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TENNESSEE COMMISSION ON
CHILDREN & YOUTH

TCCY Ombudsman Program Annual Report FY 2019-2020

Gerald R. Papica, Ed.D.

October 1, 2020

Ombudsman Executive Summary

The Tennessee Commission on Children and Youth's (TCCY) Ombudsman Program is an external, third party resource for Tennessee children involved with the Department of Children's Services (DCS). It is an alternative to the department's internal complaint system. The ombudsman advocates for a fair and transparent process. Impartiality is one of the guiding principles.

The word "ombudsman" is a gender-neutral term. It is a Scandinavian word that means "citizen defender" or "grievance man." Literally translated, an ombudsman is an individual who "acts on behalf of another person" and "the bridge between government and aggrieved citizens." King Charles XII of Sweden instituted this unique, time-tested service in 1713. The Parliament of Sweden established the first public sector or government ombudsman in 1809.

The TCCY Ombudsman Program began in 1996 and is Title VI-compliant. Initial funding of the project was obtained from the US Department of Justice' Office of Juvenile Justice and Delinquency Program's Federal Formula Grant.

Children involved with the DCS foster care system, juvenile justice, foster homes, kinship programs and Child Protective Services are the population in which the ombudsman has jurisdiction.

Tennessee Code Annotated (TCA) 37-3-103 (b)(1) points to the "Power and Duties" of TCCY. The independent state agency has a legislative mandate to identify and analyze problems concerning programs and services for children. TCA 37-5-107 (c)(6) cites the "Confidentiality of Records" of DCS. It requires the department to

release information requested by TCCY.

Confidential referrals can be made by anyone regardless of gender, ethnicity, political affiliation, religious belief or economic status. The office of the ombudsman also takes referrals from age-appropriate youth or children, families, foster parents, state workers, public officials, service providers and concerned citizens.

Problems are either resolved or addressed formally and informally. The best interest of the child and the safety of the community are the overarching goals.

The Ombudsman Program relies on the support and cooperation of DCS central and local offices. The department, over the years, has a good understanding of the ombudsman's unique role in addressing issues, introducing solutions, offering remedies and seeking common grounds.

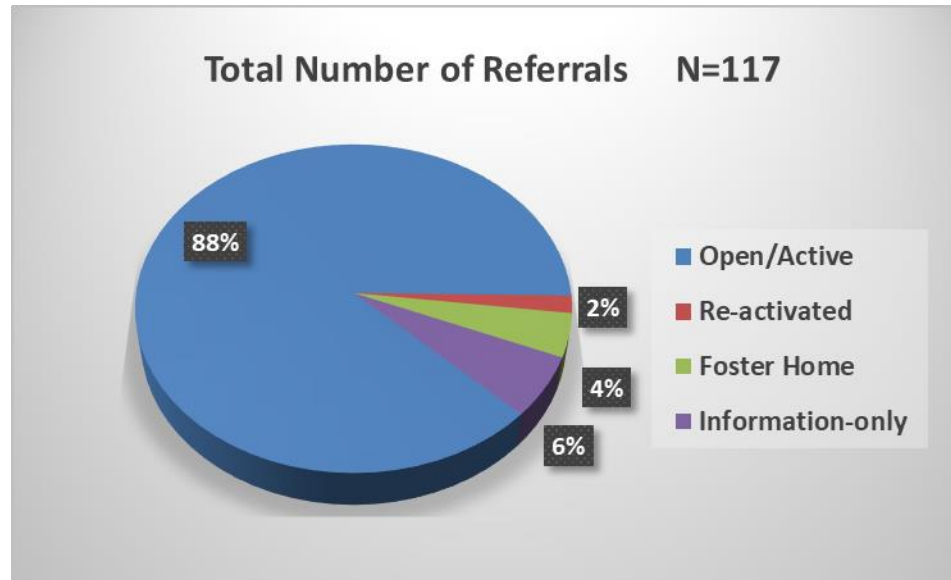
Courageous referents and individuals deserve recognition. They are responsible for alerting the ombudsman office about problems and concerns. Most of all, children and families need to feel treated with respect and their dignity upheld at all times.

The TCCY ombudsman submits periodic written and verbal reports to the agency's 21 Commission Board members who are appointed by the governor.

Performance metrics and testimonials from customers and complainants are included in this FY 2019-2020 annual report.

For more information about TCCY's Ombudsman Program, the website is <https://www.tn.gov/tccy/ombuds.html>

FY 2019-2020



DCS Policy 16.7 (Resolution of Disagreement and/or Conflicts Between Resource Parents and DCS), Procedure 3 mandates that the “Regional Administrator or Designee will notify the TCCY Ombudsman” that a complaint was received from a DCS Resource or Foster Parent. Procedure 4 indicates that a copy of the response to a foster parent by the department will be forwarded. There is a footnote in Policy 16.7 that states, “A Resource Parent may make a report or complaint to the TCCY Ombudsman Program at any time.”

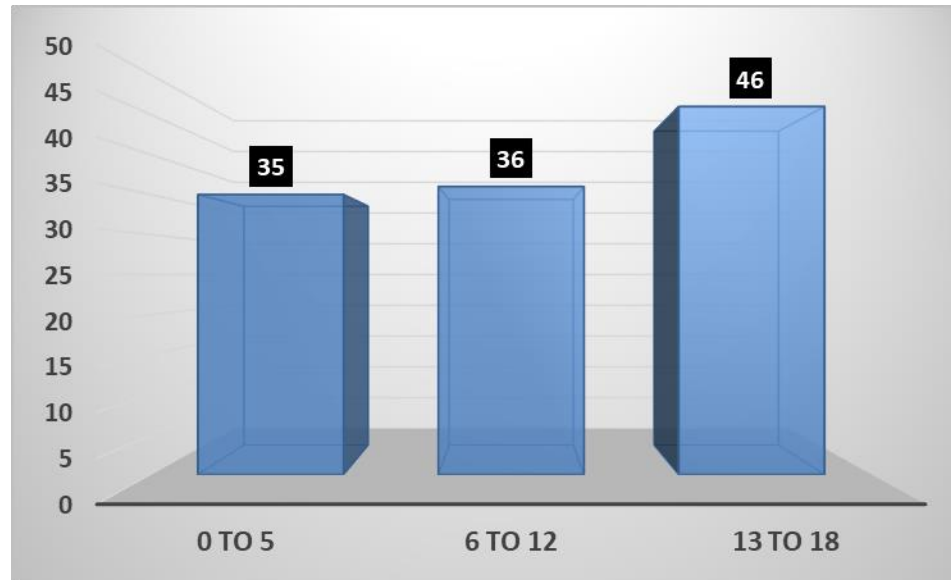
Key Performance Indicators (KPIs) and Metrics

- ✓ Total number of referrals received: **117**
- ✓ Response rate of all referrals within 48 hours: **81.2% (95)**
- ✓ Total number of closed cases: **97**
- ✓ Average length of closed cases: **16 days**
- ✓ Shortest case opened and closed: **<1 day**
- ✓ Longest case opened and closed: **321 days**
- ✓ Closed cases open <90 days: **27.8% (27)**
- ✓ Closed cases open >90 days: **56.7% (55)**
- ✓ Closed cases open >180 days: **15.5% (15)**

A “key performance indicator” is a tool to measure performance and success. A “metric” is simply a number within a KPI that assists in tracking performance and progress.

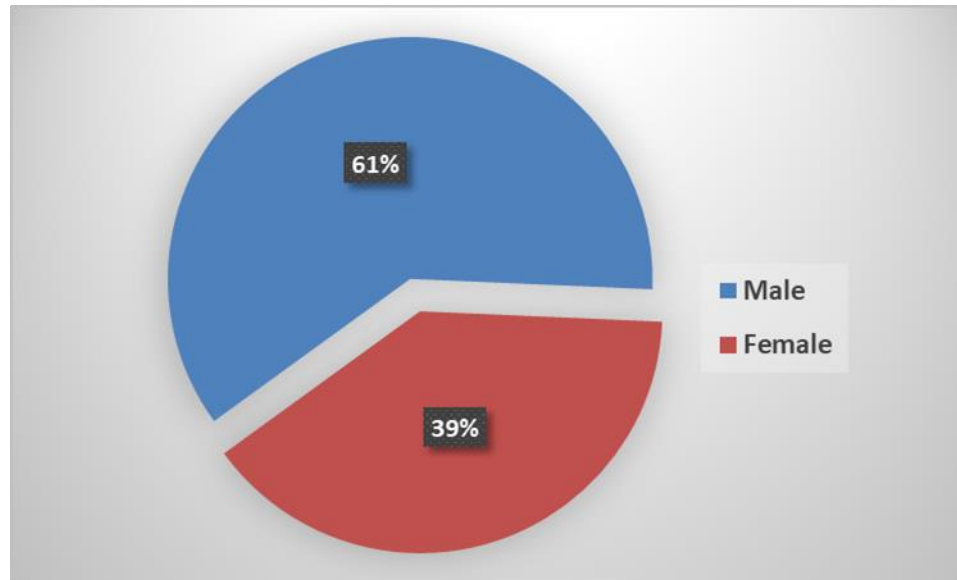
Source: www.dasheroo.com

Referrals by Age



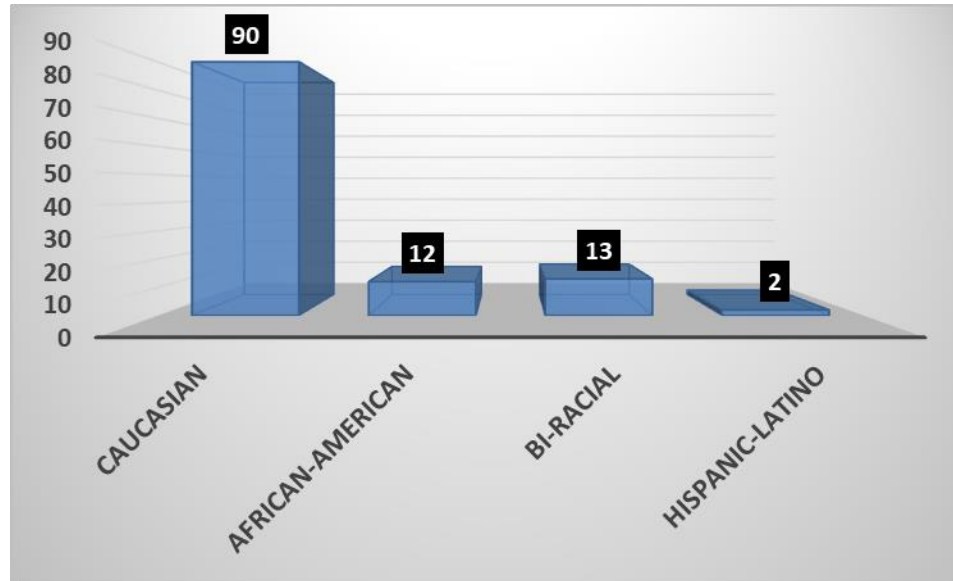
The number of referrals for age groups 0-5 and 6-12 are nearly equal or statistically the same but age group 13-18 is noticeably higher.

Referrals by Gender



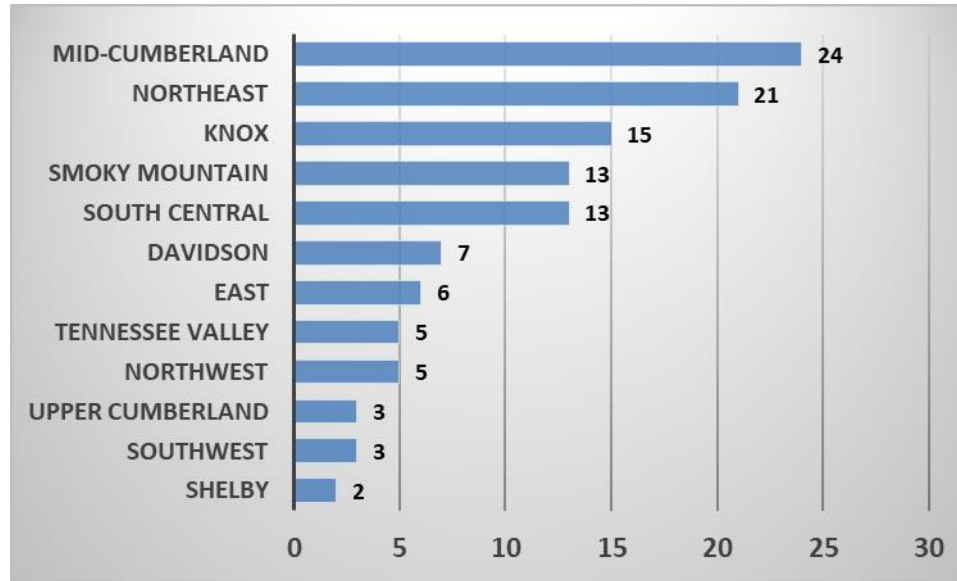
The ratio or number of referrals of cases involving males (71) exceed the number of referrals relating to females (46). This trend is consistent over the years.

Referrals by Ethnicity



For FY 2019-2020, the ethnic makeup was 77% (90) Caucasian, 10% (12) African-American, 11% (13) Bi-racial and 2% (2) Hispanic-Latino.

Referrals by Region



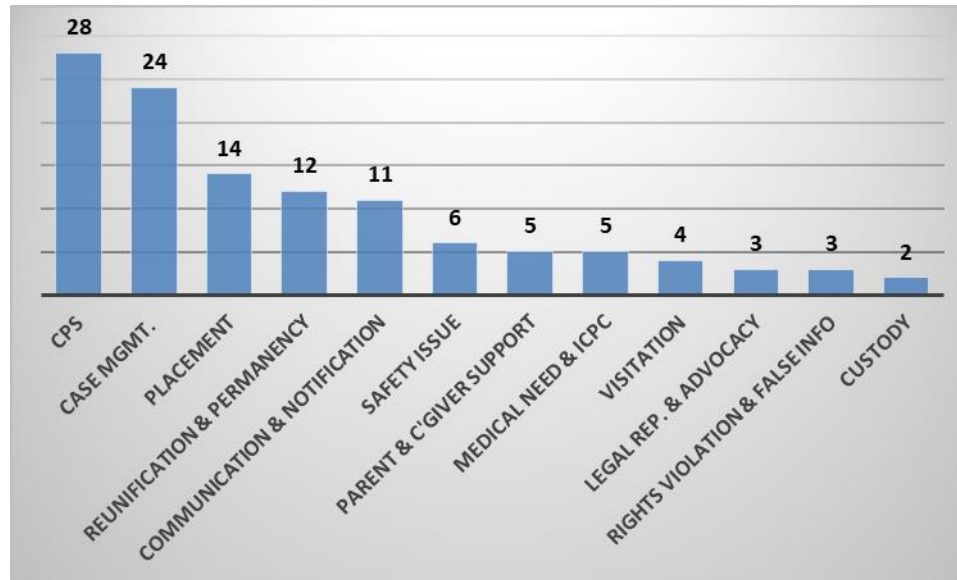
Mid-Cumberland and Northeast Regions = 38.5% (45)

Knox County, Smoky Mountain and South Central Regions = 35.0% (41)

Davidson County, East Tennessee, Tennessee Valley and Northwest Regions = 19.7% (23)

Upper Cumberland, Southwest and Shelby County Regions = 6.8% (8)

Classification of Referrals



CPS and Case Management = 44.4% (52)

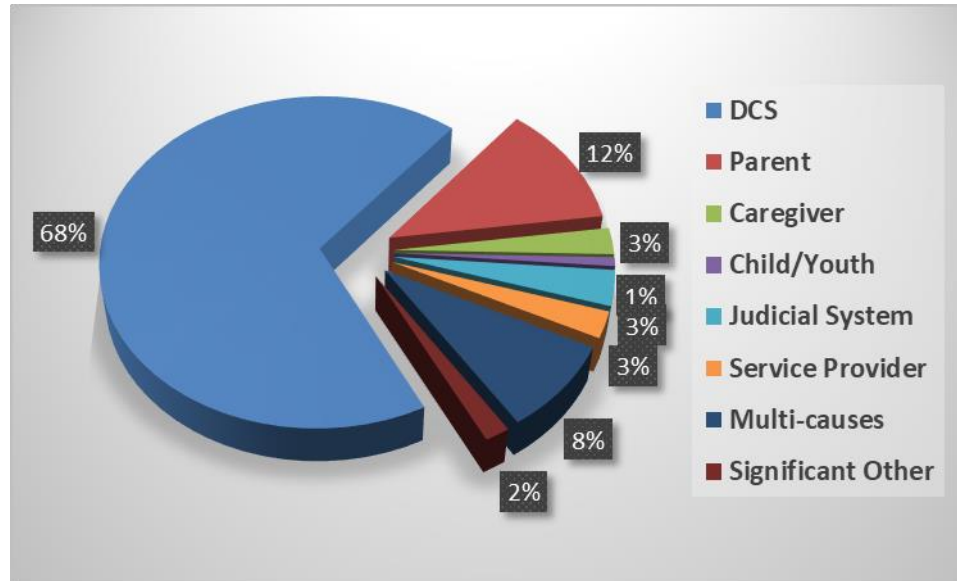
Placement, Reunification & Permanency, Communication & Notification = 31.6% (37)

Safety Issue, Parent & Caregiver Support, Medical Need, ICPC = 13.7% (16)

Visitation, Legal Representation & Advocacy, Rights Violation & False Information, Custody = 10.3% (12)

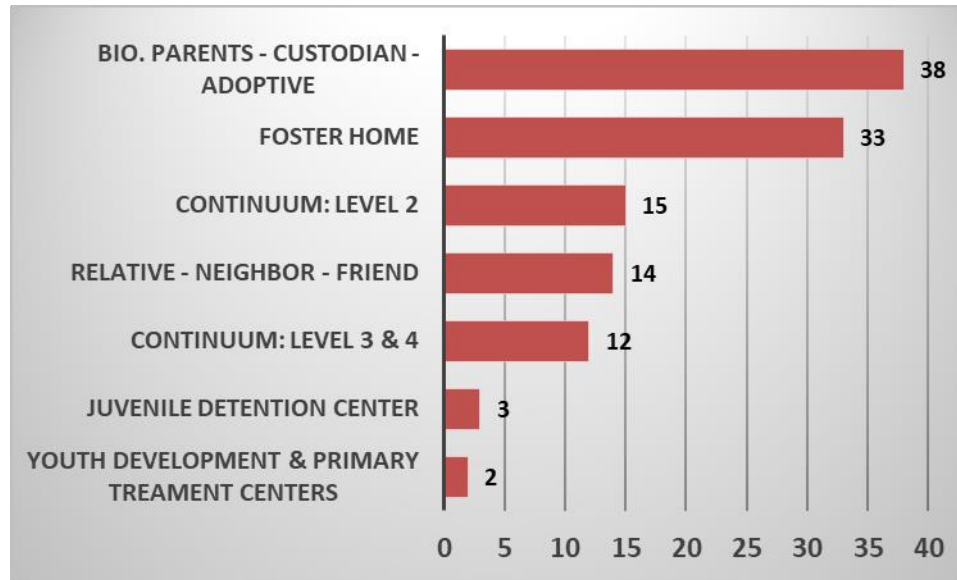
Acronyms: CPS (Child Protective Services) and ICPC (Interstate Compact on the Placement of Children)

Problem Etiology per Complainants



The information displayed above was gathered during intake. It does not portray who actually caused the problems after the cases were reviewed by the Ombudsman Program. The data revealed that more than one-half (68%) of the problems were allegedly caused by DCS, 16% by Parents, Caregivers & Youth, 6% by Judicial System & Service Provider and 10% by Multi-causes & Significant Other.

Where are the children placed?



Biological, Legal Custodian and Adoptive Home = 32.5%

Foster Home (DCS and Contract) = 28.2%

Continuum: Level 2 = 12.8%

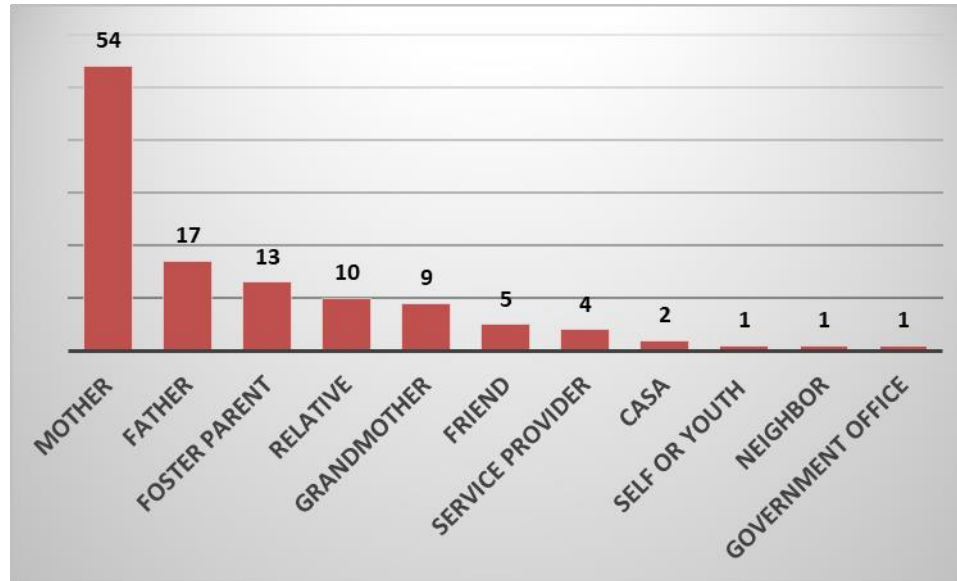
Relative, Neighbor, Friend = 11.9%

Continuum: Level 3 & 4 = 10.3%

Juvenile Detention Center = 2.6%

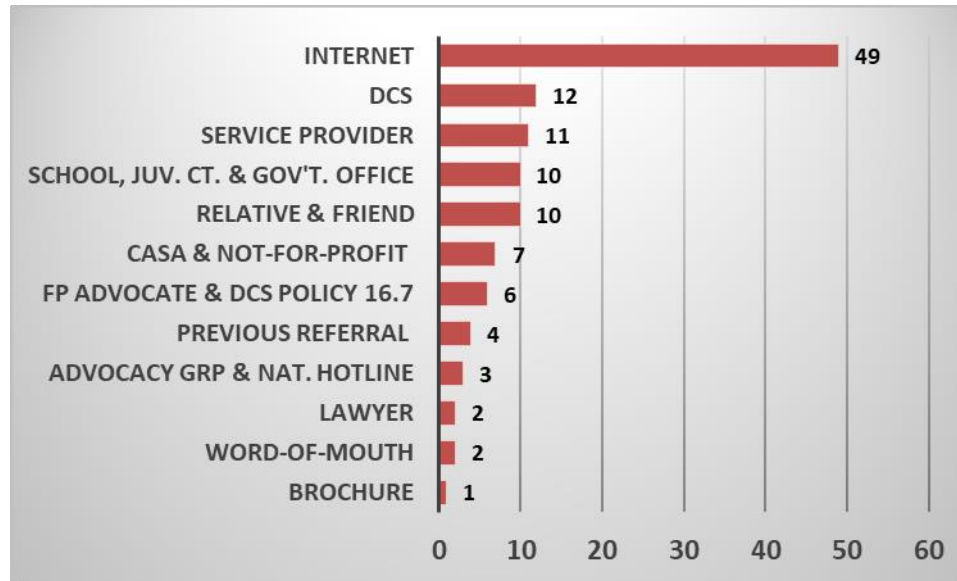
Youth Development & Primary Treatment Centers = 1.7%

Who are the complainants?



Complaints received from mothers make up nearly half of the referrals for FY 2019-2020 at 46.1%. This time-proven trend, is followed by complaints from fathers at 14.5%, foster parents at 11.1%, relatives at 8.5%, grandmothers at 7.7%, friends at 4.3%, service providers at 3.4%, court appointed special advocates (CASA) at 1.7%, self or youth at 0.9%, neighbor at 0.9% and government office at 0.9%.

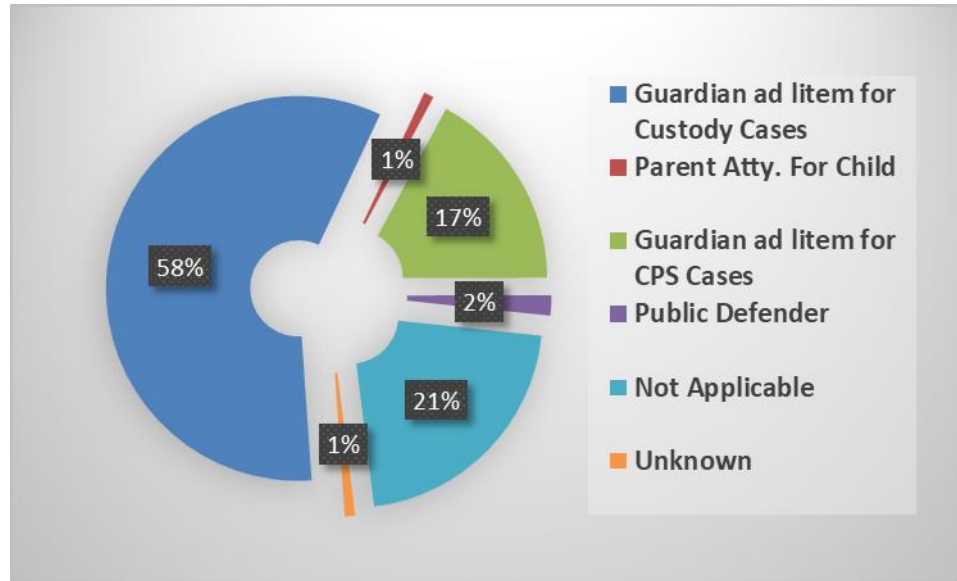
How did you find the Ombudsman Program?



A significant number of complainants learned about the Ombudsman Program from the internet (41.9%). This trend for the last few years is followed by DCS and service provider (19.7%), school, juvenile court, government office and relative/friend (17.1%), CASA, not-for-profit, FP Advocate and DCS Policy 16.7 (11.1%) and previous referral, advocacy group, national hotline, lawyer, word-of-mouth and brochure (10.3%).

Acronyms and Abbreviations: DCS (Department of Children's Services), Juv. Ct. (Juvenile Court), CASA (Court Appointed Special Advocate), FP Advocate (Foster Parent Advocate) and Advocacy Grp. (Advocacy Group)

Legal Representation of Children

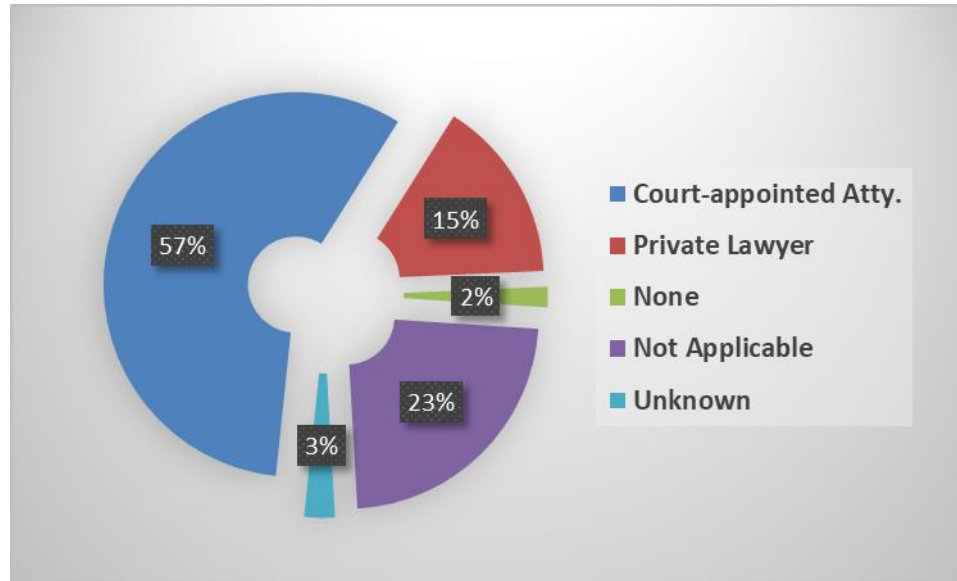


Seventy-eight percent or 91 of 117 cases had legal representation such as Guardians ad litem, Hired/Private Lawyers and Public Defenders.

T.C.A. 37-1-602 (TN Supreme Court Rule 40) states, “The guardian ad litem is appointed by the court to represent the child by advocating for the child’s best interests and ensuring that the child’s concerns and preferences are effectively advocated. The child, not the court, is the client of the guardian ad litem.”

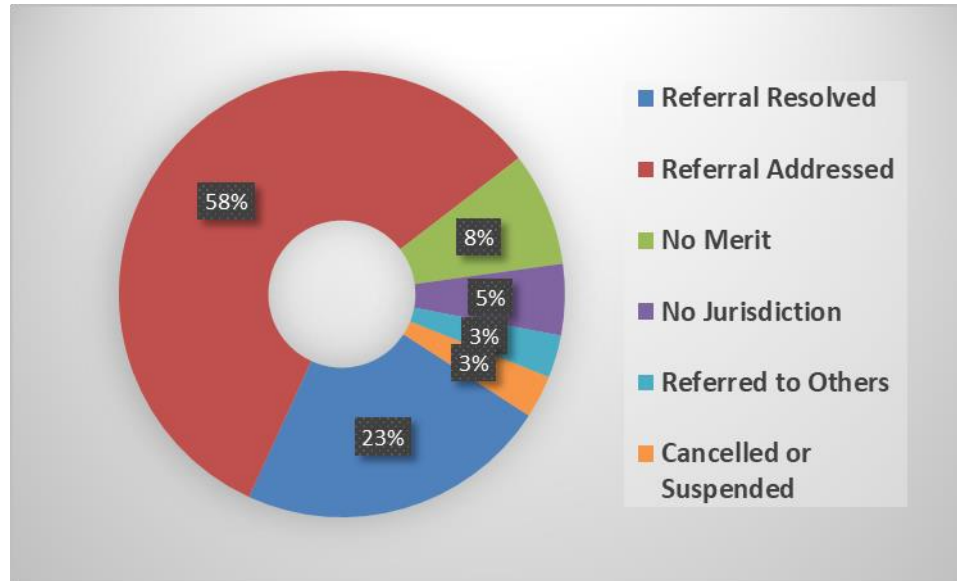
Source: <https://www.tncourts.gov/rules/supreme-court/40>

Legal Representation of Parents and Legal Guardians



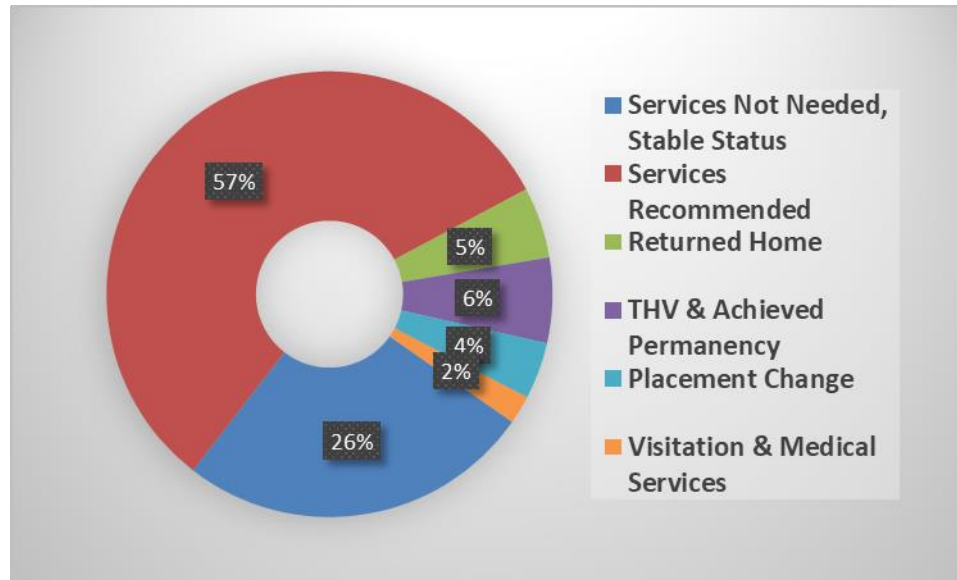
Seventy-two percent or 84 of 117 cases had legal representations such as Court-appointed Attorneys and Hired/Private Lawyers.

Case Outcome of Closed Cases = 97



Eighty-four percent (81 closed cases) were either resolved, addressed or referred to others, thirteen percent (13 closed cases) were referrals beyond the Ombudsman Program jurisdiction or had no merit and three percent (3 closed cases) were discontinued by complainants.

Child Outcome of Closed Cases = 97

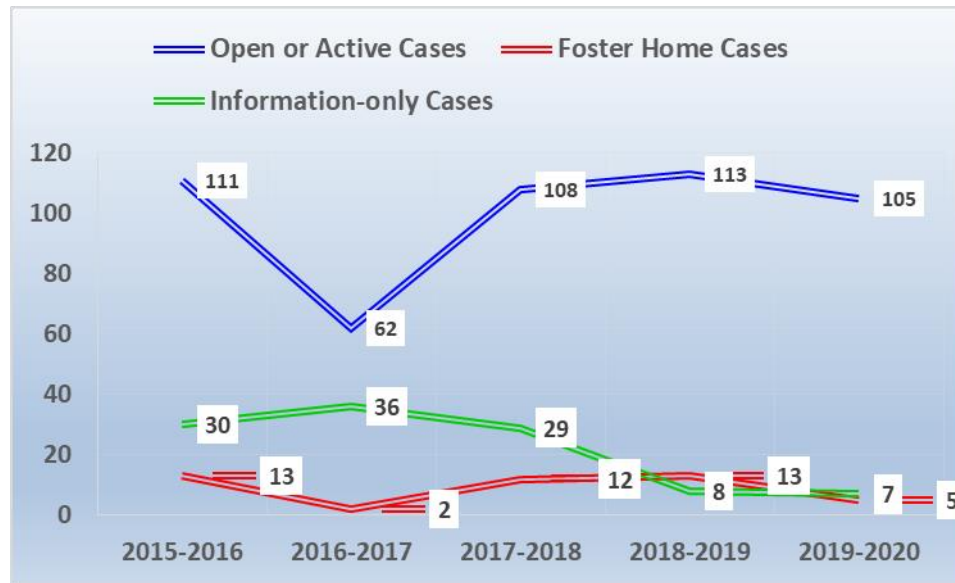


Twenty-six percent (25 closed cases) did not require services and children had stable status. Fifty-seven percent (55 closed cases) had services which were recommended. Eleven percent (11 closed cases) returned to home, THV (Trial Home Visit) and achieved permanency. Six percent (6 closed cases) needed placement change, visitation and medical services.

Strengths and Opportunities: DCS Child Welfare System

- DCS has responded to the Ombudsman Program inquiries in a timely, adequate manner. This was observed from all 12 regions of DCS in Tennessee.
- For cases that required the attention of the DCS Central or Customer Relations offices, sufficient assistance were received.
- The TCCY Ombudsman routinely gets notified of Child and Family Team Meetings (CFTM) and received meeting summaries promptly.
- The structure of the CFTMs is conducive to issue-focused discussions led by competent meeting facilitators.
- A vast majority of case managers and supervisors have updated, correct information in the DCS database system. The TCCY ombudsman has read-only access to the case notes.
- Service providers and stakeholders such as Court Appointed Special Advocates, Child Advocacy Centers and Tennessee Foster Care Association have increasingly contacted the Ombudsman Program for assistance.
- In order to address adversarial relationships, there is a need for training about unsatisfied or querulous clients and responding to social media postings. Scheduling periodic case management training with emphasis on best practices is highly recommended.
- Training on how to improve communication is crucial to conveying correct messages. DCS staff need to be aware how they present themselves to children and families. Appearing too authoritarian, disrespectful or lacking empathy does not earn their trust.
- There are situations where parents are left on their own to complete tasks required for reunification. At times, the service providers parents have selected do not meet the standard the DCS prefers. In some cases, there is a disconnect between what the department expects and what the parents think they have accomplished.
- Quality foster home placements (DCS and contract agencies) are scarce. There are situations where foster parents felt alienated and unsupported. It appears that the department has little to zero tolerance. DCS decides closing foster homes who are outspoken or made errors which may be reparable.
- Guardians ad litem, public defenders and court-appointed attorneys need to contact their clients more frequently instead of meeting them only during court hearings or CFTMs.
- In order to ensure successful relative placements, compliance to a number of conditions need to take place. These include, but not limited to, caregivers' adherence to contacts and visitations set forth by the department. Case managers should monitor placements more diligently.

Trend of Referrals: FY 2015-2020



Open or active cases (blue line) have demonstrated a steady trend for the last five years. Information-only cases (green line) have shown a downward trend. Foster home cases (red line) remain consistent.

“Open or active cases” and “foster home cases” are referrals requiring a considerable amount of time or involvement that may take several weeks or months.

“Information-only cases” are referrals that only need a minimum amount of service. These cases get dispositioned within a few hours or days.

Testimonials

▶ From a Mother on 06/08/20 and 05/20/20

- Thank you very much for all your help. Who knows how long it would have went on without your intervention. God bless you and keep you and all your loved ones blessed for eternity. Thank you.

- Thank you so much for your help. It is nice to see things finally being addressed by the judge. Muchas gracias.

P.L.

▶ From a CASA Supervisor on 04/07/20 and 01/13/20

- Thank you so much for being a part of this Team when we needed you! We always appreciate you.

- Thank you so much for your help and involvement as I truly believe that it had a bearing on the meetings and the attention paid to this case.

S.H.

Testimonials

▶ From a Mother on 11/01/19

I look forward to seeing you on Tuesday at your office. Thank you again for all your hard work and advocacy initiatives.

A.P

▶ From an Adoptive Father on 09/05/19

It is obvious to me that something about the attitude and professionalism of the DCS staff interacting with us has changed over the past few weeks - for the better. I have no idea if that has anything to do with you, but I want to believe that it is in direct response to something you have said or done; for that my family and I are greatly appreciative.

C.W.

▶ From a Mother on 09/04/19

Thank you for being so kind to take time out of your day to help me and my daughter.

S.L.