

TCCY Ombudsman Program

Four-Year Report
2015-2019



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 (not a replacement) to the department's internal complaint system. The ombudsman advocates for transparency, fairness, accountability, timeliness and best practice.

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 Ombudsman Program of the agency 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.

Tennessee Code Annotated (TCA) 37-3-103 (b)(1) points to the "Power and Duties" of TCCY. The 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 obliges the department to release information requested by TCCY.

Children involved in DCS foster care system or social services, juvenile justice, foster homes, kinship programs and Child Protective Services fall within the jurisdiction of the TCCY ombudsman.

Referrals can be made by anyone regardless of age, gender, ethnicity, political affiliation, religious belief or economic status. The office of the ombudsman 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.

From July 1, 2015 to June 30, 2019, a total of 537 referrals were received. Demographic breakdowns of these referrals are found in this four-year report. Strengths, opportunities and trends these past few years are highlighted.

The proportion of active cases vs. information-only cases has shifted noticeably beginning in FY 2006-07. For that year, 64 (33.2%) active cases and 129 (66.8%) information-only cases were logged. For FY 2018-19, there were 126 (93.7%) active cases and 8 (6.3%) information-only cases were recorded.

Analysis of "case outcomes" showed 73 percent (359 cases) of closed cases (480) were resolved, addressed or referred to others. For "child outcomes," 67 percent (318) resulted in stable status, no services needed, changed placement and achieved permanency or reunification with parent(s) or birth family.

From the pool of total referrals, there were 302 children in state custody. Eighty-one percent (243 cases) had guardians ad litem, public defenders or legal representations.

The TCCY Ombudsman Program is thankful for the support and cooperation received from DCS regional and central offices. The department, over the years, has a good understanding of the ombudsman's exclusive role in addressing issues, providing alternatives and finding common grounds.

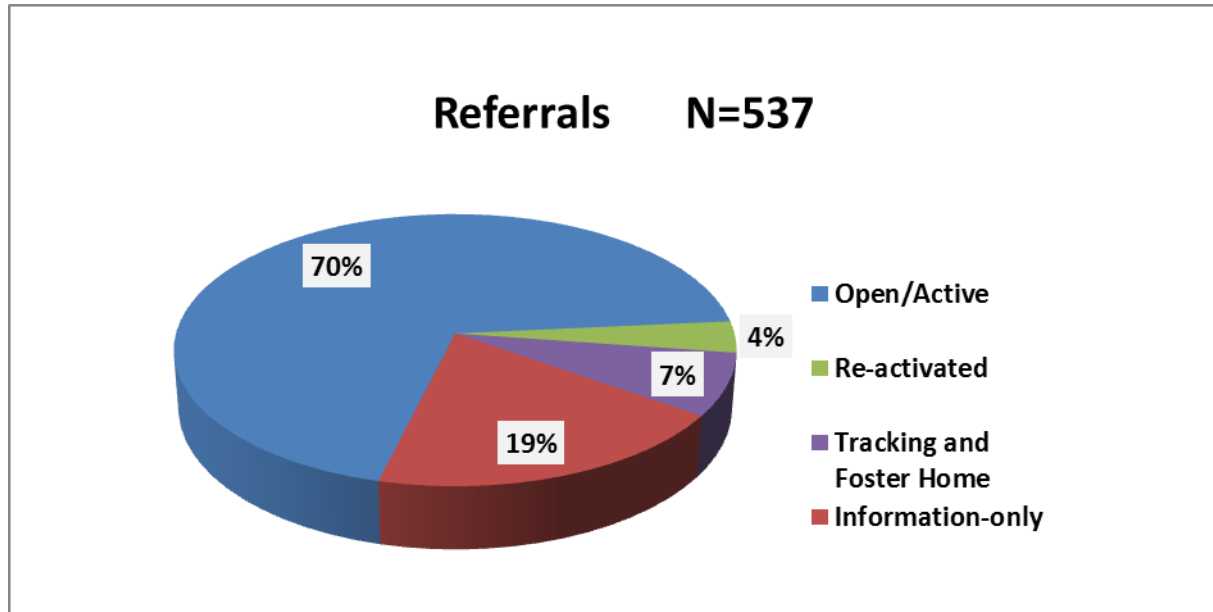
Last, but not least, the ombudsman's office would like to express its appreciation to all referents and stakeholders. The children and families involved with DCS also deserve recognition. They are the beneficiaries of services and should be treated with respect and dignity along with a wide array of ongoing support.

Performance metrics and testimonials from referents or customers are included in this document.

The TCCY Ombudsman provides written and oral reports to a Deputy Executive Director and 21 Commission Board members who are appointed by the governor on staggered terms.

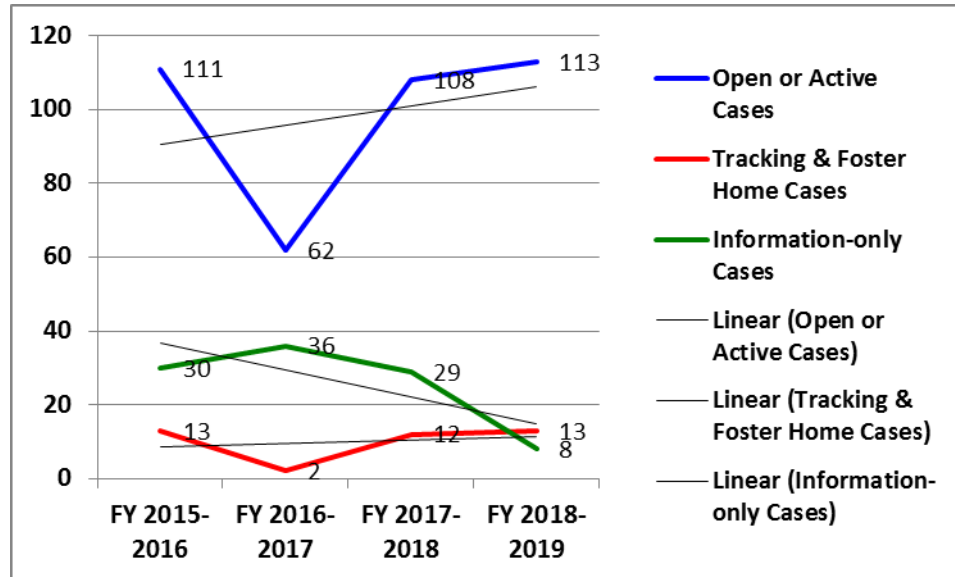
For more information about TCCY's Ombudsman Program, the website is <https://www.tn.gov/tccy/ombuds.html>

FY 2015-2019



DCS Policy 16.7 (Resolution of Disagreement and/or Conflicts Between Resource Parents and DCS), Procedure 3 requires that the “Regional Administrator or Designee will notify the TCCY Ombudsman” that a complaint was received from a DCS Resource Parent. Procedure 4 indicates that a copy of the response to a resource 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.” These type of cases are labeled as “tracking cases.”

Referrals Trendline



Open or active cases (blue line) have demonstrated an upward trend while information-only cases (green line) showed the opposite. Tracking and foster home cases (red line) have also displayed a slightly upward trend.

"Active cases" are referrals requiring a considerable amount of probing, fact-finding and involvement that may take several weeks or months. "Information-only cases" are referrals that need a minimum amount of service. These cases get dispositioned within a few hours or days.

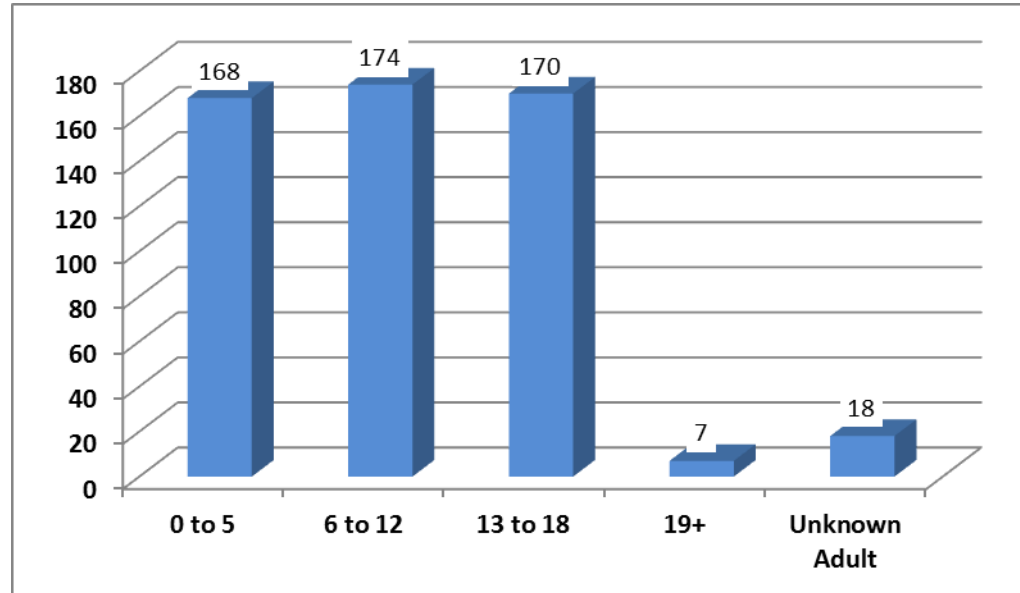
Key Performance Indicators (KPIs) and Metrics

- Total number of referrals received: 537
- Response rate of referrals within 48 hours: 82.3% (442)
- Total number of cases closed: 480
- Average length of cases closed: 157.5 days
- Shortest case opened and closed: <1 day
- Longest case opened and closed: 415 days
- Closed cases open <90 days: 45.4% (218)
- Closed cases open >90 days: 16.9% (81)
- Closed cases open >180 days: 37.7% (181)

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 group 0-18 are distributed almost evenly. Ages 6-12 (32%), with the highest figure, compares to the data below for the same age group.

The percentages of children and age distribution of Tennessee population in 2018:

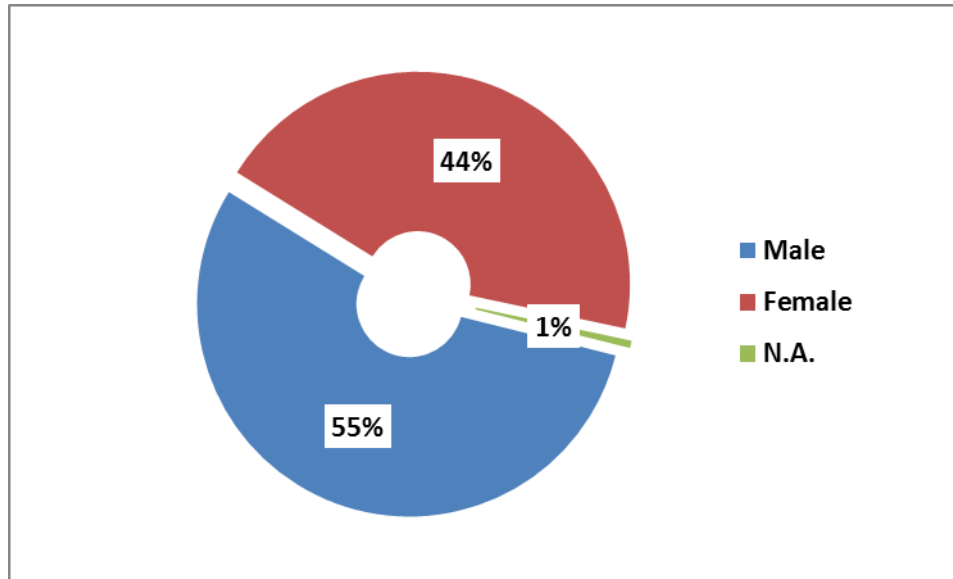
7.2% (488,400) for Ages 0-5

8.7% (588,111) for Ages 6-12

7.6% (511,583) for Ages 13-18

Source: Division of Population Health Assessment, Tennessee Department of Health

Referrals by Gender



Every year, the number of referrals of cases involving males (295) always exceeded the number of referrals relating to females (239).

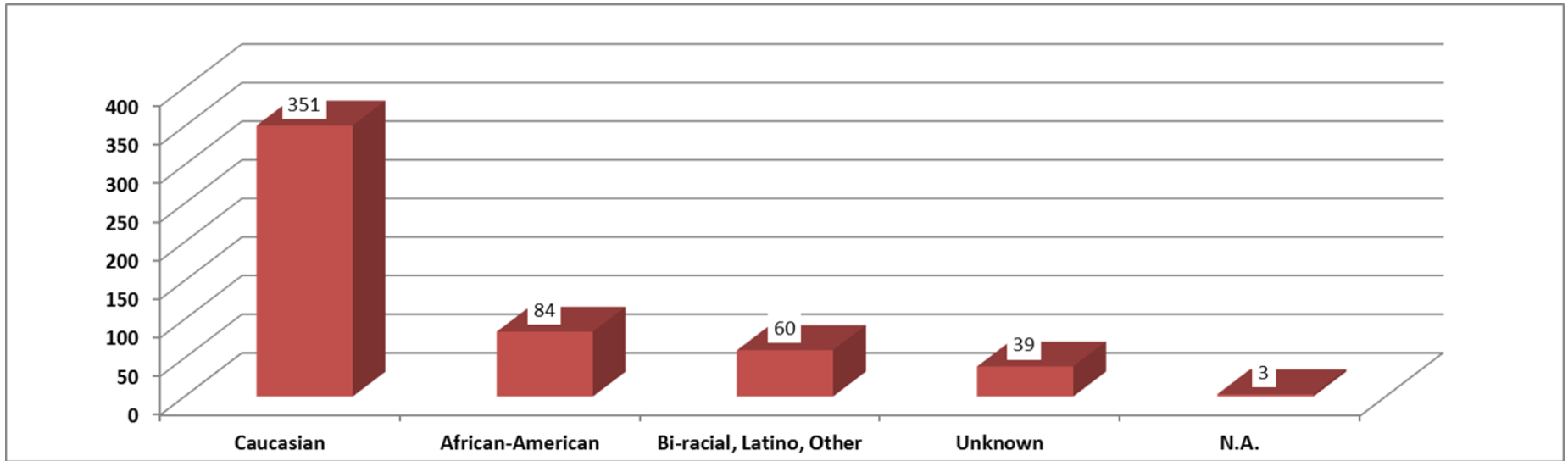
For Tennessee, the gender composition of all children under age 18 is as follows:

51% (768,322) Males

49% (737,898) Females

Source: Annie E. Casey Foundation's KidsCount for 2018 (updated in August 2019)

Referrals by Ethnicity



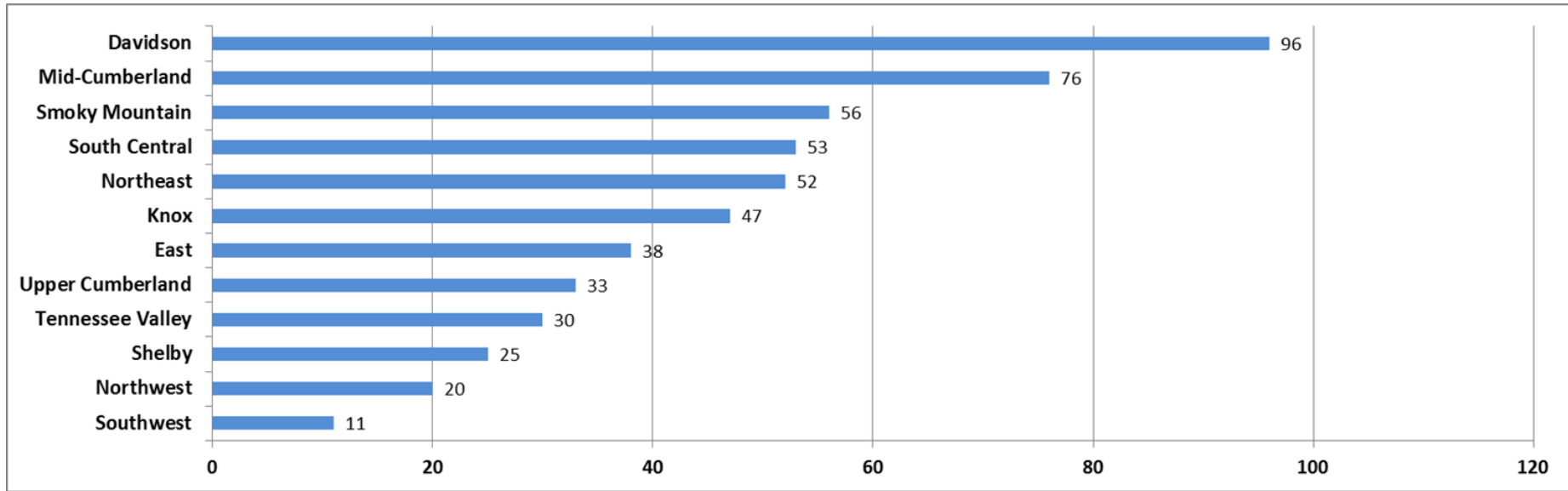
From 2015-2019, the ethnic makeup was 65% (351) Caucasian, 16% (84) African-American and 11% (60) Bi-racial/Latino/Other. These figures compare to the data below.

For Tennessee, the race of all children under age 18 is as follows:

- 65% (979,348) Caucasians
- 19% (286,807) African-American
- 15% (208,758) Latinos-Asians

Source: Annie E. Casey Foundation's KidsCount for 2018 (updated in August 2019)

Referrals by Region



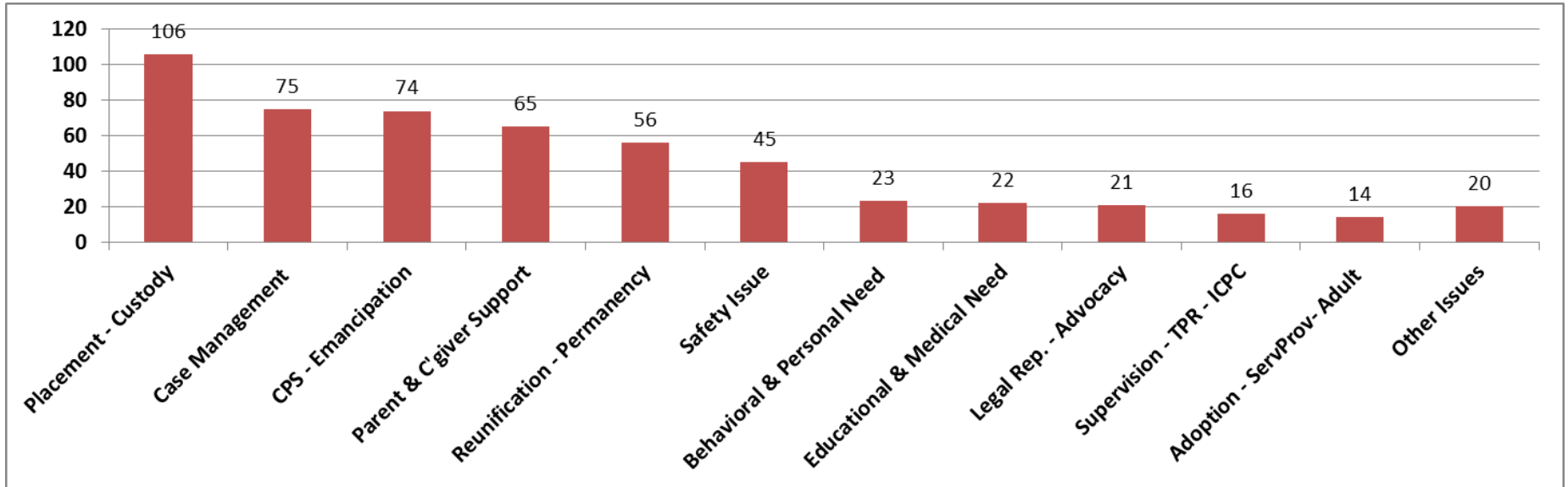
Davidson County and Mid-Cumberland regions represented 32 percent (172) of total referrals.

Smoky Mountain, South Central, Northeast and Knox regions represented 39 percent (208) of total referrals.

East, Upper Cumberland, TN Valley, Shelby and Northwest regions represented 27 percent (146) of total referrals.

Southwest region represented 2 percent (11) of total referrals.

Classification of Referrals

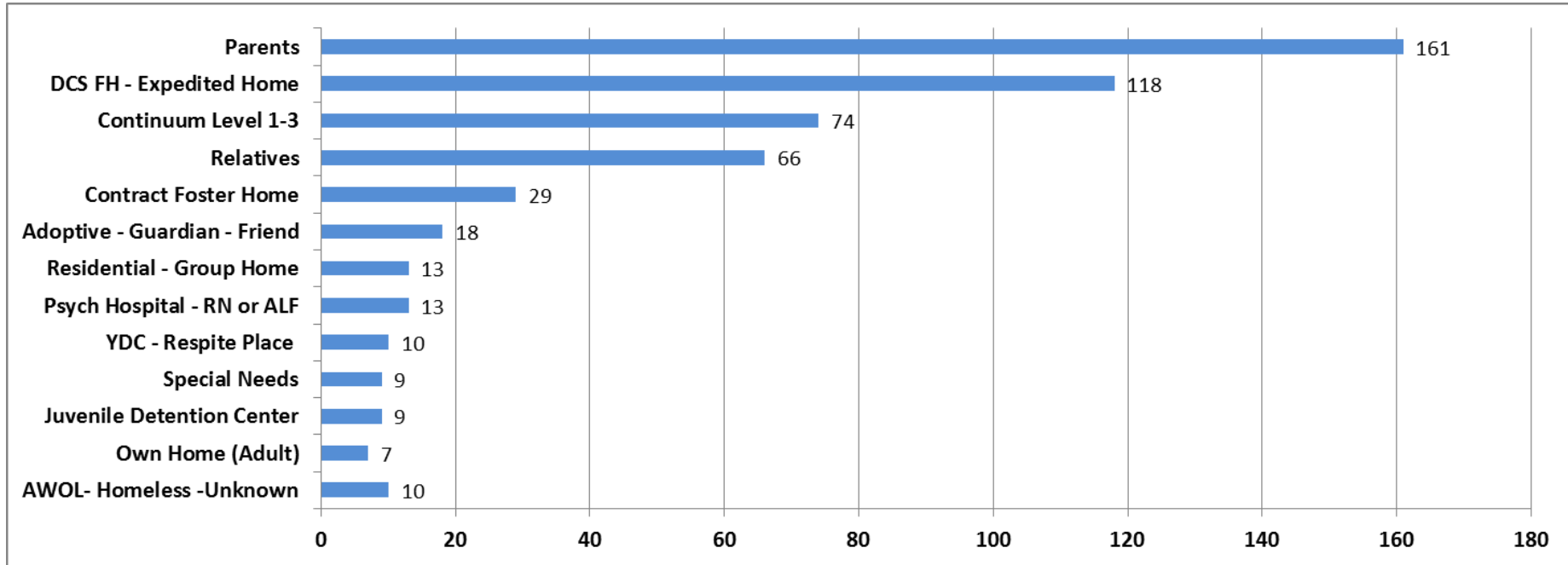


Other Issues include the following:

Two cases on discrimination, two cases on non-compliance with medication agreement and divorce decree, durable medical equipment, breach of confidentiality, kinship program, illegal school search, unethical conduct, court hearing delays, homelessness, identity of caseworker, funding sources, unsafe drinking water, visitation with non-custodial father, psychiatric inpatient by custodial father, TennCare reinstatement, contact with child, garnishment of income and multi-issues

***Acronyms and Abbreviations: CPS (Child Protective Services), C'giver Support (Caregiver Support), Legal Rep. (Legal Representative), TPR (Termination of Parental Rights), ICPC (Interstate Compact on the Placement of Children) and ServProv (Service Provider)

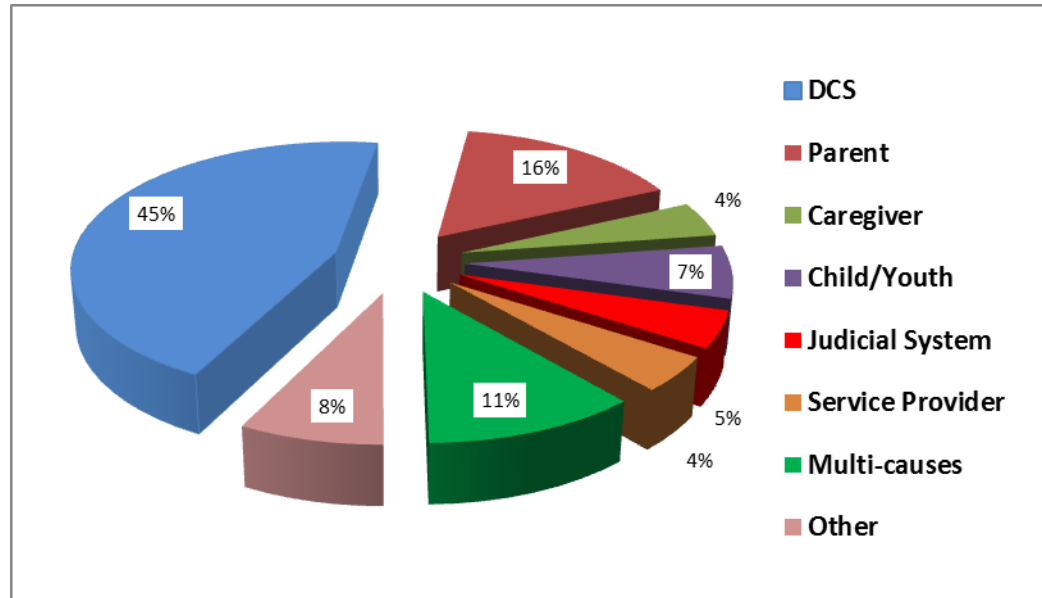
Where are the children placed?



Placements with parents and DCS foster homes-expedited home represented 52 percent (279) of total referrals. This number is followed by placements in continuum residential placements, relatives and contract foster homes at 31 percent (169) of total referrals. The rest of the placements represent 17 percent (89) of total referrals.

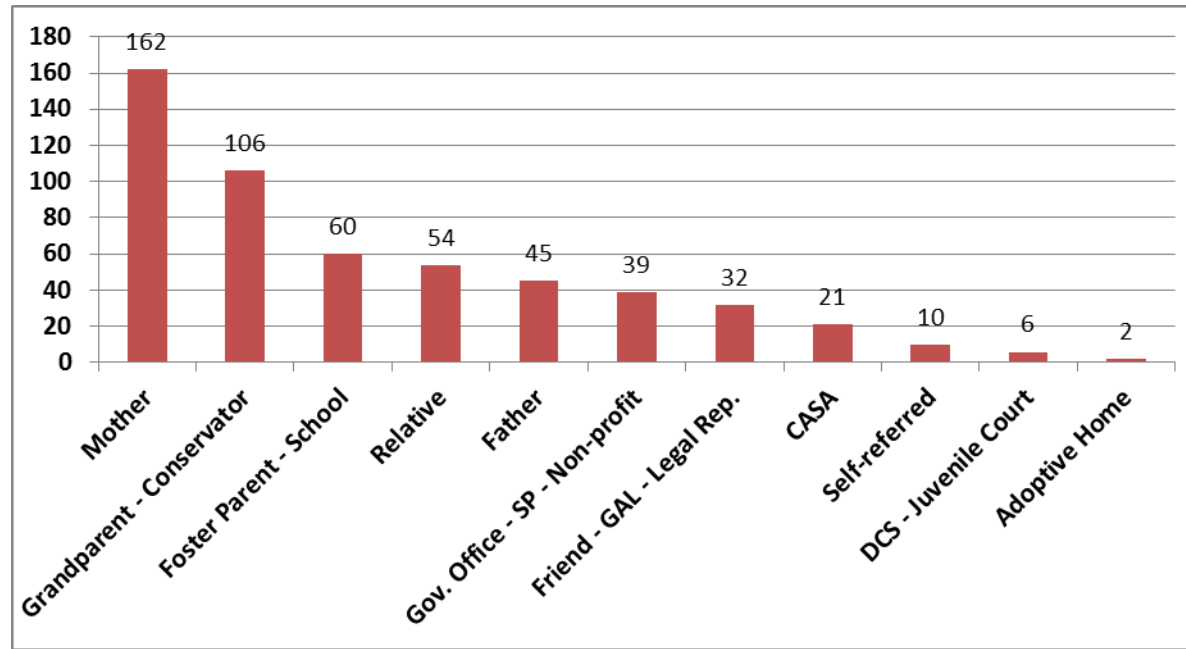
***Acronyms and Abbreviations: DCS FH (Department of Children’s Services Foster Home), Psych Hospital-RN or ALF (Psychiatric Hospital -Nursing Home or Assisted Living Facility), YDC (Youth Developmental Program) and AWOL (Absence Without Leave) or Runaway

Problem Etiology per Complainants



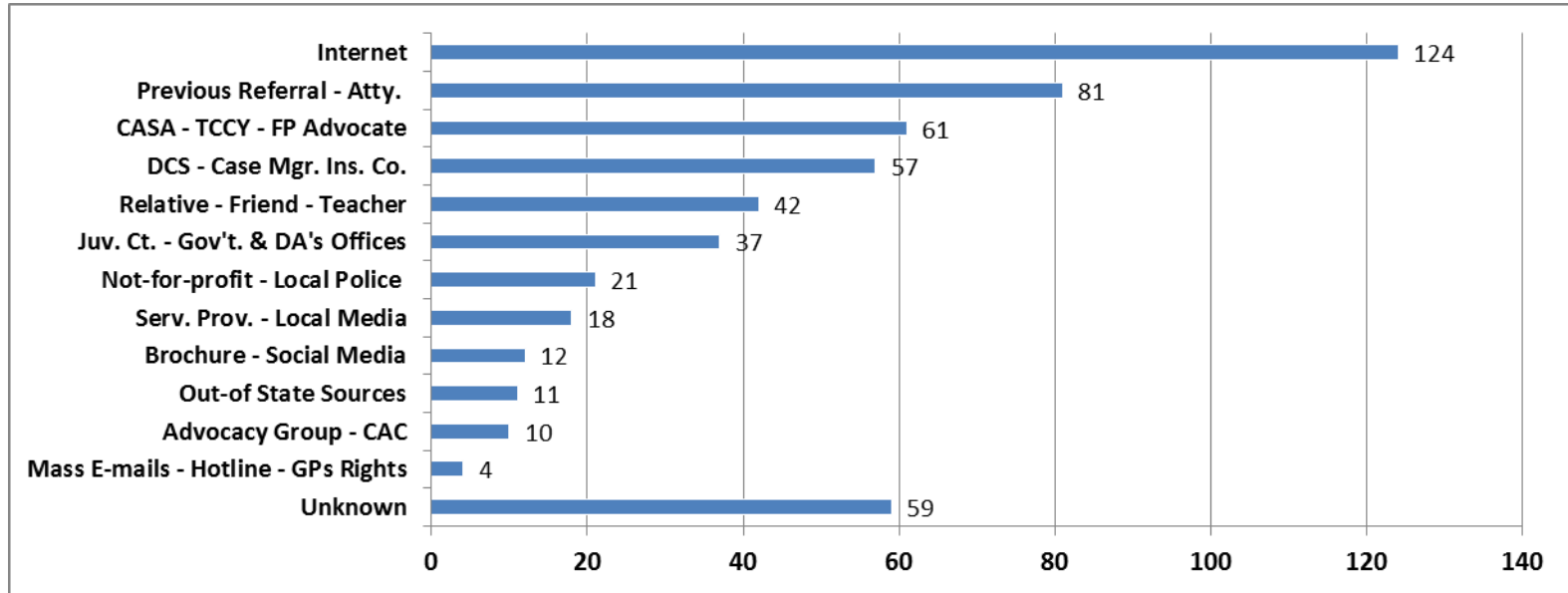
The information shown above was gathered during intake. It does not portray who was determined to have actually caused the problems after the cases were reviewed by the Ombudsman Program. The data revealed that half of the problems were allegedly caused by the DCS (45%) and judicial system or juvenile court (5%).

Who are the complainants?



Historically, referrals initiated by mothers are the most prevalent at 30 percent (162). This number is followed by referrals from grandparents-conservator, foster parents-school, relatives and fathers. Their combined referrals represent 49 percent (265). The remaining complainants represent 21 percent (110).

How did you find the Ombudsman?

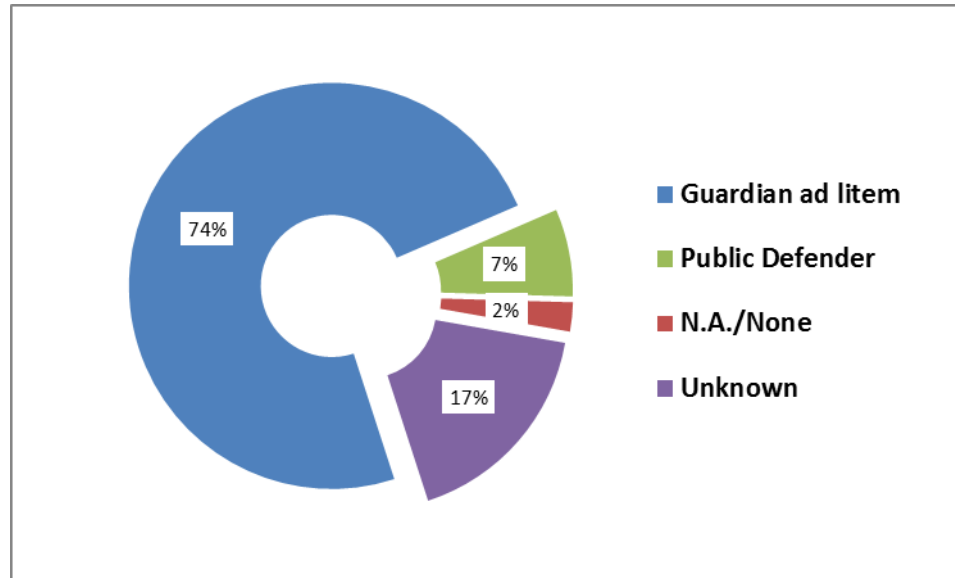


The internet and previous complainants-attorneys are the topmost source of information about the Ombudsman Program with 38 percent (205) of total referrals.

A majority of the 59 "Unknown" cases are represented by information-only referrals (103). For those cases, demographics were inapplicable or unobtainable.

***Acronyms and Abbreviations: Atty. (Attorney), CASA (Court Appointed Special Advocate), TCCY (Tennessee Commission on Children and Youth), FP Advocate (Foster Parent Advocate), DCS (Department of Children's Services), Case Mgr. Ins. Co. (Case Manager of Insurance Company), Juv. Ct. (Juvenile Court), Gov't. and DA's Offices (Government and District Attorney's Offices), Serv. Prov. (Service Provider), CAC (Child Advocacy Center) and GPs Rights (Grandparents Rights)

Legal Representation of Children in State Custody = 302

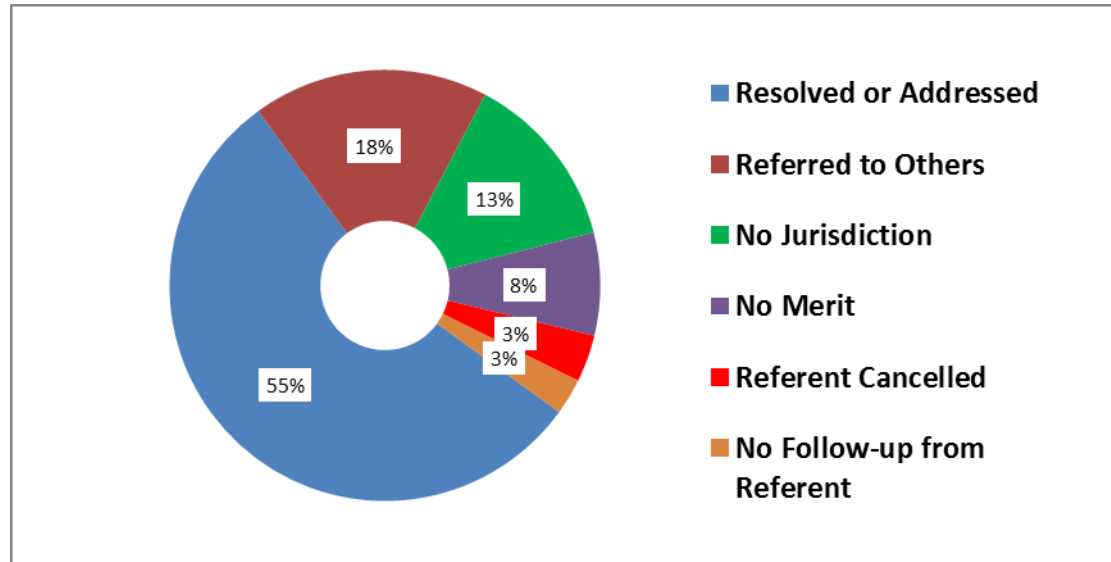


Eighty-one percent or 243 of 302 children in state custody have legal representatives.

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.”

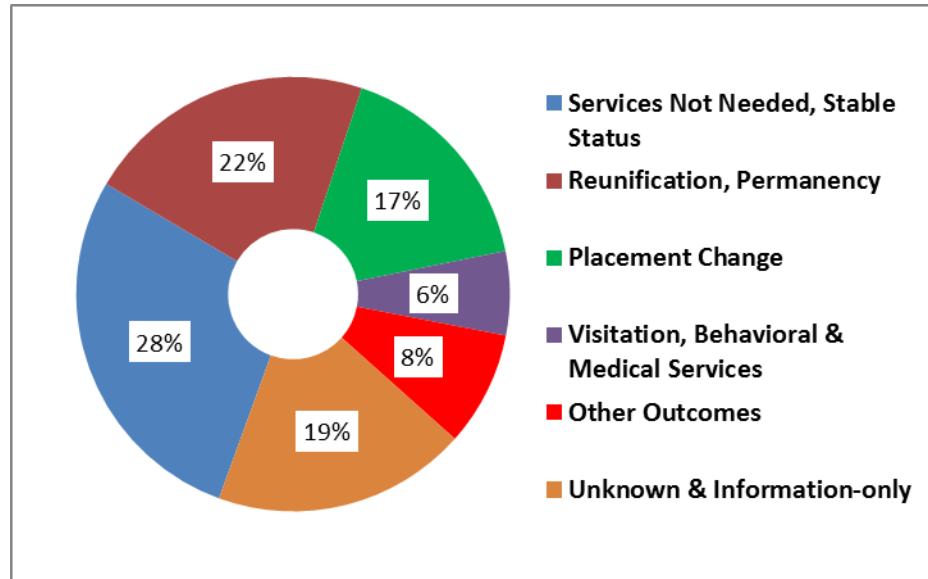
Source: <https://www.tncourts.gov/rules/supreme-court/40>

Case Outcome of Closed Cases = 480



Seventy-three percent (349 closed cases) were either resolved, addressed or referred to others. While 21 percent (101 closed cases) were referrals outside the Ombudsman Program's jurisdiction or were without merit, 6 percent (30 closed cases) were situations where the referent discontinued the complaint or communication.

Child Outcome of Closed Cases = 480



Twenty-eight percent (134) did not require services and children were in stable status. Twenty-two percent (104) experienced reunification and achieved permanency. Seventeen percent (80) had positive placement changes. Six percent (30) started visitations and received behavioral or medical services. “Other Outcomes” included recommending various types of services for 16 of 41 children.

Strengths and Opportunities: TN Child Welfare System

- DCS has responded to the Ombudsman Program inquiries in a timely, adequate manner. This is observed from all 12 regions of DCS in Tennessee.
- For cases that required the attention of the DCS Central Office or Customer Focused Services, sufficient assistance was 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 discussion led by competent meeting facilitators.
- A vast majority of case managers and supervisors have updated, correct information in the DCS database system. The Ombudsman has read-only access to the case notes.
- There was full cooperation when extensive case file reviews are conducted. Copies of psychological evaluations, parenting assessments, medical records and court orders or motions are readily available.
- 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 guidance and assistance.
- Due to the very personal nature of every case, the families of children involved with DCS oftentimes blame the department in general and the case manager in particular. To address adversarial relationships, there is a need for ongoing training on how to effectively handle difficult, unsatisfied clients. The need to schedule periodic case management training with emphasis on best practices is equally important.
- It is also imperative to include regular training on how to improve communication. DCS workers need to be mindful of how they present themselves to children and families. Appearing too authoritarian, disrespectful or lacking of empathy does not earn clients' trust. DCS has this burden as public servants.
- There are instances where parents are overwhelmed by conditions set forth in the Permanency Plan. These include having additional tasks that may or may not be optimal for a desired home environment. Consequently, there are perceptions by parents that the department expects perfect, zero liability homes before children are reunited with their birth families.
- More resources are needed for placements such as Levels 3-4, residential programs, special needs, psychiatric units, and other structured facilities. In particular, alternatives to juvenile detention centers need prioritization.
- Guardians ad litem, public defenders and court-appointed attorneys need to contact their clients more regularly instead of meeting them only during court hearings or CFTMs. As the state custodian of children, DCS has a degree of responsibility to assure their meaningful involvement. If necessary, the legal representatives' inactions or dereliction of duties need to be reported to the juvenile court judge.
- While all counties in Tennessee have a juvenile court, not all of them has a Foster Care Review Board (FCRB). All 95 counties in the state need to set up a fully functioning board. FCRBs are the eyes and ears of the juvenile court and have distinctive functions to fulfill.

Testimonials 2018

- ▶ From a Contract Service Provider on December 4, 2018

“I always greatly appreciate your timely responses. Thank you so much for your follow-up. I have alerted the organization. I hope they will take this seriously.”

N.R.

- ▶ From a Department of Children Services Foster Mother on August 1, 2018

“Although I haven’t heard from you directly since June there has been some work done on this case, and I am sure it is due to your efforts.”

A.R

- ▶ From a Mother on May 3, 2018

“Thank you so much for getting back in touch with me. I wasn't even certain if you mentioned a name. I could not remember that part of our conversation. I appreciate your professionalism and willingness to help. I do remember being overwhelmed by gratitude the last time we talked because you responded quickly and made the effort to help me. I see you are still doing a great job.”

C.N.

Testimonials 2017

- ▶ From a Public Defender on October 18, 2017

“I’m so grateful for your assistance on this case. I’ll see my client tomorrow, and I will let him know that the staff person that hurt him had to lose his job. It is a small victory for a child, but a victory nonetheless.”

C.M.

- ▶ From a Paternal Aunt on June 22, 2017

“Thank you so very much for always being available and advocating for B. and E.! This journey has been a bumpy one and your support was so appreciated!

Hope you have a fantastic summer! Thanks again!”

C.C.

- ▶ From a Court Appointed Special Advocate Supervisor on June 22, 2017

“Thank you to all the hard work on this case.”

K.W.

- ▶ From a High School Teacher (STARS Specialist) on May 17, 2017

“Thank you so very much for your prompt reply and the comprehensive, helpful information. The information you provided is basically what I thought.

I am hoping that your letter will give her (at least a little bit) of courage and she will have the wherewithal to speak to the judge. Again, thank you so much. You have been extremely helpful!”

A.T.

Testimonials 2016

- ▶ From a Department of Children Services Team Leader on July 21, 2016

“Thank you for your assistance with this youth. It appears that your efforts were helpful in that S. seems to be more on track than I have seen him in a very long time.”

J.W.

- ▶ From a Paternal Aunt on May 17, 2016

“Thank you very much for your participation last week in the CFTM. Your promptness was exceptional! After the meeting, I felt very pleased knowing that my nephew and his 1 year old sister would be placed in a safe home with my sister.”

C.C.

- ▶ From a Maternal Great Aunt on April 11, 2016

“I greatly appreciate you more than words can say and I pray and wished there were more people like you in charge in the system. There may be less of these problems if they were.

Thank you so much for all your help! May God bless you in all you do to help others.”

M.M.

Testimonials 2015

- ▶ From a guardian ad litem on December 9, 2015

“Thank you for your hard work on this case! It is appreciated!”
C.M.

- ▶ From a Guardian ad litem on October 19, 2015

“Contacting you was a last resort. I had nowhere else to turn. After months of sending e-mails and attempting to get answers from the department, I was surprised by your quick response. It's a shame it took your inquiry for the department to provide me with a copy of the IPA.”

- ▶ From a Maternal Grandmother on September 29, 2015

“Both you and the therapist, have been true advocates for my grandson. Since I see some new names being cc'd above, I just want to make this perfectly clear to everyone.”

- ▶ From the Department of Children's Services on September 16, 2015

“Thank you. It is always a pleasure to work with you.”