

Ombudsman Program

The Tennessee Commission on Children and Youth's (TCCY) Ombudsman Program, in the Juvenile Justice Unit, acts as an impartial, independent and confidential reviewer. The Program looks into concerns, issues and complaints pertaining to minors in state custody (social services and juvenile justice children), Child Protective Services, and kinship care (relative caregiver) program. As a case reviewer, the ombudsman is a public servant who advocates the best interest of children, ensures adequate family support, and evaluates delivery of services. The Ombudsman Program promotes fairness as well as transparency and adheres to the ombudsman principles defined in the USOA (United States Ombudsman Association) by-laws that include a credible review process. The USOA is the largest and oldest public sector ombudsman group in North America.

In February 2008, then Commissioner Viola Miller released a memorandum to all Department of Children's Services' (DCS) Regional Administrators announcing a "new process has been developed to provide oversight and support to the regions" pertaining to Child Protective Service (CPS) and Special Investigations Unit (SIU) cases that requires neutral, impartial reviews. TCCY agreed to perform third party case reviews as a "means to address complaints that are not resolved satisfactorily" within the current DCS process. The goal of this collaborative effort is to ascertain whether the department observed best practices and applied appropriate procedures or policies.

Referrals are obtained from a variety of sources such as:

- Biological/adoptive parents
- Foster parents, caregivers and relatives
- Child/youth
- Neighbors/friends
- DCS staff members/case managers
- State of TN departments and agencies
- Juvenile Courts/Youth Service Offices
- Offices of the governor and state legislators
- TennCare Consumer/Child Advocacy Centers
- Tennessee Voices for Children

- ACLU and Legal Aid Services
- Guardians ad litem
- Therapists/Service Providers
- National or out-of state children's advocacy groups
- Anonymous referents or callers

The Ombudsman Program does not seek resolution of a dispute if it is contrary to the best interest of the child or community safety or is inconsistent with local, state or federal laws and regulations. Additionally, the ombudsman cannot and will not engage in the following roles:

- Serve as an agent of the law or assume police enforcement.
- Act as an attorney, litigate cases, and subpoena individuals or documents.
- Provide legal advice or file petitions/injunctions.
- Entertain a case where the Termination of Parental Rights papers was submitted to the court or deal with private child custody situations.
- Find individual fault/laying blames to parties responsible for a case.

Upon initial contact, the ombudsman will determine if the office has jurisdiction of the referral presented. Later in the process, the ombudsman will decide if the case has merit in accordance with program limitation and protocol for case activation. Additionally, the ombudsman will assess if the referent has sufficiently attempted to resolve the problem through normal administrative channels.

The Ombudsman Program does not aim to supersede any existing complaint and grievance mechanisms established by the DCS. Referents who have not attempted to get their concerns addressed first by the department are encouraged to pursue this avenue. When referents have sufficient reasons to depart from normal administrative systems or have been reasonably dissatisfied with the outcome of their complaints, the ombudsman may open the referral as a valid case.

During the data-gathering phase, the ombudsman will plan a series of interviews with individuals directly involved in the case. These contacts

may include the parents or caregivers, child or youth, custodial department's case managers, probation officers and middle to upper level management, juvenile court staff, caregivers or caretakers, residential and medical providers, foster parents, therapists, guardians ad litem, attorneys, teachers, relatives, friends and relevant others or stakeholders.

Preliminary contacts are used to:

- › Verify referral information specific to the child's status or condition.
- › Collect additional facts or information specific to the question or concern.
- › Obtain past and present background histories and progress notes.

The Ombudsman Program also provides information-only service. For FY 2010-2011, there was a decrease of this type of referral which is, by its nature, usually limited in duration and degree of work required. Unlike in the past, active cases are nearly two-thirds of the total referral received. The current ratio is 62:38 (N=155). Referrals about the caller's lack of information about the system are common. These situations are resolved oftentimes by the providing them an explanation of the DCS policies and procedures.

The TCCY Ombudsman Program includes ongoing outreach opportunities with a wide range of Tennessee children's services stakeholders. The Ombudsman Office is always available to provide lectures, workshops, informational or brief classes to any interested community groups, nonprofit organizations, and other agencies working with children. For FY 2011-2012, the ombudsmen will concentrate and seek out ways to reach out to the minority population involved with the DCS system.

Ombudsman Program referrals are received from any individual or agencies concerned with the plight of a child in the foster care system, CPS or relative caregiver program. Referrals must involve conditions or situations that adversely affect the health, safety, welfare or rights of children and youth. The ombudsman assumes various roles that include, but not limited to:

- › A voice or an advocate on behalf of the child

- A communicator or educator to help stakeholders understand policies/procedures
- A facilitator expediting timely delivery of services

Originally funded in 1996 by a Juvenile Justice and Delinquency Prevention Act Challenge Grant (Activity F), the Ombudsman Program has a mandate to improve the quality of children's lives in Tennessee by emphasizing thorough and expeditious service delivery. In fiscal year 2002-2003, the program was expanded to include children in kinship care. As the Challenge Grant funds were phased out, the state continued to fund the program.

Local Highlights of Fiscal Year 2010-2011

- Total number of Ombudsman Program referrals received from July 1 to June 30 was 155.
- Total number of referrals closed from July 1 to June 30 was 111.
- From October 2003 to June 2011 a grand total of 1367 referrals were opened.
- A mother contacted recently the Ombudsman Program about a referral pertaining to her son. She originally wrote a letter to Mrs. Michelle Obama's office. Her correspondence was brought to the attention of the U.S. Department of Health and Human Services' Children's Bureau. Someone from the Bureau recently wrote the mother a letter and gave her four offices to contact. One of them is the TCCY's Ombudsman Program. This information is significant because it indicates that someone at the federal level was aware and recommended our agency.
- As of late, participation by phone or in person regarding Child and Family Team Meetings (CFTM) have increased. Attendances in the CFTMs have been productive.
- The TCCY ombudsmen continue to provide informational classes at the TN Correction Academy (TCA) in Tullahoma, TN. Classes for the last 12 months were fewer than previous years due to the decrease in hiring of new DCS employees. This ongoing service is provided to the TCA for the last 4-5 years.
- In September 2005, the TCCY's Ombudsman Program hosted the USOA 26th annual conference. The event took place at the Gaylord

Resort and Convention Center. The welcome remarks were delivered by Linda O'Neal (TCCY Executive Director) and Mayor Bill Purcell. At that time, the Majority Leader of the Senate (Hon. Ron Ramsey) and the Chair of the House Ethics Committee (Kim McMillan) participated in a plenary session.

Statistical information with graphic or chart from fiscal years 2005 through 2011 is located at the end of this section.

National Highlights of Fiscal Year 2010-2011

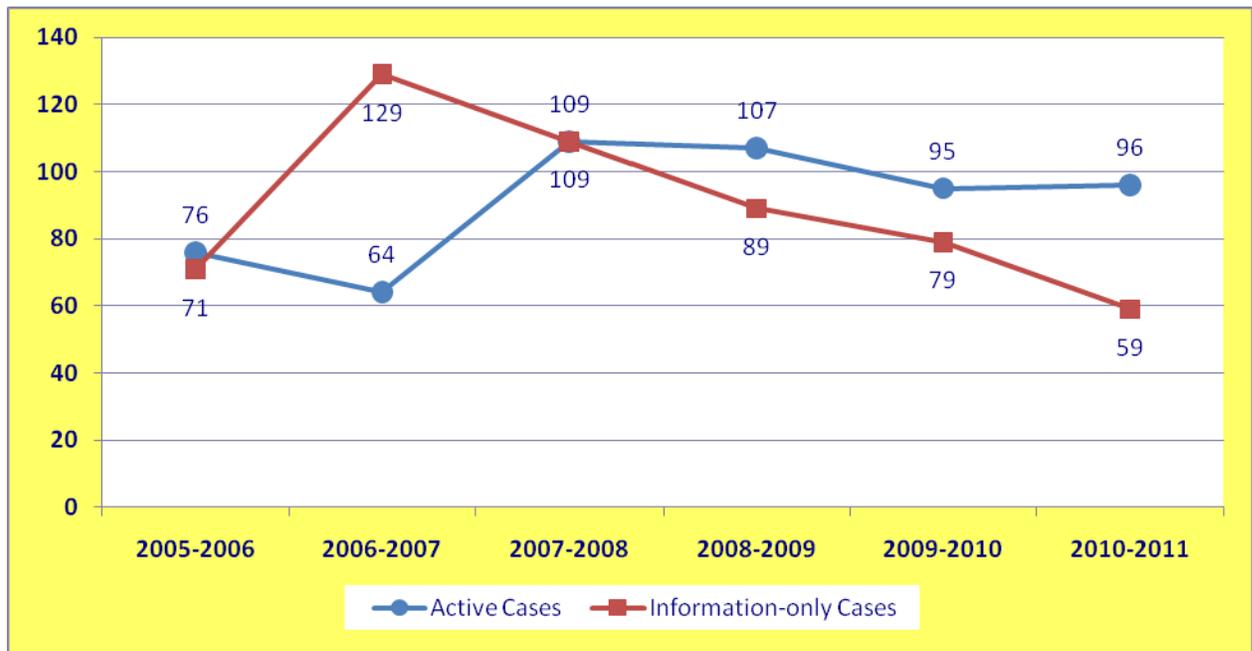
- Last spring 2011, one of the TCCY ombudsmen was re-elected to the USOA Board of Directors and was chosen by his peers as the vice-president of the association. Along with the new role, he continues to serve as a conference planning committee member. For the last few years, he has joined as a faculty member of the popular two-day preconference workshop (New Ombudsman Training) during annual conferences. He chaired the United States Ombudsman Association's (USOA) Conferences and Training Committee for seven years.
- Gov. Bill Ritter and the legislators in Colorado recently created a child welfare ombudsman office in Denver to provide "impartial oversight of the child-protection system and seek resolution of complaints concerning child-protection services." The Center of Policy Research is assisting in establishing the office. The Center contacted several children's ombudsman programs in the U.S. to receive guidance on how to set up a legitimate, fully functioning office. One of the TCCY ombudsmen was interviewed extensively over the phone. The Center was very appreciative of several input and the time spent with them.
- An article by a TCCY ombudsman entitled, "The Ombudsman's Guide to Fairness" was published in the 2011 spring edition of the Journal of the International Ombudsman Association (JIOA). The journal manuscript can be found in the TCCY/Ombudsman and JIOA websites.

Additional Responsibilities of Ombudsmen as JJ

Specialists

- The agency's two ombudsmen also performs regularly other Juvenile Justice Unit functions which approximately constitute 20% to 30% or more of their time depending on the time of the year. They act as liaisons, monitors, and quarterly reports- recipients (signed-off on expenditures and forward them to the fiscal department, convert documents in a PDF format and store in e-shared file, and maintain hard copies in a filing cabinet). The TCCY ombudsmen are responsible for coordinating all juvenile courts and federal grants in northeast and northwest counties in Tennessee. Annual site visits of federal grants are also a part of their unit duties.
- Reviewing, rating, and discussing federal grant applications for EUDL, Federal Formula, Title V, JABG, CASA, and State Supplements are additional duties by everybody in the unit on a regular basis especially during spring and summer of each year.
- One of the TCCY ombudsmen serves as a Davidson County Foster Care Review Board member for more than 14 years.

TCCY OMBUDSMAN PROGRAM REFERRALS
July 1, 2005 - June 30, 2011



How to find an Ombudsman:

www.tn.gov/tccy/ombuds.shtml or 1-800-264-0904