



# Improving and Transforming Child Welfare Systems: Focus on Children's Ombuds Office/Office of the Child Advocate

# SAFE STRONG SUPPORTIVE

casey family programs

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safe children | strong families | supportive communities

# Casey Family Programs

- We are the nation's largest operating foundation focused on safely reducing the need for foster care in the United States
- Ultimately, we strive to eliminate the need for foster care.
- Endeavor to demonstrate how every child can have a safe, supportive, and permanent family.
- Support more effective public investments in strengthening families to keep children safely in their own homes and communities.
- Promote a shared responsibility for ensuring the well-being of every child and family across the nation.

# Vision: Ensuring Families Thrive

- Communities of Hope is a vision for how society can best support the safety and success of every child and family
- It is a theory of change for how we can achieve sustainable, long-lasting transformation of the current child welfare system as we know it today into a true child and family well-being system.

# Achieving the Vision

- It is a shared responsibility that will require leadership in all five sectors working together to build hope for children and their families
  - Government
  - Business
  - Nonprofit and faith based
  - Philanthropic
  - Community members

# Children's Ombuds Office/ Office of the Child Advocate

- The United States Ombuds Association (USOA) defines the Ombuds as “an independent, impartial public official with the authority and responsibility to receive, investigate or informally address complaints about government actions and, when appropriate, make findings and recommendations, and publish reports.”

<https://www.usombudsman.org/site-usoa/wp-content/uploads/USOA-STANDARDS1.pdf>

# Ombuds Office Categories

1. **Independence** - An ombuds office should be independent – free from outside control or influence;
2. **Impartiality** - An ombudsperson should review each complaint in an objective and fair manner, free from bias, and treat all parties without favor or prejudice;
3. **Confidentiality** - The ombudsperson should control confidentiality – using their discretion to determine what information to keep confidential or release;
4. **Credible Review Process** - The ombuds office should create a credible review process.

<https://www.usombudsman.org/site-usoa/wp-content/uploads/USOA-STANDARDS1.pdf>

# General Similarities of Programs

- Handle and investigate complaints from citizens and families related to government services
  - Child Protective Services
  - Foster Care
  - Adoption
  - Juvenile Justice

# General Similarities of Programs

- Generally recommend system-wide improvements to benefit children and families
- The recommendations often occur in the form of annual public reports to Legislators and the Governor



# General Similarities of Programs

- Protect the interests and rights of children and families
- Monitor programs, placements and departments responsible for providing services to children and families
- The ombuds office should establish limits, for example, they would not intervene in placement decisions.

[https://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx#\\_edn4](https://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx#_edn4)

# General Similarities of Programs

- Programs have a general complaint procedure where:
  - A mechanism is developed to receive complaints;
  - They are screened to determine what action is necessary
    - Actions may include information and referral, or
    - Opening a case

# Reasons Why Cases Are Not Accepted

- The case is out the jurisdiction of the Ombuds office
- The complainant has other available remedies
- The complaint is made in bad faith or is vexatious
- The complaint is trivial
- The complainant will not provide the information necessary to conduct an investigation
- The office lacks sufficient resources
- The issue has been previously investigated

# General Similarities of Programs

- If a case is opened
  - The ombudsperson gives notice of the complaint to the agency and provides the agency the opportunity to respond
  - The ombudsperson may:
    - Facilitate communication
    - Hold a meeting
    - Pursue legal action

# Case Closure

- The Ombuds office will complete a written report of their findings
- The governmental agency has an opportunity to respond to the findings

# Variations by Jurisdiction

- Approximately 22 states have established a Child Welfare Ombuds office with duties **specifically related to children's services**
- Five states have a statewide Ombuds program that address the concerns of **all** government agencies
- Nine states have related Ombuds services, program-specific services, or county-run programs

[https://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx#\\_edn5](https://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx#_edn5)

# Types of Ombuds Offices

1. Independent and autonomous agency with oversight specific to child welfare
2. Operates within, but autonomous of, the state agency providing child welfare services
3. Provides oversight to all governmental entities with the state including child welfare
4. Non-independent office established within the child welfare agency
5. Other statutory Ombuds-like programs
6. Non-statutory county-based or program-based offices

# Independent and Autonomous Agency With Oversight Specific to Child Welfare

- 13 states operate independent and autonomous offices regarding children
- Not part of the state's child and family services
- Established by the legislature and may exist independently within the legislative or executive branch
- These Ombudsperson is generally appointed by the Governor or Legislature



# Operates Within, but Autonomous of, the state Agency Providing Child Welfare Services

- Three states operate programs under this category
- Operate within the child welfare agency
- Established by statute
- The child welfare department director generally is responsible for appointing the Ombudsperson

# Provides Oversight to All Governmental Entities With the State Including Child Welfare

- Five states have programs which oversee all governmental entities
- Established by statute
- Exist independently as part of the Legislative Branch

# Non-independent Office Established Within the Child Welfare Agency

- Seven states have non-independent programs within the state's child welfare offices
- May or may not be established by statute
- Appointed by the director of the agency

# Other Statutory Ombuds-like Programs

- Four states have programs which function similarly to Ombuds' offices
- Created in statute
- Limited to specific constituencies
  - Delaware is judicial advocacy
  - Maryland is youth in residential settings
  - Minnesota with communities of color
  - Nevada is missing and exploited children

# Non-statutory County-based or Program-based Offices

- Five states have county- or program-based offices
- Vary by structure and may be a citizen complaint office within the Governor's office, through individual county children's services (state-supervised/county-administered child welfare states) or program-based similar to Virginia's Juvenile Justice Ombudsman office.

# Recent Additions

- Michigan established the Children's Ombudsman Office in 2020 focused on child and family services
- [Michigan](#)
- Virginia established the Office of the Children's Ombudsman in the 2020 session
- Duties primarily focused on child and family services, but can investigate actions of the state Department as well as local child-placing agencies
- [Virginia](#)

# Key Questions to Consider

1. What are the main challenges that exist in New Mexico's system and how does creating an Ombuds office address those challenges?
2. What other New Mexico structures to address concerns already exist? Can one of these structures be modified without having to create a new entity?
3. Where will the office be established to ensure it operates as an independent and impartial entity?
4. Will it be limited to child welfare services only or other governmental agencies?
5. How will the office be funded?

# Casey Family Programs Support Opportunities

- A leader in systems transformation and funding partner of national expert organizations, CFP can facilitate knowledge sharing from other states and national experts of what works/what doesn't regarding practice and policy
- Expand on the multiple investments currently in place to support New Mexico both through the Courts and Children, Youth and Families Department
- CFP can offer NM research and data experts as well as national policy expertise - available at the request of New Mexico leadership
- CFP can provide consultation to support effective engagement of people with lived experience



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