

**REPORT ON
CHILDREN'S OMBUDSMEN MEETING
CONVENED BY ABA CENTER ON CHILDREN AND THE LAW**

Hosts --

Howard Davidson, Director, ABA Center on Children and the Law
Karen Grace-Kaho, California State Ombudsman for Foster Care

June 6, 2004
Washington, DC

The meeting began with introductions by each attendee (see list at the end of this report). This was followed by a brief history of ABA involvement on child ombudsman issues. The Center on Children and the Law has published the book "Establishing Ombudsman Programs for Children and Youth: How Government's Responsiveness to Its Young Citizens Can be Improved" (1993; 220 pages, \$34.95 Order #549-0245 at 1-800-285-2221). The Center also maintains a "child-ombudsman" list serve (one can subscribe at this web address: <http://www.abanet.org/child/discussion.html>). Several times over the past ten years, the Center has convened meetings of child ombudsman program staff and others interested in this work.

Those representing ombudsman offices provided brief update reports. Some highlights include:

Missouri program was awaiting Governor's signature for legislative recognition (part of a child welfare reform bill)

New Jersey program, only 8 months old, had 18 staff and a budget of \$2 million /year; they were working on a children's health project, addressing conditions of detention and post-adjudicative care for kids in the juvenile justice system; had two staff working only on handling institutional abuse allegations; obtained outside legal counsel to help in an investigation of a major child welfare agency/adoption case that garnered national publicity; and have had outside lawyers train their staff in conducting depositions

Toledo, Ohio child welfare agency once had an ombudsman position (now vacant); it was noted that some states have such positions labeled as a "constituent complaint unit", and someone suggested it was important to improve interactions with and coordination among these and the independent children's ombudsman

Virginia has an ombudsman within their Department of Juvenile Services for complaints that are related to the 8 state juvenile facilities

A legislative staff person from New York indicated that a children's ombudsman (Child Advocate Office) bill had been sponsored in that state, following a well-attended New York City event that advocated for this (Note: A report on that March 11, 2004 event can be obtained from Dr. Gertrud Lenzer, Children's Studies Center, Brooklyn College, City University of New York, 2900 Bedford Avenue, New York, NY 11210)

The Tennessee child ombudsman agency reported one more year of federal Juvenile Justice Challenge Grant funding available to them; they address all children in state custody, including

children in foster care, group care, juvenile justice settings, and relative placements; we were informed that this agency has "read-only" access to on-line records of children in custody

The director of the Michigan program (the 4th ombudsman since the program was created) reported speaking to the Pennsylvania legislature about creation of a similar program there (Note: On Jan. 3, 2005 "Ariana's Law," HB4096, was signed by the Michigan Governor, giving the Ombudsman greater access to child welfare agency records, reports, and computer data including medical and mental health records, subpoena power, and enhanced authority to take independent legal action for a child)

The Washington program indicated that they were doing 480 investigations/year from complaints that come into their office; they were hoping to facilitate a "summit" meeting on evidence-based assessments and treatment for children and parents involved in the child welfare system

The Sacramento, California child welfare agency ombudsman informed us about a unique 6-week course they provide for people from the community wishing to better understand the child protection services system and its processes (a "CPS Citizens Academy"); in connection with ombudsman office interest in better informing citizens of their roles, rights, and responsibilities if involved in the CPS process; Howard Davidson informed the meeting participants about an excellent new "Family's Guide to the Child Welfare System," which is available at:

http://gucchd.georgetown.edu/documents/AFamilysGuideFINAL_WEB_VERSION.pdf

The Connecticut program has had authority to initiate lawsuits and to intervene in individual juvenile court cases; they chair the state child fatality review program; they partnered with the state Attorney General on several case investigations and reports; they did a study of the costs incurred in one case of a maltreated child, through that child's 18th birthday, where necessary wrap-around family preservation services were not provided (that systemic cost was \$1.8 million)

The Los Angeles County, California Emancipation Ombudsman described a unique program she created, now several years old. She "grew up" in foster care, so she has a thorough familiarity with the system; her office addresses housing (especially "mental health housing" and "probation housing" needs); there is also a provision for foster kids to appeal terminations of their independent living housing benefits

The remainder of the meeting was a discussion of a variety of issues. Howard Davidson was interested in hearing how programs might be more effective agents of systemic child welfare system improvements, e.g., through ombudsmen involvement in their state's Child and Family Service Review (CFSR) / Program Improvement Plan (PIP) process. Ombudsman programs still need to make sure they are dealing with individual case/service delivery problems that aren't obvious from the findings of the state's CFSR.

There was a brief discussion of ombudsman program interfaces with other state investigating agencies, the courts, and court-appointed lawyers and guardians ad litem for children. It was mentioned that the MI program may file for termination of parental rights in a given case if no one else does, but that authority has only been used once.

Another discussion theme was how programs interface with advocacy groups in their state. It was mentioned that the CT program partners with private agencies and with their state Protection and Advocacy agency for developmentally disabled children. The WA program has interest groups represented on regional advisory boards. Howard Davidson inquired about the interaction between ombudsman programs and their state's child protection Citizen Review Panels and Child Fatality Review Teams. It was mentioned that some programs are actively involved in the multidisciplinary child death review process.

In response to how programs are letting children, families, and the public know they are there, several program people mentioned their public speaking and website activities. Howard Davidson raised the importance of evaluating the impact of state and local children's ombudswork, and one program (Michigan) has had a performance audit, but other than this no program has been independently evaluated. This is work the ABA Center on Children and the Law would be interested in doing, through its research and evaluation division.

Finally, there was some discussion of continuing networking opportunities and resources for children's ombudsman programs. Karen Kaho is facilitator of the Family & Children's Chapter of the U.S. Ombudsman Association (<http://www.usombudsman.org>) and she has helped put together training at their conferences. Karen also encouraged the group to attend the USOA Conference in Portland Oregon on October 19-22, 2004. A special time was to be set aside at that conference for the USOA Family and Children's Chapter to meet.

One reason mentioned for the importance of having better networking among programs is that children's ombudsmen often deal with issues and cases that involve other states, or are interjurisdictional in nature. Howard Davidson agreed to add links to all children's ombudsman websites on the Center's own website. He also encouraged people to use the child-ombudsman listserv that the ABA has created.

Materials handed out at meeting included: Jan. 2004 description of Virginia Dept. of Juvenile Justice Ombudsman program; 2001-2002 annual report of Michigan Office of Children's Ombudsman; copy of Colorado House Bill 04-1403 "Office of the Child's Ombudsman Act" (not yet passed); 2003 annual report, Connecticut Office of the Child Advocate; materials from the California Office of the Ombudsman for Foster Care (annual reports, information sheet, brochure (also in Spanish) and toll-free hotline card, brochure on foster care youth rights, complaint form, information on new state laws affecting foster children, foster care information resources, and a guide for current and emancipated foster youth; and a newsletter and information brochure from the New Jersey Office of the Child Advocate.

Children's ombudsmen are also reminded about two directory resources:

1) The children's ombudsman program directory maintained by the RI Office of the Child Advocate (complete as of 2003)

<http://www.child-advocate.state.ri.us/Ombudsman2003.htm>

2) Children's ombudsman program information and state-by-state program chart prepared by the National Conference of State Legislatures (latest version, May 2004) -

<http://www.ncsl.org/programs/cyf/ombuds.htm>

And the following is a useful extract from a publication of the U.S. Office of Juvenile Justice and Delinquency Prevention, on the use of juvenile corrections ombudsmen (part of a longer publication on improving conditions of juvenile custodial facilities)

<http://ojjdp.ncjrs.org/pubs/walls/sect-02.html>

Readers of this report who want to share additional developments in the children and youth ombudsman area should contact Howard Davidson at davidsonha@staff.abanet.org or by phone at 202/662-1740.

List of Those Attending June 6, 2004 Children's Ombudsman Meeting, Washington, DC

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SOME OTHER OMBUDSMAN PROGRAMS WHOSE REPRESENTATIVES WERE NOT IN ATTENDANCE

(E-mail contact addresses are listed, if available;
They are also receiving this June 6th children's
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