

A Louisiana Office of Children’s Ombudsman?

Frequently Asked Questions

What Is a Children's Ombuds?

Children’s Ombuds are state officials who receive, help resolve, and report on complaints about state services for children. Louisiana is one of a few states with no ombudsman services for children.

According to the National Conference of State Legislatures, the United States Ombudsman Association (“USOA”) established a set of best practices guidelines for Ombudsman offices. These standards are divided into the following four categories: Independence, Impartiality, Confidentiality, and Credible Review Process.

The USOA’s Governmental Ombudsman Standards were approved in 2003. The 15-page Standards are available online for everyone at: <https://www.usombudsman.org/wp-content/uploads/USOA-STANDARDS1.pdf>

What Does *Ombudsman* Mean?

The words, *ombuds*, *ombud*, *ombudsman*, and *ombudsperson* are all based on a Swedish word meaning agent or representative.

What Does a Children’s Ombuds Do?

Louisiana is a state where citizens’ requests for help go unheeded, public agencies ignore complaints until they explode into crises, and legislators are not routinely informed of the needs of citizens because no state official gathers parents’ complaints about state services.

Generally, a Children’s Ombuds helps parents and children when they have complaints about the services they are (or are not) receiving from the Departments and Offices of state government created to meet the needs of children. Examples of public child-serving agencies, departments, and officers include:

- the Department of Children and Family Services;
- the Healthy Louisiana Medicaid managed care program;
- the Office of Citizens with Developmental Disabilities;
- the Louisiana Department of Health;

- and the Office of Juvenile Justice.

Specifically, these are some ways a Children's Ombuds assists parents and children:

- by making referrals and recommendations as needed
- answering questions about Louisiana's public services for children
- checking that the Ombuds services are getting children the required services
- coordinating the resolution of parents and children's complaints, and
- reporting on their services and findings to the Legislature.

How Do Children Benefit from Access to an Ombudsman?

An ombudsman is a neutral and independent third party responsible for investigating and addressing complaints, grievances, and concerns individuals or groups raise. Children can benefit from having access to an ombudsperson in several ways:

- **Protection of their rights:** Ombudsmen can help protect children's rights by ensuring their concerns and complaints are heard and addressed. This can be especially important for children who may not have the confidence or knowledge to speak out about their rights or feel their concerns are not being taken seriously.
- **Advocacy:** Ombudsmen can act as advocates for children, helping to ensure that their needs and interests are taken into account when decisions are made about their lives. This can include advocating for children in the education system, child welfare system, or other settings where children may be vulnerable.
- **Mediation:** Ombudsmen can help resolve conflicts or disputes involving children by acting as mediators and facilitating communication and understanding between different parties. This can help to reduce tension and conflict and create a more positive and supportive environment for children.

Overall, access to an ombudsman can help children feel more empowered, supported, and protected and contribute to their overall well-being and development.

What Can a Children's Ombuds Not Do?

A Children's Ombuds

- cannot give legal advice,
- reverse or overturn a state agency policy or decision,
- take action on matters regarding personnel or discrimination.

Regarding discrimination, if you believe that you have been discriminated against because of your race, color, national origin, disability, age, sex, or religion in programs or activities

that Health and Human Services (“HHS”) directly operates or to which HHS provides federal financial assistance, you may file a complaint with the Office of Civil Rights (“OCR”). This includes Medicaid-related services. You may file a complaint for yourself or for someone else.

If you believe that you have been discriminated against because of your disability by a State or local government health care or social services agency, you may file a complaint with the Office of Civil Rights (“OCR”) for yourself or for someone else.

The Office of Civil Rights complaint information is at <https://www.hhs.gov/civil-rights/filing-a-complaint/index.html>.

Louisiana Has an Inspector General. Is That like an Ombuds?

No. In fact, Louisiana’s Inspector General and a Children’s Ombuds are very different.

An Ombuds listens to complaints from Louisiana’s parents, relatives, and foster caregivers when they are concerned about the services their children are receiving (or are not receiving), helps resolve the complaints, and reports publicly to the Legislature, Governor, and citizens about how well Louisiana’s state agencies are serving children.

The Louisiana Office of the State Inspector General is a law enforcement agency. Its statutory mission is “to investigate fraud and public corruption.”

The Office of State Inspector General’s *Strategic Plan for FY 2023-24 through FY 2027-28* contains 24 instances of the word “fraud”. Because the work of the IG focuses on fraud and corruption, nowhere does the OIG’s *Strategic Plan* use the words, “child”, “children”, or “parent.”

The work of the Office of State Inspector General is unrelated to the work of a Louisiana Office of Children’s Ombuds.

Louisiana's Mental Health Advocacy Service (MHAS) Offers the Child Advocacy Program (CAP). Is It an Ombudsman Service for Children?

No, the MHAS Child Advocacy Program is an essential legal service for some children, but it is not a Children's Ombudsman service.

In 1977, Louisiana's Legislature established the Mental Health Advocacy Service (MHAS) as an independent state agency responsible for providing free legal services for individuals hospitalized due to mental illness or substance abuse under Louisiana's Behavioral Health Law.

Later, in 2006, Act 271 of the Louisiana Legislature created the Child Advocacy Program (CAP) within the Mental Health Advocacy Service. CAP provides specialized legal representation for children in child protection cases in nineteen parishes and four city courts.

The Child Advocacy Program provides invaluable services to children in difficult situations, but it is not an ombudsperson service. Information about MHAS and CAP is available at: <https://mhas.louisiana.gov/child-advocacy/>.

Why, If Louisiana Has a Long-Term Care Ombudsman for Elderly Affairs, Do We Not Have an Office of Children's Ombuds?

Some are surprised that Louisiana has a Long-Term Care Ombudsman in the Governor's Office of Elderly Affairs but does not have an Office of Children's Ombuds. The reason is simple.

The federal government passed the Older Americans Act in 1965, which requires all states to provide a long-term care ombudsman program for the elderly. It stops there.

No federal law requires similar protection for children. States are free to choose whether to protect children's rights in the same way they must defend the rights of the elderly.

Consequently, each state government determines whether it wishes to "listen" to children and parents and provide assistance when state services are not up to par. Today, with more than 1,090,000 children (and each child is a compelling reason to listen), Louisiana is one of the last states without an Office of Children's Ombuds.

The federal requirement that states have ombuds for the elderly is a consequence of intensive lobbying on behalf of our nation's elderly. Louisiana's children are worthy of the same intensive advocacy work.

But unfortunately, children have no political voice, do not vote, and do not make campaign contributions. So, children must rely on the goodwill of each state's elected officials to establish Children's Ombuds services.

Is the Idea of a Children's Ombuds New?

It is new in Louisiana, but 86% of states currently provide Ombuds services for children and their parents. States began creating Children's Ombuds in the middle of the 1970s to provide oversight of children's services.

In addition to the states with formal Offices of Children's Ombuds which focus exclusively on children's issues, five other states maintain an Ombudsman program to address

citizens' concerns related to all governmental agencies, including services for children. Also, nine states have related Ombuds services, program-specific services, or county-run programs to address citizen grievances and supply information to their Legislatures.

How Does an Office of Children's Ombudsman Handle Complaints?

When a citizen contacts a Children's Ombudsman with a complaint or grievance, the Ombudsman receives the information and determines what action is required. One option is to connect the caller with resources and make a good referral. In other instances, the Ombudsman may open a case.

When opening a case, the Ombudsman provides notice of the complaint to the state agency or office and begins investigating the citizen's complaint. The Ombudsman asks the state agency to respond.

In some cases, it may be necessary for the Ombudsman to intervene more directly by facilitating communication, convening a meeting, or pursuing legal action.

After concluding its investigation and action, the Office of Children's Ombudsman will provide a report and allow the agency to respond. Also, on an annual basis, the Office of Child Ombudsman will aggregate and summarize citizen complaints, identify system trends, and produce a yearly report for the Public, the Legislature, and the Governor.

In addition to summarizing the year's complaints and resolutions, these reports will include suggestions for improvements to Louisiana's services for children. The annual Child Ombuds reports will inform the Legislature's efforts to effect positive change.

On What Matters Do Children's Ombuds Report?

A children's ombudsman is an independent public official responsible for protecting children's rights and advocating for their interests. Children's ombudsmen typically report on issues related to children's rights, such as child abuse, neglect, and exploitation, as well as issues related to children's well-being, including access to education, healthcare, and other essential services.

Children's ombudsmen may also report on matters related to the rights and needs of children in specific situations, such as children in foster care, children with disabilities, and children living in poverty. In addition to reporting on issues and trends, children's ombudspersons also investigate and report on patterns of complaints, may suggest policy changes to address systemic concerns, and provide recommendations to improve the lives and well-being of children.

What Services Do Children's Ombudsmen Provide to State Legislatures?

Children's ombudspersons, also known as child advocates or children's commissioners, are independent public officials responsible for protecting the rights and promoting the well-being of children. Children's ombudspersons typically work to advance the rights and interests of children in many ways, including:

- **Advocating for policy changes:** Children's ombudspersons may advocate for policy changes at the state or national level to improve the lives and well-being of children.
- **Investigating complaints:** Children's ombudspersons may investigate complaints made by children or their advocates about issues that affect children's rights or well-being.
- **Providing recommendations:** Children's ombudspersons may provide recommendations to state legislatures or other government bodies on ways to improve the lives and well-being of children.
- **Educating the public:** Children's ombudspersons may inform the public about children's rights and the importance of protecting and promoting the well-being of children.
- **Monitoring government agencies:** Children's ombudspersons may monitor government agencies and programs that serve children to ensure that they meet their needs and protect children's rights.
- **Collaborating with other organizations:** Children's ombudspersons may collaborate with other organizations, including non-profit groups and advocacy organizations, to advance the rights and well-being of children.