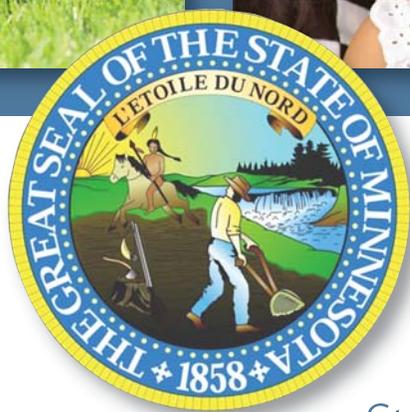


# **Positive Action** *on Behalf of Children and Families*



*2005-2007 Report*

*State of Minnesota*  
**Office of Ombudsperson**  
*for Families*

## *Independent Support for Child Welfare in 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.*

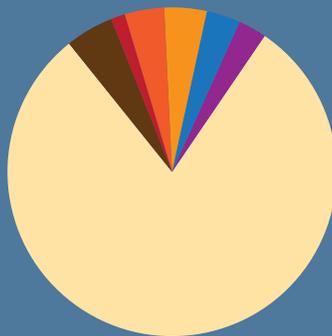
The Office of Ombudsperson for Families was created in 1991 by the state legislature to provide a fair, neutral and transparent environment between state and county agencies and families of color in Minnesota. We strengthen family connections through child welfare redesign that creates racial equity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

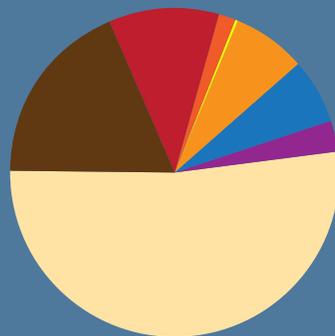
Our office performs an unusual role in government. While we receive complaints from the public, who often feel they aren't being heard, our job is to remain a neutral investigator of facts. Our role is to make recommendations to correct wrongs done to individuals to improve the administration of government.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

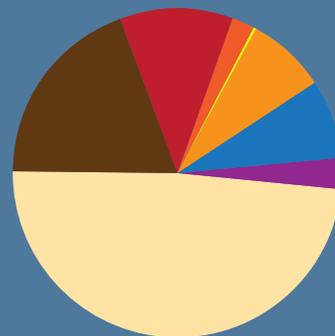
**The chart below shows the increase in disparity of children of color in Minnesota's out of home placements compared to white children.**



**2000 Census  
Percentage of  
Minnesota Children**



**2005  
Percentage of MN Children  
in out of home placement**



**2007  
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 (2005)*. Numbers are based on 2000 census data.

Race/Ethnicity	% of MN Children	% in Out of Home Placement
	2000	2005 • 2007
Black/African American	5.0	<b>20.0 • 20.8</b>
American Indian/Alaska Native	1.6	<b>11.5 • 12.3</b>
Asian	4.2	<b>2.0 • 2.3</b>
Pacific Islander	0.0	<b>0.1 • 0.4</b>
Hispanic*	4.3	<b>7.8 • 8.4</b>
Two or More Races	3.4	<b>7.1 • 8.2</b>
Race Unknown/missing data	3.1	<b>3.1 • 3.5</b>
White	83.9	<b>56.3 • 52.5</b>

\*Hispanic ethnicity may be of any race.

The full report, entitled "Minnesota's Child Welfare Report, 2007" can be found at <http://edocs.dhs.state.mn.us/lfsrver/Legacy/DHS-5408-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.

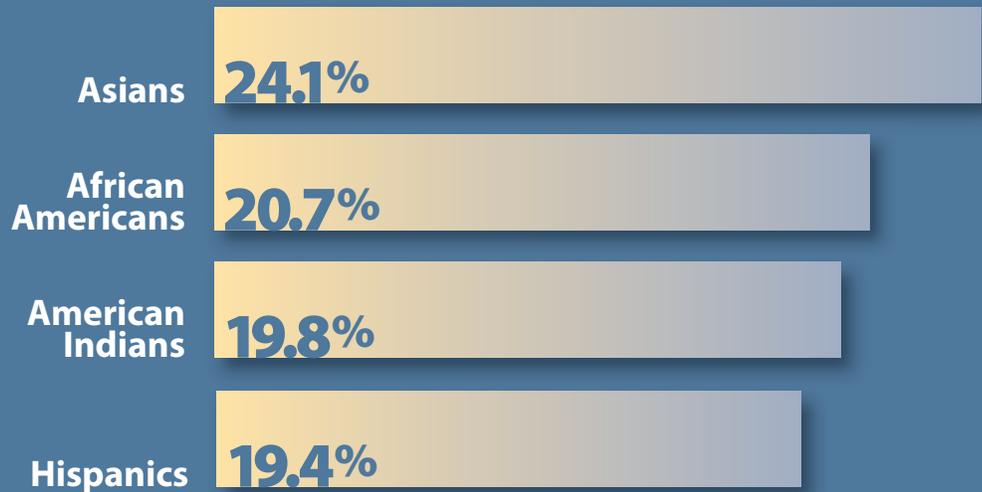
We concentrate especially on racial disparity in out of home placement. Minnesota fares poorly in comparison to other states. According to the 2004 profile, "The Race and Child Welfare Project" by the Center of Study for Social Policy, Minnesota is classified as one of the worst offenders among 16 states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

Further, according to the United States Government Accountability Office (GAO) 2007 Report on African American Children in Foster Care, Minnesota has a disproportionate index of African American (3.63) and American Indian children (7.31), compared to the general child population in the state. An index of 1.0 or over indicates over-representation by race.

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>

## Re-Entry Rate in Out of Home Placement

In 2007, Asian children in Minnesota had the highest re-entry rate in out of home placement, at 24.1%, followed by African American children at 20.7% and American Indian children at 19.8%.



Source: Minnesota's Child Welfare Report, 2007

## A Profile in Placement

In 2007, nearly 15,000 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; 28% for the child's behavior or substance abuse. In 2007 they stayed in out of home care an average of 182 days, up slightly from 2006. About 21% of children who entered care in 2007 had also been there within the previous year. In 2007, nearly 80% of children were returned to their parents or relatives; another 8.1% were adopted.

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.

## 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.

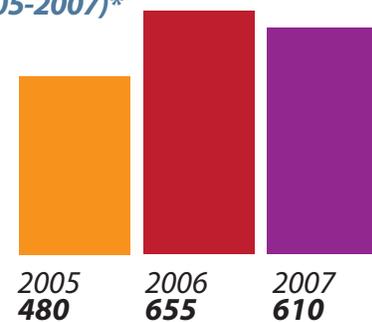
The most current research supports the need for adoptive placements with relatives or families that can best address the individual and cultural issues of foster children, thereby maximizing the best opportunity for children to develop their fullest potential.

### Types of complaints received and resolved by our office

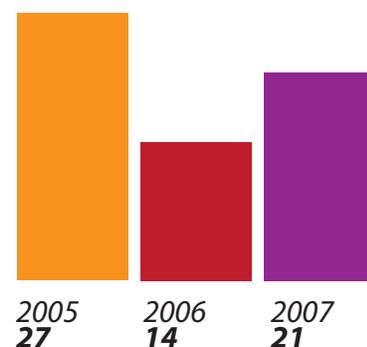
The Office of Ombudsperson for Families receives a wide range of calls each year that include the following types of complaints:

- Children are not placed with their families or relatives
- Relatives and families are not being considered for permanency placement
- A mother is not allowed appropriate visitation time to breastfeed her infant
- The social worker and/or Guardian ad litem do not speak the clients' language, nor are interpreter services being provided
- No transportation to visitation
- The case plan is completed but the social service agency won't return the children
- Can't get into 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 receive foster care licensing because of past child protection or criminal record
- 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
- Cannot obtain employment because of past maltreatment finding

**Number of Contacts, Inquiries, and Complaints Received by the Office of Ombudsperson for Families (2005-2007)\***



**Number of Investigations by the Office of Ombudsperson for Families (2005-2007)\***



\* 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 also call to complain about current laws, policies, and practices.

## *A Sample Case Study*



*A mother of three children in a Minnesota American Indian tribe did not receive notice of where her children were when they were moved from one foster home to another. The mother also requested counseling from her tribal mental health professional for the last year but the county has refused these services. The county asserts that the tribe has not answered their faxed “notice of services provided to an Indian child.” Finally, the mother observed at her last visit with the children that they had no winter coats, and she is wondering what happened to the latest clothing allowance that the county worker said had been recently sent.*

*After speaking with the county, our Ombudsperson found notice of the move had been sent to a wrong fax number at the tribe. The Ombudsperson notified the tribe, which immediately worked with the county regarding mental health services for the mother at the tribal clinic, engaging a culturally appropriate professional with whom the mother was comfortable.*

*The tribe then transferred the children to a tribally approved home and notified the mother within 24 hours of the move. The county authorized another clothing allowance for coats to the tribally approved home while pursuing the prior foster home for reimbursement of the original allowance, which was not spent on the childrens’ clothing needs.*

*The Ombudsperson recommended that, in future cases, official notice of services to an American Indian child be sent to the proper tribal official when a child is moved from one foster home to another, and that the parent is notified within 24 hours. Also recommended were regular tribal/county meetings or monthly joint case reviews to assure best practice case management, and that future clothing allowances are spent on the children for whom they were designed.*

*The county complied with all recommendations by the Ombudsperson and confirmed changes in practice and policy.*

## *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.

From 2005-2007, the Office of Ombudsperson for Families implemented 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:*

### **Racial Disparities Initiatives** *(Ongoing from 2000)*

#### ■ **African American Disparities Advisory Committee**

The African American Disparities Advisory Committee was established in 2001 to study the disproportionate representation of African American children in out of home placement, and to create policies that would improve outcomes for these children and their families, from initial reporting, to case openings, to discharge.

From 2005-2007, the advisory committee focused on reviewing services and strategies that were improving county practices. Olmsted County was experiencing success by using the "Signs of Safety" model, which incorporates family group conferencing at the front of the county's involvement with families. Also, Ramsey County was a Casey Family Program grantee, as part of the Breakthrough Series Collaborative on Disproportionality (BSC). Their program received national recognition for hiring Cultural Consultants to help improve relationships between the community and child protection services through cultural awareness and diversity training. Although both counties were showing promise, other counties were struggling with how to address this issue.

The national attention surrounding disparity led the Government Accountability Office to collaborate with the African American Disparities Advisory Committee on their 2007 report that suggested restructuring child welfare funding to give states more flexibility in how federal funds are used. The advisory committee will contact the Casey Family Programs to ask for technical support in developing an action plan. The committee also agreed to begin exploring sources that might fund regional disparity initiatives.

#### ■ **Our Children, Our Future** *(OCOF)*

Before it restructured in 2007 to become Our Children Safe at Home, OCOF was an ambitious effort to unite Minnesotans who were committed to providing healthy homes, loving families, and community support for all Minnesota children.

A collaboration of state agency representatives, county social service directors, community social service directors, Target Foundation, Minneapolis Foundation, Amherst Wilder Foundation Research, and concerned Minnesota citizens joined forces to resolve some of the chronic challenges of serving children who do not live at home.

The work included conducting grassroots outreach through civic engagement to connect people involved in child welfare; adopting a policy platform for change; and mobilizing the community to take action that will positively affect vulnerable families. OCOF met most of its goals.

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

We continue our work to increase participation of new Latino foster families in Ramsey County by building alliances with faith-based organizations, and engaging the business community and other community partners to improve the recruitment and the retention of Latino families to care for Latino children who are in out of home placement.

Participating in Ramsey County's Ending Racial Disparities Task Force pilot program at the John A. Johnson Elementary School in St. Paul, the Ombudsperson for Spanish-Speaking Families recommended that parenting services, job search activities, and immigration intake and referral be provided in both Spanish and English.

Further involvement with this initiative include the following outcomes: more culturally specific service providers; family involvement in how to improve the system; increased effort to find and work with fathers, and keeping most children in foster care within their same neighborhoods and schools.

### ■ **Minnesota Supreme Court Children's Justice Initiative (CJI) (2006-present)**

Our office makes recommendations to the CJI Advisory 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 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.

### ■ **Tribal-State Agreement**

The 1998 Tribal/State Agreement was renegotiated in 2007 to clarify the inherent sovereignty of the tribes and current practices for social services under the federal Indian Child Welfare Act (ICWA, 1978).

Some of the most crucial issues made clear in the new agreement were the importance of one or more Qualified Expert Witness(es), and that a tribal qualified expert witness cannot be challenged by a county in state court. However, a county may offer its own qualified expert witness if it is in disagreement with the tribe's witness.

The new agreement terms also rejected the "existing Indian family exception" in Minnesota, and established a strategy whereby a county would notify a tribe in advance, if it was traveling onto a reservation for a child welfare issue, and bring a tribal representative with them, where possible.

Parties agreed that working collaboratively and combining their resources to provide services and assistance to American Indian families and children were in the best interests of all and would be a shared goal of the agreement.

Outcomes of the renegotiation include training of social workers and counties of the new policies set forth in the agreement; possible training of Guardians ad litem using a similar training curriculum; an ICWA Best Practices Guide for social workers; development of Minnesota tribal-specific training for social workers to be trained through the DHS Child Welfare Training System; and, additions to the Minnesota Judges ICWA Benchbook and ICWA Court Rules.

### ■ **Bilingual Service Providers Survey**

In 2007, the Ombudsperson for Asian-Pacific Families conducted an email survey to ensure that training programs are being provided to bilingual workers. Ten questions were answered by 50 service providers identified as bilingual workers in Ramsey and Hennepin counties regarding the challenges they encountered while working with Asian and Pacific Islander families, the suggestions they would recommend based on the identified challenges, and how satisfied they were with the training they received.

Results showed over 70% of respondents did not feel Asian-Pacific families are well educated about the court system or have a good understanding of child protection laws, nor can they communicate effectively with court personnel. The service providers said they faced challenges while working with Asian and Pacific Islander families, including lack of understanding of the law, basic resources and support, and lack of appropriate or effective training programs. Also lacking, according to respondents, are trust and communication from professional services, culturally appropriate services for families, and translation services. Results also showed less than half the respondents felt satisfied with the training programs received.

Recommendations were made for additional resources for Asian and Pacific Islander families, including more:

- interpreters available in person instead of by phone, particularly Southeast Asian interpreters
- funding for extra services for children's well being and academic success
- culturally appropriate resources and services
- program information brochures in Southeast Asian languages.

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

Promote and support the development of multidisciplinary child protection teams as mandated by state statute.

■ **Minnesota Child Welfare Training System (MNCWTS), Central Steering Committee**

Evaluate committee effectiveness; advise the Culture & Diversity subcommittee on what is needed of trainers to educate social workers about Minnesota's children and families of color and American Indian communities.

■ **Ramsey County Citizen Advisory Panel (2005-2006)**

The panel assisted the county in developing a document for county workers to use to help explain the child protection system. The panel also surveyed youths and conducted focus groups to assess independent living skills needs for youth in care.

■ **Hennepin County Child Protection Task Force (2006-2007)**

The task force reviewed county decision-making and case management practices and policies. They examined the causes of disproportionate minority representation and identified strategies for reducing disparities.

■ **University of Minnesota, Gamble-Skogmo Advisory Panel (2004-2007)**

The purpose and goal of the advisory panel was to help develop a Research Agenda for the Gamble-Skogmo Land Grant Chair. The panel proposed the following research priorities: racial disparities in child welfare; connecting child welfare with other systems; efficacy of child protection intervention; the administration of Minnesota's child welfare system; and enhancing performance and fiscal management.

■ **Minnesota Task Force on Financing the Future of Child Welfare (2006)**

The committee reviewed and recommended changes to Minnesota's child welfare service finance structure. The task force considered federal requirements, and compared Minnesota's current structure with other state-supervised child welfare systems.

■ **Structured Decision-Making Policy and Procedures of Minnesota DHS (2007)**

Recommend that the risk assessment tools utilized in child protection include the cultural perspective of all communities.

■ **Maltreatment Guidelines Committee (MN DHS, 2007)**

Develop criteria for determining how to evaluate and appropriately respond to child protection reports in county child protection agencies throughout Minnesota.

■ **AARP Minnesota-Pathways to Kinship Care (2006)**

Celebrate, honor, inform, and empower grandparents and other relatives raising grandchildren.

## *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.



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