



TENNESSEE COMMISSION ON
CHILDREN & YOUTH

TCCY Ombudsman Program Annual Report FY 2020-2021

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Ombudsman Executive Summary

The Tennessee Commission on Children and Youth's (TCCY) Ombudsman Program is an external, third party resource for children involved with the TN Department of Children's Services (DCS). It is an alternative but not a replacement of the department's internal complaint system. The ombudsman advocates for timeliness and transparency in resolving complaints. Autonomy, impartiality, confidentiality and credible review process are the guiding principles.

The word "ombudsman" is a gender-neutral term. It is a Scandinavian word that means "citizen defender," "grievance man" or "the bridge between the government and aggrieved citizens." King Charles XII of Sweden instituted this time-tested public service in 1713. The Parliament of Sweden formally established the first government or classical 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 fall under the jurisdiction of the ombudsman.

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 DCS' "Confidentiality of Records." It requires the department to release information requested by TCCY.

Referrals or complaints 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. Simply stated, the ombudsman is an "advocate of the process."

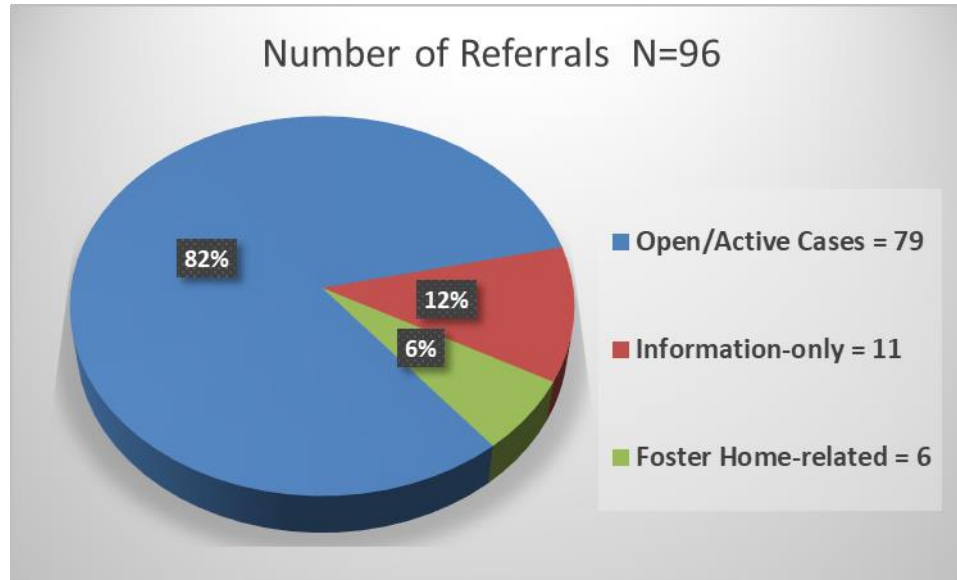
The Ombudsman Program relies on the support and cooperation of DCS central and local offices. The department, over the years, has a good understanding of the ombudsman's unique role in addressing issues, introducing solutions, offering remedies and seeking common grounds.

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 2020-2021 annual report.

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

July 1, 2020 – June 30, 2021



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.”

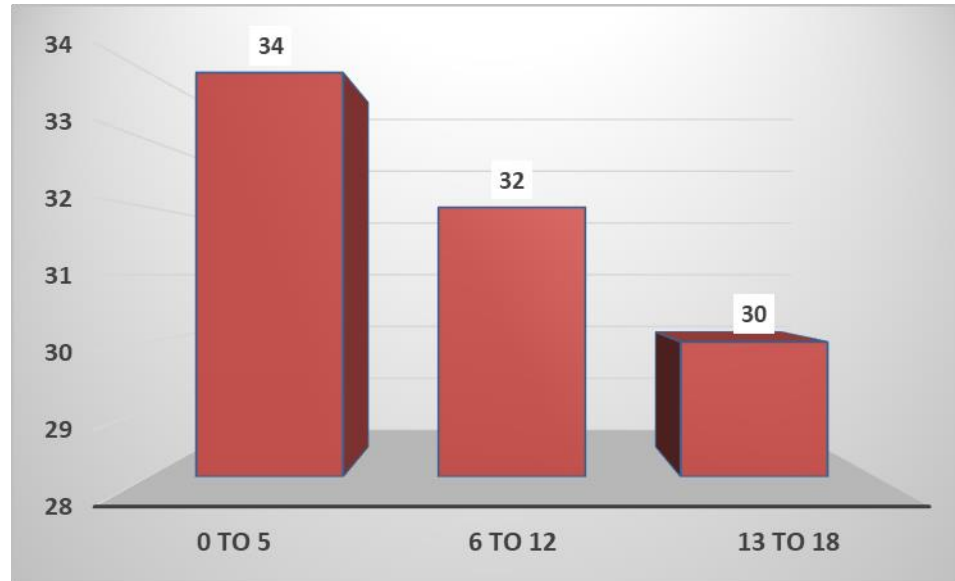
Key Performance Indicators (KPIs) and Metrics

- ✓ Total number of referrals received for FY 2020-2021: **96**
- ✓ Response rate of all referrals within 48 hours: **93.8%**
- ✓ Total number of closed cases: **65**
- ✓ Average length of closed cases: **101 days**
- ✓ Closed cases open <90 days: **43.1% (28 cases)**
- ✓ Closed cases open >90-180 days: **41.5% (27 cases)**
- ✓ Closed cases open >181 days: **15.4% (10 cases)**
- ✓ Shortest case opened and closed: **<1 day**
- ✓ Longest case opened and closed: **259 days**

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.

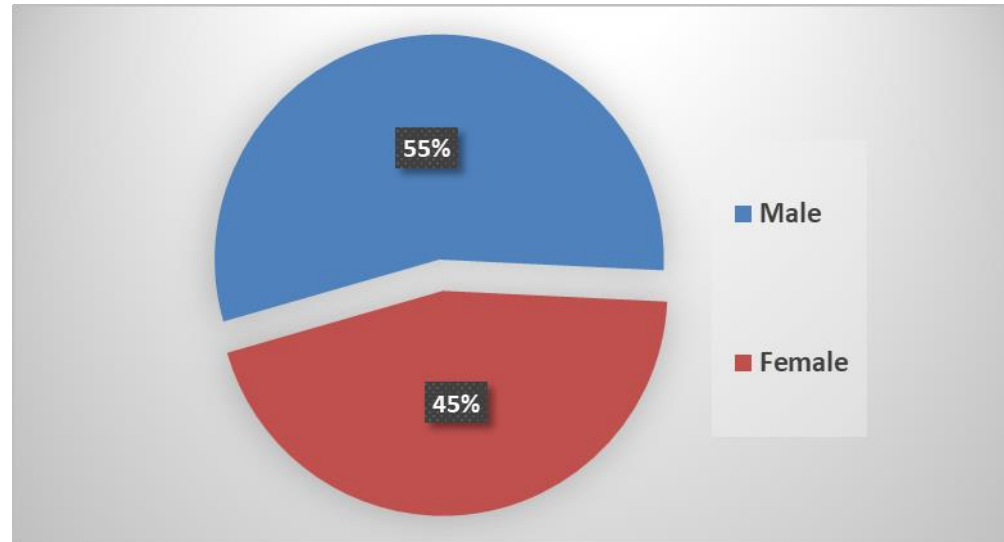
Source: www.dasheroo.com

Referrals by Age



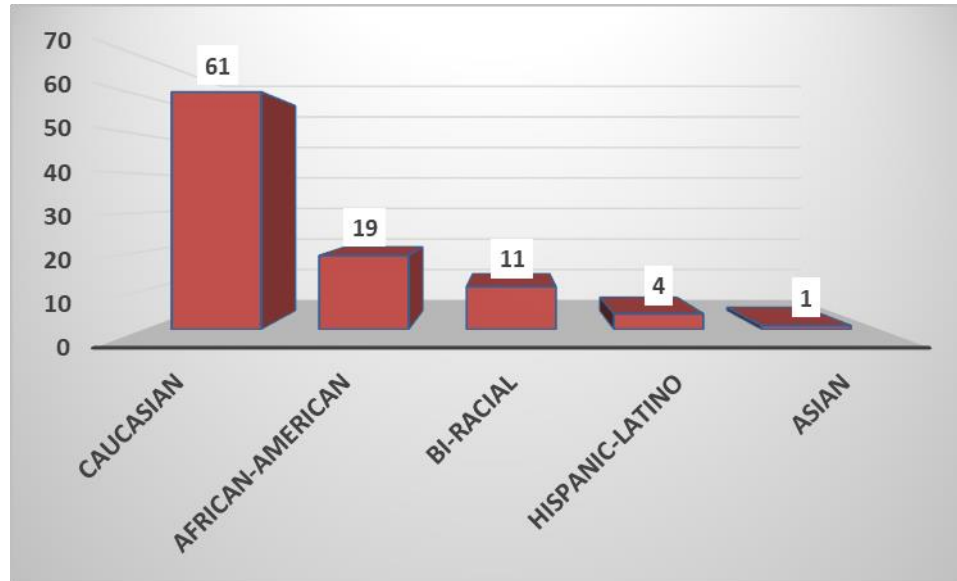
The number of referrals for all age groups are nearly equal or statistically compatible.

Referrals by Gender



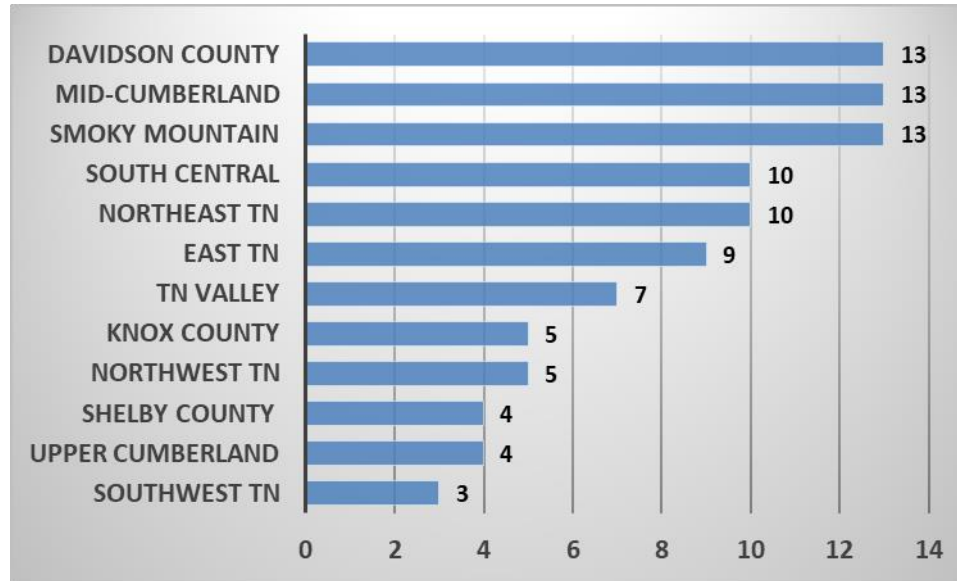
The ratio or number of referrals of cases involving males (53) exceed the number of referrals relating to females (43). This trend is consistent over the years.

Referrals by Ethnicity



For FY 2020-2021, the ethnic makeup was 64% Caucasian, 20% African-American, 11% Bi-racial, 4% Hispanic-Latino and 1% Asian.

Referrals by Region



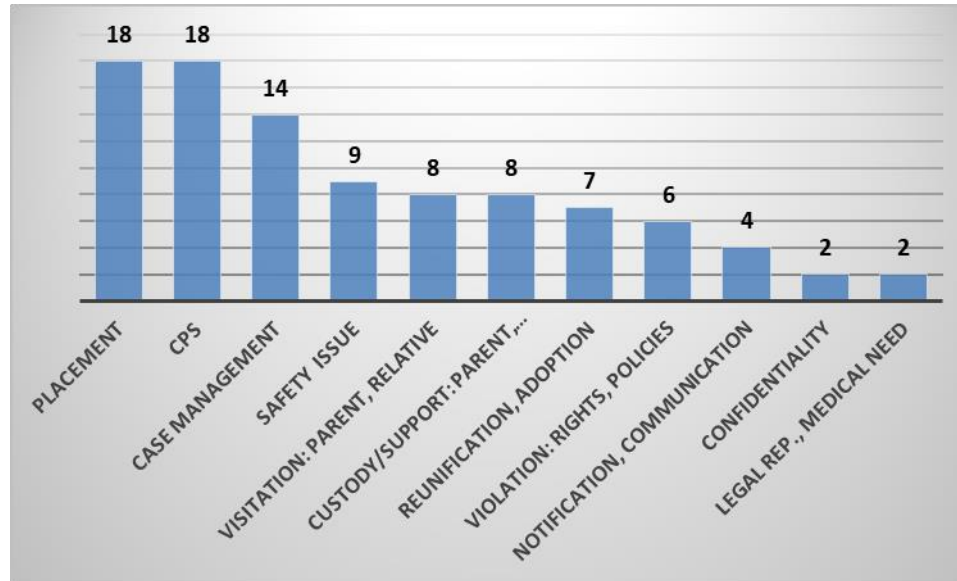
Davidson County, Mid-Cumberland and Smoky Mountain = 40.6% (39)

South Central, Northeast TN and East TN = 30.2% (29)

TN Valley, Knox County and Northwest TN = 17.7% (17)

Shelby County, Upper Cumberland and Southwest TN = 11.5% (11)

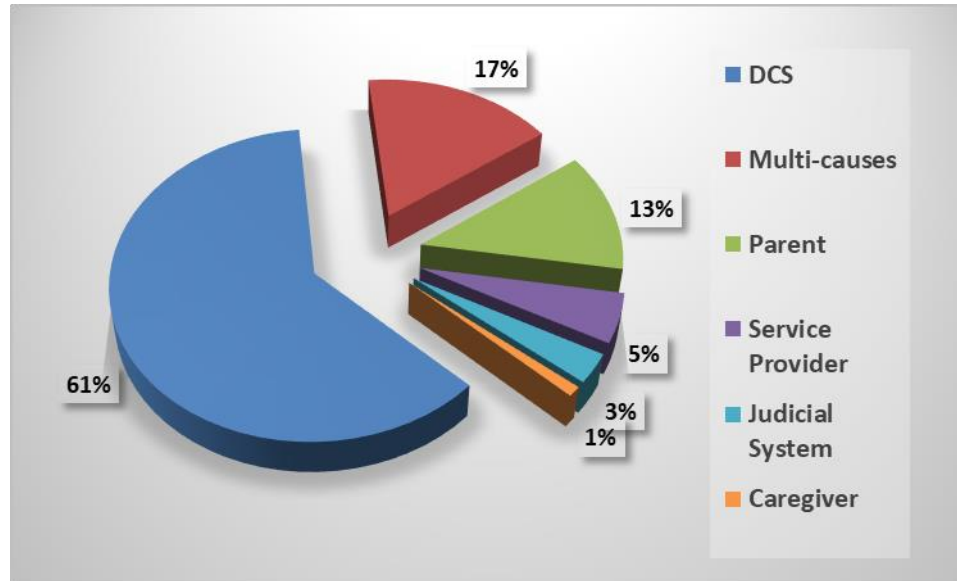
Classification of Referrals



Placement, CPS and Case Management = 52.1% (50)
Safety Issue, Visitation (Parent, Relative), Custody/Support ((Parent, Relative),
Reunification/Adoption, and Violation of Client's Rights/DCS Policies = 39.6% (38)
Notification/Communication, Confidentiality, Legal Representative, and Medical
Need = 8.3% (8)

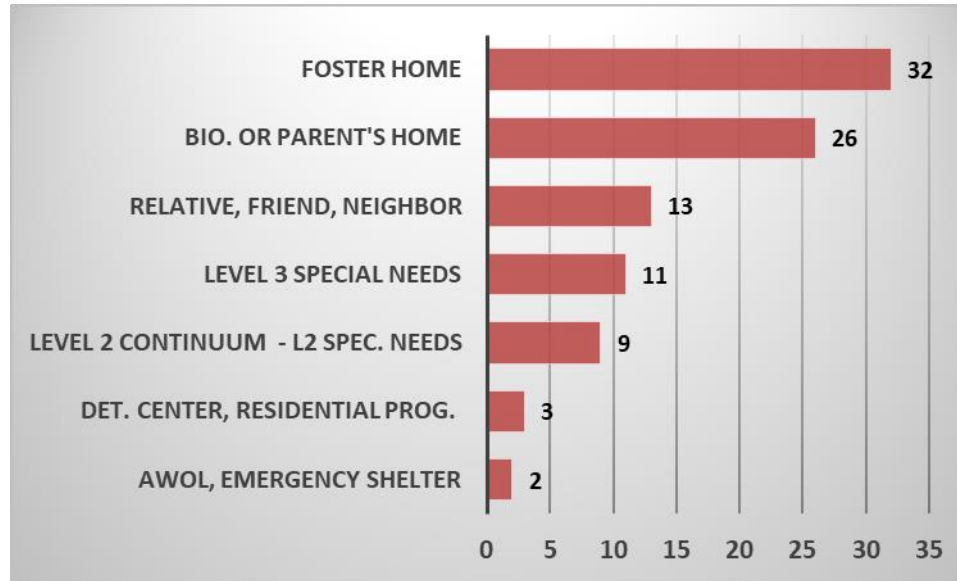
Acronyms: CPS (Child Protective Services), DCS (Department of Children's Services)

Problem Etiology per Complainants



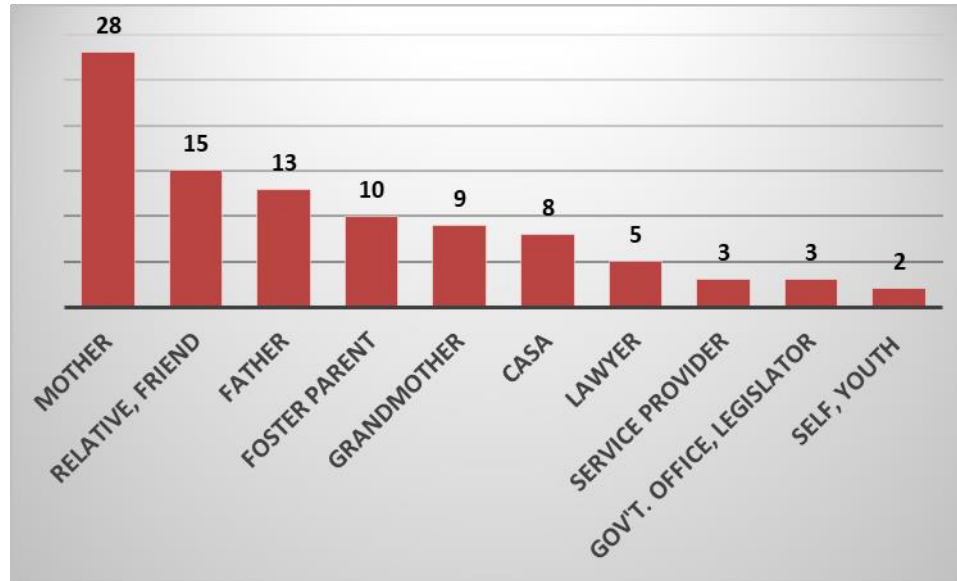
The information displayed above was gathered during intake. It does not portray who actually caused the problem after a case was reviewed or investigated. The data showed that more than one-half (59 of 96 cases) of the problems were allegedly due to DCS, 16 cases due to multi-causes, 12 cases due to parents, 5 cases due to service providers, 3 cases due to judicial system and 1 case due to a caregiver.

Where are the children placed?



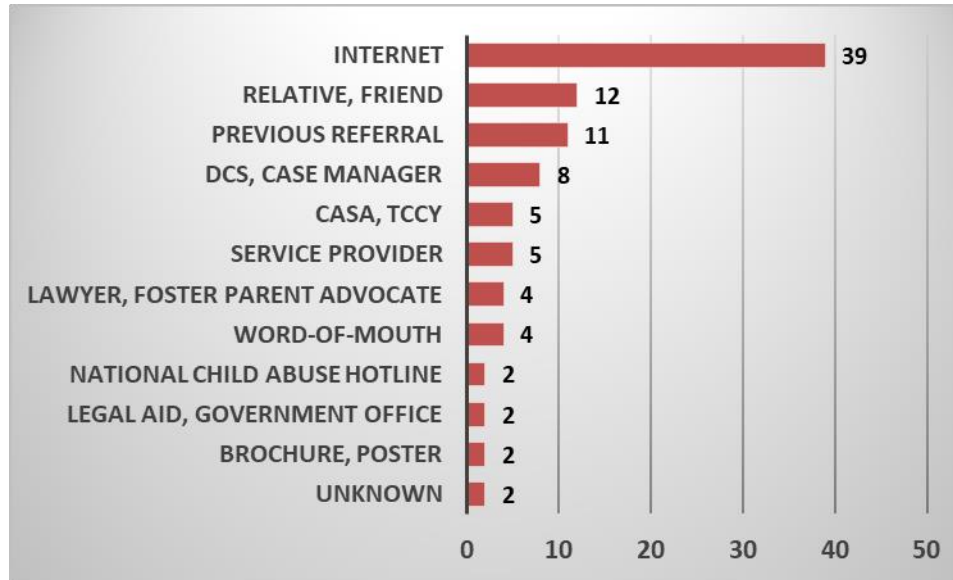
Foster Home (DCS, Contract, Expedited, Out-of-State) = 33.3%
Biological or Parent's Home, Relative/Friend/Neighbor = 40.6%
Level 2 Continuum – L2 Special Needs, L3 Special Needs = 20.9%
Detention Center, Residential Program = 3.1%
AWOL/Runaway, Emergency Shelter = 2.1%

Who are the complainants?



Complaints received from mothers, relatives/friends, fathers, and grandmothers make up 67.7% (more than 1/3) of the referrals received for FY 2020-2021. This data is followed by complaints from foster parents and CASA (Court Appointed Special Advocates) at 18.8%. Complaints from lawyers, service providers, government office/legislator and self/youth represent 13.5% of the referrals.

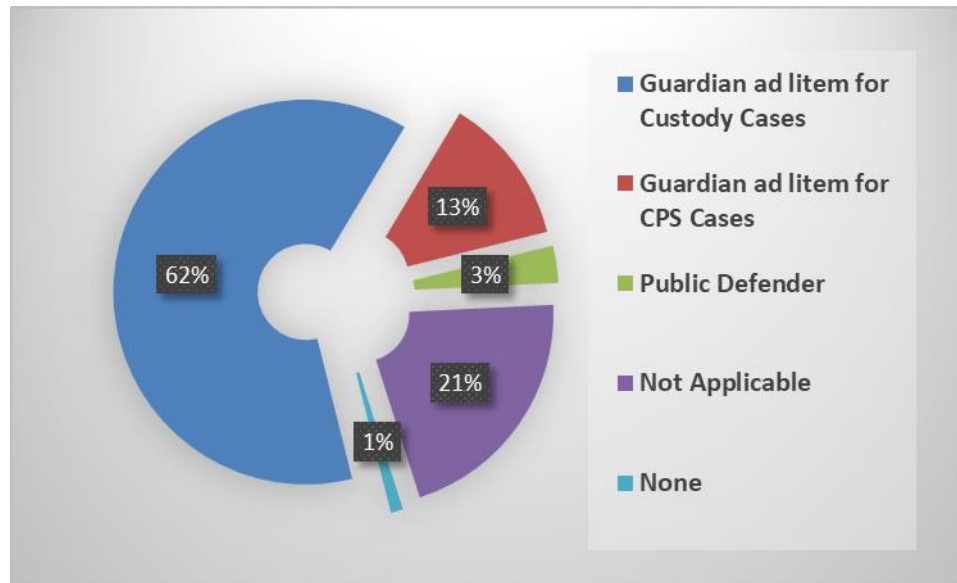
How did you find the Ombudsman Program?



A significant number of complainants learned about the Ombudsman Program from the internet at 40.6%. This is the trend for the last few years. This figure is followed by relative/friend, previous referral and DCS /Case Manager at 32.3%, CASA/TCCY, service provider, lawyer/foster parent advocate and word-of-mouth at 18.8%, and National Child Abuse Hotline, Legal Aid/Government Office, brochure/poster and unknown at 8.3%.

Acronyms: DCS (Department of Children’s Services), CASA (Court Appointed Special Advocate), TCCY (Tennessee commission on Children and Youth)

Legal Representation of Children



Seventy-eight percent (75 cases of 96 cases) had legal representations that include Guardians ad litem and Public Defenders.

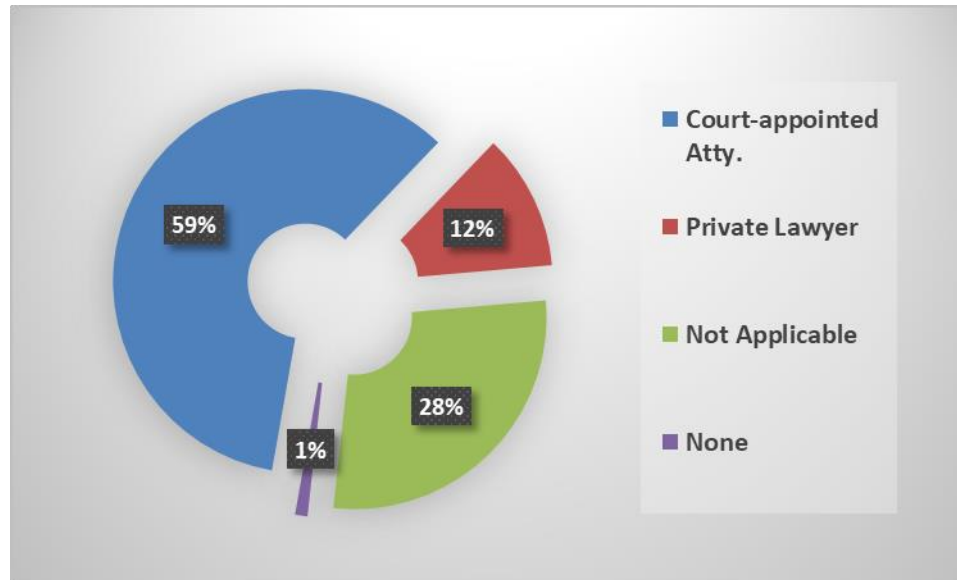
Twenty-one percent (20 cases) refers to not applicable cases (CPS, non-custodial) not requiring legal representation.

One percent (1 case) had no lawyer representing the child.

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

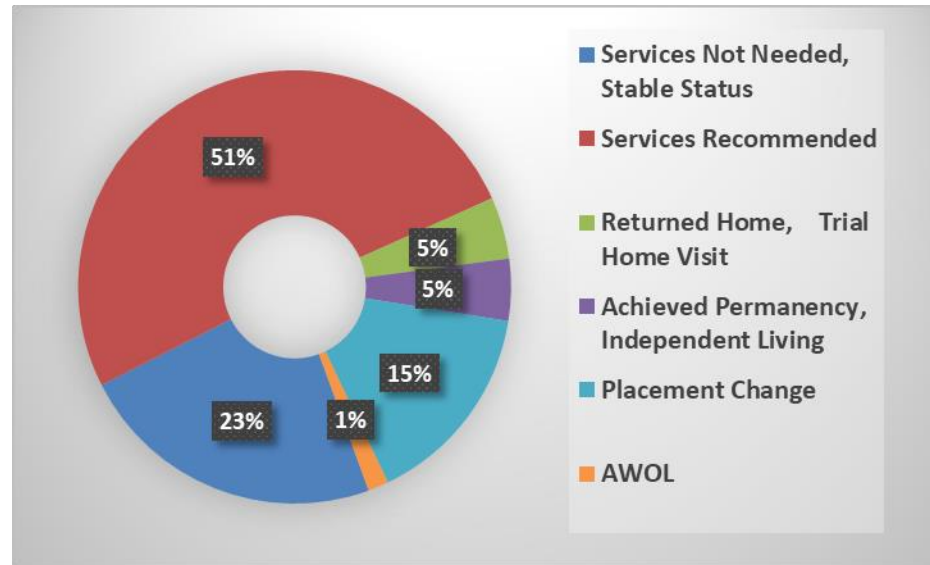


Seventy-one percent (68 of 96 cases) had legal representations such as court-appointed attorneys and private lawyers.

Twenty-eight percent (27 cases) pertains to not applicable cases (CPS, non-custodial) not requiring legal representation.

One percent (1 case) had no lawyer representing the parent or legal guardian.

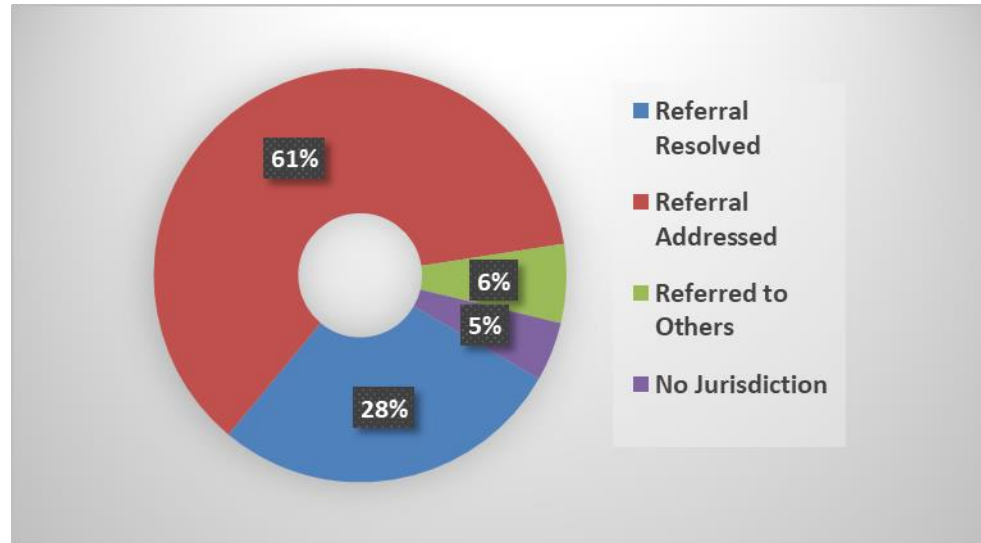
Child Outcome of Closed Cases = 65



Twenty-three percent (15 cases) did not need services and children were in stable status.

Fifty-one percent (33 cases) had services recommended and 10% (6 cases) had achieved permanency (returned home, Trial Home Visit and independent living). Fifteen percent (10 cases) had placement change and 1% (1 case) was on Absence Without Leave or ran away status.

Case Outcome of Closed Cases = 65

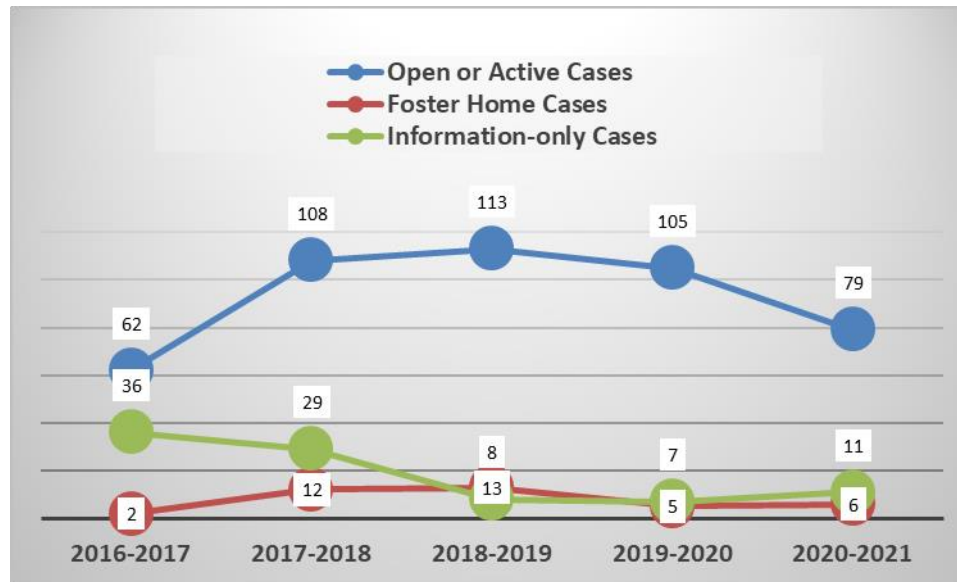


Eighty-nine percent or 58 closed cases were either resolved or addressed. Six percent or 4 closed cases were referred to other agencies or individuals. Five percent or 3 closed cases were situations the ombudsman had no jurisdiction.

Strengths and Opportunities: TN DCS Child Welfare System

- Courageous referents and concerned individuals deserve recognition. They are credited for alerting the ombudsman about problems and troubling issues. Most of all, they need to feel treated with respect and confidentiality upheld at all times.
- DCS has responded timely (within 24-48 hours or less) to the Ombudsman Program inquiries. Adequate responses were observed in all 12 regions of DCS.
- For cases that required the attention of the DCS General Counsel and 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.
- 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 help.
- There should be ongoing training pertaining to unsatisfied or querulous clients. Periodic training with emphasis on best practices is also recommended.
- Training on how to improve communication is crucial to conveying correct messages. DCS staff should be aware of how they present themselves to children and families. Appearing too authoritarian, disrespectful or lacking empathy does not earn their trust.
- There are instances where parents are left on their own to complete tasks required for reunification. At times, there is a disconnect between what the department should expect and what the parents should think they have accomplished.
- Quality foster home placements (DCS and contract agencies) are scarce. Foster parents should not feel ignored, alienated and unsupported. The department should be more tolerant and forgiving about unintended mistakes which may be reparable and do not have long-term negative impact.
- Guardians ad litem, public defenders and court-appointed attorneys should contact their clients more frequently instead of seeing them only during court hearings or CFTMs.
- In order to ensure successful relative placements, compliance to a number of conditions should to take place. These include, but not limited to, caregivers' adherence to contacts and visitation rules set forth by the department.
- Placements for children with dual or complex needs are limited. However, they should not spend time in detention centers. Increasingly, some are placed in neighboring states. The DCS should invest more resources in regards to this critical need.

Trend of Referrals: FY 2016-2021



Open or active cases (blue line) have decreased noticeably for FY 2020-2021. The reason for the decline is unclear and COVID-19 may have been a factor in the lower number of referrals. It is interesting to note that in FY 2016-2017, open/active cases (62) were lower than this fiscal year (79 open/active cases). Information-only cases (green line) have also shown some 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 11/19/20

I wanted to thank you for your time and consideration into our case. I appreciate your attendance in our last two meetings and hope you will be in attendance at the next.

S.N.

► From a Foster Parent on 08/04/20

Thank you for your help throughout this summer. Your encouragement and support have been very much appreciated. This picture was taken this afternoon, when my girls were finally brought back home. They were overjoyed (we were too!).

Your work is so important, and we are thankful!

C.B.

► From a Stepmother on 07/21/20

I just wanted to thank you for being there for my stepdaughter like this. I know it's your job but I can tell you really take your job seriously and I so greatly appreciate your time and support for her. It makes a world of difference positively for my whole family.

A.L.

Testimonials

► From a Foster Mother on 07/16/20

Thank you doesn't feel like enough, but thank you for being a listening ear and being invested in helping us help these children.

A.J.

► From a Foster Mother on 07/16/20

Thank you for standing up for us and our girls in the meeting yesterday...This has all taken so long, and we have felt that the meetings have all been very adversarial, so it was encouraging to hear your kind words...We so appreciate you and your work.

B.B.