presenters were senior counsels from the Office of the Ombudsman of Ontario, Canada.
- On 12/4, participated at the Department of Human Services (DHS) meeting regarding the Northstar Care for Children Proposal. Under this proposal, Minnesota DHS would combine foster care, adoption assistance, and relative custody assistance into a single financial program to support families caring for children who must be removed from the home for reasons of child protection, delinquency, or disability and cannot be reunified. For instance, the current low rate in *foster care* was \$659; in *relative care assistance* it was \$247; and in *adoption assistance* it was \$247. Under Northstar Care for Children Proposal, the new rate for children ages 6+ would be \$565. The Ombudsperson noticed that under the report of "Selected Foster Care Statistics" there was no data of Asian children; she, then, suggested to DHS to include data of Asian children for the next report.
- On 12/6 and 12/7, attended a two-day workshop of the Guardian Ad Litem Statewide Training at Mystic Lake Casino, in Prior Lake.
- Participated at the June and September meetings of the Minnesota Children's Justice Act (CJA) Task Force at Department of Human Services (DHS). Its mission is to review and assess the Minnesota child protection and criminal justice systems handling child maltreatment cases, and to make recommendations for improvement. The

Ombudsperson chose to work on the subcommittee of the sexual exploitation and trafficking of children.

- In dealing with the office projected budget shortfall for FY 2014 and FY 2015, a group of stakeholders was invited to attend the Asian Advisory Board meeting as to give their input regarding the future of the office of Ombudsperson for Asian-Pacific Families. The group identified the following key points: (1) strategize to increase funding; (2) build a connection or relationship with the Governor's office and with legislators; (3) get community support to speak to legislators and the Governor's office; and (4) have community-specific board members speak to legislators and the Governor's office on behalf of the office.

Policy Development

The Ombudsperson's policy role is best served by participation on task forces, committees, forums, conferences, and planning focus groups. This involvement includes participation in county, state agencies and community grassroots organizations. These memberships provide an opportunity for shaping future public policy as it affects children of color and their families. This is accomplished in a culturally competent manner by actual involvement in policy decision-making processes.

The Ombudsperson was invited to participate at the Minnesota Department of Human Services (DHS) meeting to provide feedback on the latest draft of the Child Safety and Permanency 2012 child welfare policy proposal. Under Minn. Stat. § 260C.601 Adoption of Children under Guardianship of Commissioner, Subdivision 2 (3), the Ombudsperson suggested DHS clarify what it means by "diverse needs". And, under Minn. Stat. § 260C.615 Duties of Commissioner, Subdivision 1(2), she recommended DHS take into consideration the culture of the child where it said "the child donating a part of the child's body to another person while the child is living".

As a result, new languages have been added to clarify "diverse needs" under Minn. Stat. § 260C.601, Subdivision 2. (3) and to include the culture of the child under Minn. Stat. § 260C.615, Subdivision 1 (2). The policy bill passed and became law. (<https://www.revisor.mn.gov/statutes/?id=260C.601> and <https://www.revisor.mn.gov/statutes/?id=260C.615>)

Community Outreach

The Ombudsperson provided outreach to inform the following communities about the services she provided: Karen Organization of Minnesota (KOM); Bruce F. Vento Elementary; Jackson preparatory Magnet – Dual Language (Hmong/English); Phalen Lake Hmong Studies Magnet; Harding H.S; Johnson H.S; Washington H.S; Como H.S, Community School of Excellence; Hmong Academy; Hmong International Academy; Sheridan International Fine Art; Minority Radio—KPNP 1600 AM; International Mutual Assistance Association (IMAA); Hmong Women Conference; Southeast Asian Committee Council Inc., etc.

Initiative to Address Challenges Affecting Asian Families and Children in the Child Welfare System

In 2011, the Ombudsperson was invited by a non-profit organization to meet with an Asian women's group. The purpose was to address some of the emerging challenges and needs of the Asian families and children impacted by domestic violence, including abandonment of children that ended up in the child protection system.

For a period of over three months, the Ombudsperson met with approximately 30 victims or survivors of domestic violence for support and to provide resources. The group decided to invite guest speakers to learn on various topics/resources to meet their needs including mental health, housing, employment, understanding the judicial system and child protection system, etc. The Ombudsperson suggested the idea of a women's conference to empower Asian women and hear stories of successful Asian women from its community. Thus, a planning committee was formed at the beginning of January 2012. With a number of generous sponsors, donors and vendors including many volunteers, the first Hmong women's conference was born on May 26, 2012 and held at Concordia University-St. Paul. The conference was free and was open to the public. It was a huge success with over 300 participants.

Based on the feedback received from participants who filled out the evaluation forms, the majority of them would like the planning committee to have another conference in 2013 on topics related to parenting skills, child rearing practices, healthy marriage, domestic abuse/violence prevention, and how to navigate the judicial system.

Activities in 2013

Calls/Complaints Received

In 2013, the office received 78 calls/complaints: Of these complaints, 13 were open child protection cases and five were investigated. The nature of complaints received were: lack of adequate services to meet the needs of a foster child who had special needs; parent wanted to find out the reasons why county social services agency tried to terminate her parental rights as she was in compliance with her case plan; immigration issue—inquired about a letter of support from the office to reunify his son with him in the USA; unsupervised young children without appropriate clothes; allegation of sexual abuse against the biological father; concern of no case plan being provided; inquired about culturally appropriate resources; allegation that child was sexually abused by his step sister and physically abused by his mother; concern of incorrect information used in a court document; issue of parent's rights being violated; no visits with siblings since being placed; six children being removed from trial home placement and placed back into foster care; child protection worker's decision for not returning the children ; and inquiries for information.

The following were examples of the complaints the Ombudsperson investigated:

- **Complaint # 1:** A five year-old was placed in out-of-home care due to a parent using physical punishment as a form of discipline. He was placed in a non-relative foster care. Based on the child protection records reviewed, the mother had a no-contact order with her son; the father had weekly visits but they were supervised. For this case, the Ombudsperson helped the father communicate his wishes to have his son adopted by a long time family's friend. When the adoption was finalized, the case was dismissed from court.
- **Complaint # 2:** A newborn baby was placed in out-of-home care along with an older sibling. The father, speaking through an interpreter, requested the Ombudsperson intervene and help him reunify his children (who were placed in a non-relative foster care) with him. This case came to the attention of the child protection social services agency due to a safety concern with the newborn baby as the mother, who had significant developmental delay, was unable to care for herself. Following a number of home visits to meet with the father using an interpreter, and including visits with his family members and friends, the Ombudsperson was then able to reduce their fears and concerns and helped them understand the role of child protection worker, guardian ad litem, public defender, judge, etc. She not only explained his case plan to him but also helped him understand what a safety plan was, including his rights to request an interpreter to help him communicate meaningfully and effectively with the providers.

Court Monitoring/Observations

From March through May 2013, the Ombudsperson observed 11 cases of children in need of protection or services in two counties. There were 29 children placed in out-of-home care. The types of issues she observed in the court room included:

- There was no court interpreter provided to the parent at the hearing; thus, a new hearing date was scheduled with the request for a court interpreter.
- The presiding judge ordered the teenagers to stay with their biological father due to an allegation of sexual abuse against the mother's boyfriend.
- Parent needed to find an attorney or she can represent herself because she was not qualified for a public defender under the federal income guidelines.
- Four children under the age of eight were reunited with their parents and the case was dismissed from court.
- A termination of parental rights case involved one child under the age of eight.
- The other parent failed to appear in court.

From June through August 2013, the Ombudsperson observed seven cases of children in need of protection or services in one county. The types of issues she observed in the court room included:

- Three young children were reunified with their parents.
- The presiding judge reminded court personnel to slow down for the court interpreter.
- Both parents failed to appear in court.

Meetings/Initiatives/trainings

- On 1/25, Asian Advisory Board member, Hli Lee Xyooj, and the Ombudsperson met with Sen. Fong Hawj at the State Capitol to introduce themselves, educated him on the services the office provides to the Asian-Pacific families and children (who were involved in the child protection system), including sharing with him the issues/challenges the Ombudsperson observed.
- On 2/12, at the four community-specific boards meeting of the Office of Ombudsperson for Families, the office Budget Executive Officer from Minnesota Management & Budget provided an update on the Governor's budget, specifically related to the Ombudsperson for Families' proposal. She confirmed that the reinstatement of the office manager position was included in the Governor's budget and would go through the whole legislative process. If approved, beginning fiscal year 2014 starting on July 1, 2013, \$68,000 would be added to the office and \$69,000 to the following year.
- On 4/10, submitted the office of Ombudsperson for Asian-Pacific Families' biennial report 2010-11 to the Law Library. Also in April, the Ombudsperson attended the Senate Health and Human Services Budget Division on the Governor's budget proposal for the Office of Ombudsperson for Families at the State Capitol. She also attended the Annual Facing Race Ambassador Awards.

- On 4/15, the Ombudsperson provided feedback to the request for public comment regarding proposed "Minnesota Standards for Professional and Nonprofessional Parenting Time Supervisor" under Minn. Stat. § 518.175, Subdivision 1 a (b) that: If the role of the supervisor is to promote the safety and welfare of the child and to help children have safe parental contact consistent with the court order, then, it is crucial that s/he should not only be able to speak the language of the child and supervised parent, but to also be sensitive to the culture of child and parent as well.
- On 5/3, attended the Council on Asian-Pacific Minnesotans' annual dinner to commemorate Asian Pacific Heritage Month at the Ramada Plaza, in Minneapolis.
- On 6/19, attended a training program for child advocates convened by Children's Law Center of Minnesota on "Representing Youth in Foster Care" in Minneapolis.
- On 7/16, Polly Ryan, Court Operations Analyst with the State Court Administrator's Office of the Minnesota Judicial Branch, gave an overview of the court interpreters in the State of Minnesota to the Ombudsperson for Asian-Pacific Families' board meeting. She said they started the program in 1994 and the goal was to put court users who did not speak English on equal footing with those who spoke English. She provided they maintained the state wide roster for court interpreters, evaluated applications to be on the rosters, administered ethic tests and certification exams, monitored the compliance with their code of professional responsibilities (i.e. understand the code of ethics and abide by those). She also provided that Karen, was not a certified language but Lao and Vietnamese languages were, and that they were trying to recruit Karen interpreters because the Karen population had grown exponentially over the last five years. She then added she was aware that there had been some concern about the quality of interpreting services in court for some languages.
- On 7/16, invited Edward McBrayer, Permanency Planning Department of Human Services (DHS), to attend the Asian Advisory Board meeting to discuss on issues pertaining to Asian families and their children placed in out-of-home care. Some of the highlights discussed at the meeting were: DHS was aware of the under-reporting in immigrant, Asian and Hispanic populations; was also aware that the numbers may appear low because these populations were dealing with multiple issues; does look at the numbers from year to year including disproportionalities (i.e. If Asian people comprise 4% of the State's population, the out-of-home placements should not be more than 4%.); and when discussing the low number of Asian and Pacific youth who come in contact with Child Welfare, DHS will be more mindful that the numbers are misleading and that those children and families are in need of protection and services as well.
- On 7/22-24, attended three-day training on Prevention and the Child Protection Professional Conference: Implementing Effective Child Abuse Prevention Programs at the Mall of America, in Bloomington.
- On 8/6, attended Food Charter Event to learn more about the Minnesota Food Charter--a document developed through a broad-based public process that expressed a clear and compelling vision on how all residents can obtain healthy, affordable, and safe food. In the large group discussion, the participants worked on the two questions: (1) "Based on what we learned today and the discussion we had, what do you think we can do to

improve the food system in Minnesota? (2) How do we change things so that unhealthy choices are harder and healthy choices are easier?"

- On 11/15, attended the first meeting of the Cultural and Ethnic Communities Leadership Council (CECLC). The Legislature created the Cultural and Ethnic Communities Leadership Council during the 2013 session. The purpose of the CECLC was to advise the commissioner of the Minnesota Department of Human Services (DHS) on reducing disparities that affected racial and ethnic groups within DHS programs. The council, consisting of 15 to 25 members appointed by the commissioner, was charged with reviewing DHS policies for racial, ethnic, cultural, linguistic and tribal disparities and providing an annual report regarding equitable delivery of services.
(<http://www.dhs.state.mn.us/CulturalEthnicLeadershipCouncil>)

Community Outreach

The Ombudsperson provided outreach to Lao Family Community of Minnesota, Inc.; Vietnamese Social Services of Minnesota—a non-profit mutual assistance organization that extended their services to serve Karen and Somali refugees; and Lao Advancement Organization of America. This was done to increase the visibility of the office, to let them know the kind of services she provided and that an interpreter would be provided upon request. On 9/14, she had a display booth at the 2013 Empowering Hmong Women Conference at Concordia University-St. Paul; and, on 10/5, she participated at the 2013 Hmong Resource Fair at the Mounds View Community Center, in Mounds View.

STATUTE

OFFICE OF OMBUDSPERSON FOR FAMILIES

257.0755 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.

Subdivision 1. Creation.

Each ombudsperson shall operate independently from but in collaboration with the community-specific board that appointed the ombudsperson under section 257.0768: 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, paragraph (o), 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 260C.215; 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 policy makers, 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 of 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 ombudspersons' 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 OMBUDSPERSON PROGRAM.

Subdivision 1. Appropriations.

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

Subd. 2. Title IV-E reimbursement.

The commissioner shall obtain federal title IV-E financial participation for eligible activity by the ombudsperson for families under section 257.0755. The ombudsperson for families shall maintain and transmit to the Department of Human Services documentation that is necessary in order to obtain federal funds.