

In Quest to Meet Needs of Foster Youth, More States Create Independent Ombuds Offices

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Over two years working at foster care agencies in Columbus, Ohio, it became clear to Jaye Turner just how alone the young people she cared for often were. And when they raised a problem, the professionals in their lives were often dismissive, discouraging them from filing a formal grievance or reporting their treatment — and saying no one would believe them anyway.

As a result, said Turner — a former foster youth herself — “if something bad happens, that child is not gonna say anything, because they think, ‘I don’t trust that you’ll do what you’re supposed to do.’”

Feeling unsupported, unheard or isolated is distressingly common for foster youth, and all too often there is no reliable person to help with questions or concerns: Why can’t I stay at my school when I move to a new foster home? Do I have to keep taking medication that makes me feel weird? How can I be transferred out of a group home where I’m being mistreated?



Jaye Turner, a former foster youth,
has worked for foster care agencies in Columbus, Ohio.

Caseworkers are often too overloaded to listen or too inexperienced to problem-solve, and officials impossible to reach.

To get their basic needs met, foster youth and their advocates across the country are pushing for the creation of offices with the sole purpose of listening to and addressing their needs — from securing visitation with their birth parents and siblings to figuring out how to pay for college.

Currently, just 22 states have an independent statewide office to respond to concerns from those living in foster care or serving such children. These offices also identify systemic problems, produce regular, publicly available reports on complaints and recommend solutions, such as increased oversight of residential facilities, or better education about a state's foster care bill of rights.

Some states, including Colorado and California, have had such offices for a decade or two. Others have created these watchdog roles only recently. Ohio, West Virginia and Washington, D.C., are currently defining how their new offices will operate. And in Vermont, legislators are considering a bill that would create an office to advocate for youth in foster care.

This year, New York lawmakers considered a bill to create an independent state office to address concerns about foster care and report on larger trends, but the measure failed to advance.

In Ohio, where Turner grew up, youth advocates spent four years fighting to create an office to listen to and advocate for young people in need of safe homes. Last year, Gov. Mike DeWine (R) approved \$1 million for the initiative, and the state Legislature is now deciding how it will operate.

For many Ohio advocates, the desperate need to designate someone for foster youth to call when they are in need became all too apparent in April, when Ma'Khia Bryant, a 16-year-old Black teen, was shot and killed by a white Columbus police officer outside her foster home after an altercation with several older teens who were former residents of the home.



Ma'Khia Bryant, 16, was a foster youth who was killed by police in April.

According to relatives and news accounts, the circumstances surrounding the lives of Ma'Khia and her siblings cried out for better oversight well before she was gunned down. The children's grandmother had begged child welfare officials to give her more time to find housing so she could keep the family together, but they were removed nonetheless, two sisters ending up in a chaotic foster home where police were frequently called.

Four days after Ma'Khia's April 30 funeral, former foster youth Deanna Jones testified in the Ohio statehouse that help from a foster care expert could have saved the girl's life. Jones said in her own case, without a rescue from a sympathetic case worker, her trajectory might have been far worse.

Lawmakers are pushing for an investigation into Ma'Khia Bryant's life in foster care leading up to the police shooting that killed her.

"My life could have ended if I had not had an advocate," she told lawmakers. "There were times when my rights and concerns were being violated, but I had someone to go to bat for me. And we don't have that now."

Such statewide offices are often known as a foster care ombudsman or ombudsperson — derived from the Swedish word for "representative" — or sometimes as a child advocate. Ombuds offices are designed, fundamentally, to provide accountability in the child welfare system — typically tight-lipped, opaque bureaucracies that too often fail to ensure the safety and wellbeing of the vulnerable children and families they are charged with protecting.

When problems arise, "you've got to have some entity that's responsible for knowing — and then responding when there's a violation or a potential violation," said Jennifer Rodriguez, a former foster youth and executive director of the San Francisco-based Youth Law Center.

Foster care ombuds offices typically take calls from children, foster parents and biological relatives, and, in some states, from any member of the public. Most have hotlines that receive calls during business hours; in Washington state, people are directed to fill out an online form. New Hampshire is among the few state offices that receive walk-ins.

The role and scope of the foster care ombuds varies across states, including the branch of government where it is located and what information it can access.

Mary Christine Reed, a lawyer who directs the nonprofit legal advocacy group Texas Foster Youth Justice Project, said her state's office does regular and effective outreach to young people, spreading the word through summer conferences as well as life skills classes that all 16- and 17-year-old foster youth must take.

Recently, she got a call from a north Texas teen whose foster parents were pushing him to attend church and read the Bible against his wishes. Frustrated and uncomfortable in the only home available to him, the boy wanted someone to help him negotiate the situation.

Reed said she referred him to the ombudsperson, who listened to his concerns and arranged a meeting with the state commissioner of children’s services, the general counsel and other leaders of the state child welfare agency. He was inspired by sitting around a table with the people who decided where to send kids like him who needed a safe home, and ultimately moved to an independent living program.

“Our client was left feeling that he had made a difference,” Reed said, “and that there could be some change for other youth.”

To understand the key attributes of an effective ombuds office, The Imprint spoke with three current or former directors of state ombuds offices as well as six leaders of state and national organizations that serve foster youth.

All agreed on four critical elements for an independent watchdog:

- Independence from the state child welfare agency
- Tracking and reporting systemic issues
- Access to case information and data
- Direct outreach to youth

In 18 states, the ombuds offices are located outside of the state child welfare agency, often within the offices of a governor or inspector general, according to research by Moira O’Neill, director of the New Hampshire Office of the Child Advocate. While most of those offices focus specifically on children’s issues, five oversee all government agencies.



Rochelle Trochtenberg,
California’s former Foster Care Ombudsperson.

In three states — California, Texas and Utah — the offices operate autonomously, but within the state child welfare agency. **That model is not ideal, said California’s former ombudsperson Rochelle Trochtenberg. Before her recent departure after a five-year tenure, Trochtenberg — a rare ombuds who is herself a former foster youth — had advocated to move her office outside of the state Department of Social Services. The department is still seeking her replacement.**

Experts interviewed for this article all agreed these watchdog agencies must go beyond providing assistance in individual cases and must produce regular reports on broader trends, along with recommended changes.

Such reports can serve as a guide for needed laws and policies, they said, but their recommendations are not binding, and their impact hinges on the ombuds office's ability to persuade agency leaders and state lawmakers to take action. Absent pressure placed on policymakers through media exposure, sometimes the reports go unheeded.



Colorado's Child Protection Ombudsman
Stephanie Villafuerte

In Colorado in 2017, for example, the state shut down a foster care facility where residents had for years reported abuse by staff. In 2019, the ombudsman's office issued a report which found that child safety concerns were routinely ignored by "an ill-defined system that fails to ensure the safety and well-being of youth inside these facilities." It also recommended specific changes to policy and practice to the Colorado Department of Human Services.

But two years later, the state ombudsman, Stephanie Villafuerte, said the agency has not implemented her recommendations satisfactorily — and that it only began the conversation about how to address them after allegations against two other youth residential facilities were highlighted by media reports this year.

"It took ongoing problems in youth facilities before acting on them," Villafuerte said. "We're clear on what the problem is, and frankly, we've already identified the solutions."

Effective ombuds offices also need easy access to internal data collected by state and local child welfare agencies, the directors and advocates said. But according to O'Neill's research, watchdog agencies in just 12 of 22 states have subpoena power — the ability to petition a court to order an agency to release information.

The ability to compel an agency to turn over information can be a powerful oversight tool, Trochtenberg said — although in practice, ombudspeople often end up relying on the power of persuasion.

"If I had to go through the process of getting a subpoena issued and waiting for these records to come back to me, that delays the process of justice, and it also delays our ability to offer more timely and sound policy recommendations," Trochtenberg said. "I tried to get around that by further clarifying what I have the right to access and how and when."

Finally, the services of many foster care ombuds offices reflect the preferences of adults, rather than youth, both advocates and agency directors said. Most cannot be reached on evenings and weekends, and are accessible only by phone call, email or an online form. Several advocates suggested youth would prefer to communicate by text or live chat.

“We do hear from youth, but we’re probably barely scratching the surface right now,” said Villafuerte in Colorado. Her office recently added a “Services for Youth” button on its home page, which leads to a new webpage that explains the ways in which it can assist them.

Still, she said more direct outreach is needed to reach youth where they are at and advise them how her office can help.

“A lot of our youth in care don't have access to laptops and computers,” Villafuerte said, “and they don't know what an ombudsman is because that word is just foreign to most kids, and really to most adults.”

Ombuds' ability to improve child welfare systems hinges on their success in earning the trust of the youth they aim to serve, said Christine James-Brown, president of the Child Welfare League of America.

“These offices have to work in the right way because they can't be another source of disappointment for people,” James-Brown said. “If we’re going to promote something like this, they can’t be just another window dressing.”