

Children's Ombudsman Offices | Office of the Child Advocate

9/3/2014



What is an Ombudsman?

The word “Ombudsman” is derived from the Swedish word meaning “agent” or “representative^[i].” Ombudsman offices have been established in a variety of state, municipal, county, local, and federal governments, as well in academic organizations and businesses as an independent and impartial organization which assists in obtaining resolution of conflicts or complaints. Ombudsman may be alternatively known as "advocate," "citizen's representative," and "mediator.^[ii]" The United States Ombudsman Association (USOA), defines the public sector ombudsmen as "an independent, impartial public official with authority and responsibility to receive, investigate or informally address complaints about government actions, and, when appropriate, make findings and recommendations, and publish reports^[iii]"

The USOA has established a set of best practices guidelines for Ombudsman offices: (1) An Ombudsman office should be **independent**-free from outside control or influence; (2) An Ombudsman should be **impartial**- receive and review each complaint in an objective and fair manner, free from bias, and treat all parties without favor or prejudice. (3)The Ombudsman should control **confidentiality**- have the privilege and discretion to keep confidential or release any information related to a complaint or investigation; and (4) The Ombudsman should create a **credible review process** of complaints- perform his or her responsibilities in a manner that engenders respect and confidence and be accessible to all potential complainants. ^[iv]

Children's Ombudsman Offices /Office of the Child Advocate

Overview

Children's Ombudsman Offices, also known in some jurisdictions as Office of the Child Advocate, have been established at the state level in order to assist in providing oversight of children's services. Currently, approximately twenty-two states have established a Children's Ombudsman/ Office of the Child Advocate with duties and purposes specifically related to children's services. Another five states have a statewide Ombudsman program which address the concerns of all governmental agencies, including children's services. Nine states have related Ombudsman services, program specific services, or county run programs.

The purpose, responsibilities and duties of the Children's Ombudsman Office vary by state. In general, these offices exist to:

- Handle and investigate complaints from citizens and families related to government services for children and families - this may include child protective services, foster care, adoption and juvenile justice services.
- Provide a system accountability mechanism by recommending system-wide improvements to benefit children and families - often in the form of annual reports to the Legislature, Governor and public.
- Protect the interests and rights of children and families - both individually and system-wide.
- Monitor programs, placements and departments responsible for providing children's services - which may include inspecting state facilities and institutions.

Complaint Process[\[v\]](#)

Once a concerned party calls a Children's Ombudsman's Office with a complaint, the call is screened to determine what action is necessary. One option is to provide the caller with resources and referrals. The other option is to open a case. Once a case is open, the Ombudsman gives notice of the complaint to the agency and begins to investigate or review the complaint and the agency is requested to respond. If necessary, the Ombudsman may intervene by facilitating communication, holding a meeting, or pursuing legal action. Once the Ombudsman has concluded its investigation, the office will develop a report while giving the agency the opportunity to respond. On an annual basis, the Ombudsman will summarize citizen complaints and identify system trends in an annual report.

Types of Children's Ombudsman Offices/ Offices of the Child Advocate

Jurisdiction, size and operation of Children's Ombudsman Offices vary by state. A Children's Ombudsman Office may be established by legislation, executive order, or by the child welfare agency. A Children's Ombudsman office can be an independent agency established by statute, existing either in

the legislative branch or executive branch, or may be established within the child welfare agency. The office may be run by the government, or a non-profit organization under government contract. This section explains generally how states have organized Children's Ombudsman Offices. The chart below provides a state by state breakdown.

1. **Independent and autonomous agency with oversight specific to child welfare:** Eleven states operate independent and autonomous Ombudsman offices, specifically handling issues related to children ([Colorado](#), [Connecticut](#), [Georgia](#), [Indiana](#), [Maine](#), [Massachusetts](#), [Michigan](#), [Missouri](#), [Rhode Island](#), [Tennessee](#), and [Washington](#)). These offices are established by the Legislature and may exist independently within either the legislative or executive branch[[vi](#)]. These offices are not part of the state's division of child and family services. Independent Children's Ombudsman Offices oversee child-serving agencies with independence, impartiality, and confidentiality, and have a credible review process which includes access to information.[[vii](#)] These Ombudsman are generally appointed by the Governor or Legislature. Statutory duties likely include: Receiving and investigating complaints; access to information, usually including the power to subpoena; control what information must be held confidential or released to the public; and must submit annual reports- usually these reports are available to the public.
 - o It is interesting to note that Colorado is unique in that it is independent of the division of child and family services, but the Ombudsman is appointed by the director of the Department of Health and Human Services rather than the Governor or Legislature. In this regard it could be considered a hybrid of number 1 & 2 listed. In addition, Colorado recently performed a [legislative audit](#) of the Child Protection Ombudsman Program and during the 2014 legislative session a bill was enacted authorizing a [working group](#) to study and develop recommendations on the autonomy of the Child Protection Ombudsman Program.
2. **Operates within, but autonomous of, the state agency providing child welfare services:** Three states ([California](#), [Texas](#), and [Utah](#)) have established Children's Ombudsman offices that operate within the state's division of child welfare services, but are established to act autonomous of the agency they oversee. These Ombudsman are also established by statute. The department director generally is responsible for or assists in appointing the Ombudsman. The duties and functions of these independent organizational Ombudsman likely include: receive and investigate complaints related to child serving agencies; access information, without the power to subpoena; maintain confidentiality;

and prepare an annual report which is usually made available to the public.

3. **Provides oversight to all governmental agencies within the state including child welfare services:** Five states ([Alaska](#), [Arizona](#), [Hawaii](#), [Iowa](#), and [Nebraska](#)) have general jurisdiction ombudsmen established to oversee all public agencies or departments within the state including child serving agencies.^[viii] These five Ombudsman offices are each established by statute, and exist independently as part of the Legislative Branch. Statutory duties include: receive and investigate complaints; access information with the power to subpoena; control confidentiality; and submit reports at least annually, available to the public.
 - o Nebraska, in addition to the [Public Counsel \(Ombudsman's Office\)](#) which investigates complaints against state administrative agencies and state government, also enacted LB 821 in 2012 creating the [Office of Inspector General of Nebraska Child Welfare](#). The Inspector General operates as a subdivision of the Public Counsel, investigating "individuals and agencies responsible for the care and protection of children in the Nebraska Child Welfare system."
4. **Non-Independent Children's Ombudsman office, established within the child welfare agency:** Eight states ([Arkansas](#), [Kentucky](#), [Illinois](#), [Oklahoma](#), [New Hampshire](#), [New Jersey](#), [New York](#), and [Oregon](#)) have non-independent Ombudsman offices established within state's division of child welfare services designed to take complaints and resolve disputes within the agency of oversight. These Offices may or may not be established by statute. These Ombudsman are appointed by the Director of the agency. Duties generally include: receive and investigate complaints; access information, without the power to subpoena; and the office may or may not be required to submit reports.
5. **Other statutory Ombudsman-like programs:** Four states ([Delaware](#), [Maryland](#), [Minnesota](#), and [Nevada](#)) have established Ombudsman-like services by statute, limited to specific constituencies or services within the child welfare system. Delaware's program assists with judicial advocacy; Maryland has a Children's Advocate who assists residential youth with complaints; Minnesota has four Ombudspersons working with four different communities of color; and Nevada serves missing and exploited children. These Ombudsman programs may or may not be independent and autonomous of the agency they oversee.
6. **Non-statutory county-based or program-based offices:** Six states ([Montana](#), [Ohio](#), [South Carolina](#), [North Carolina](#) and [Virginia](#)) have

county- or program-based Ombudsman not established in state statute. These programs may be run as a citizen complaint office within the Governor’s office; through individual county children’s services agencies; or, are specific programs such as Virginia’s Juvenile Justice’s Ombudsman Office. The main duty of these offices is to receive and help resolve constituent complaints. Ohio and North Carolina are unique in that the ombudsman programs are located at the county, rather than the state, level. Ohio's [Lucas County Children Services Ombudsman](#) operates as a "neutral dispute resolver" designed to investigate complaints and make recommendations in a non-adversarial setting. Additionally, during the 2013 legislative session, North Carolina [enacted a Foster Care Ombudsman Pilot Program](#) in Gaston County. The Board of County Commissioners will establish the qualifications for and appoint the Ombudsman.

Children’s Ombudsman Services by State

The chart below provides state specific information regarding Ombudsman programs related to children’s services. For each state, the hyperlink to office’s website is provided if available. A hyperlink to state statute is also provided as available; if there is not a direct link, the authority can be found by statute/code search. The information within the chart includes: the year established, if known; the jurisdiction of the Ombudsman’s office and the location of the office within the state’s government; information regarding how the Ombudsman is appointed and required qualification, if available; and, the duties and powers of the Ombudsman. This state-specific information comes from either the state’s statutory language or the office’s website.

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
ALASKA	Alaska Office of Ombudsman	Alaska Stat. 24.55.010-340	1975	The Ombudsman has jurisdiction to investigate the administrative	The Ombudsman is selected by the Alaska Legislature	The Ombudsman may investigate complaints; has access to confidential

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
				<p>the acts of all Alaska agencies, and is independent and autonomous of those agencies. As part of the Legislative Branch, the administrative facilities and services of the Legislative Affairs Agency may be used for management of the Office of the Ombudsman.</p>	<p>is appointed by the Governor. The Ombudsman must be at least 21 years old, a qualified voter, resident in the state for three years, and cannot be a candidate for, or hold,</p>	<p>records; issue subpoenas; and must maintain confidentiality. The Ombudsman may issue investigative reports; and may submit recommendations to the Legislature.</p>

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
ARIZONA	Office of the Arizona Citizens Aide	Ariz. Rev. Stat. 41-1371 through 41-1383	1996	The Ombudsman oversees all Arizona agencies and is independent and autonomous of those agencies. The Office of the Ombudsman is an independent agency of the Arizona Legislature, and physically may not be located in the state office or any agency office.	The Ombudsman committee . The Ombudsman serves a five-year terms- and cannot serve more than three full terms. The Ombudsman must not hold public office, must be a state resident for 6 months, 25 years old, and have investigatory experienc	The Ombudsman may investigate the administrative acts of agencies; prepare an annual and public report ; has access to confidential information; issues subpoenas; maintains confidentiality; makes recommendations.

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTY & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
ARKANSAS	1. Arkansas Public Defender's Commission's Juvenile Ombudsman - 2. The Foster Parent Ombudsman -	Ark. Code Ann. § 16-87-216 Internal ly-Dept. of Human Services	1999	The Ombudsman is part of the Public Defender's Commission, the Juvenile Ombudsman provides for independent oversight of the Division of Youth Service's facilities and programs that are unlicensed or unaccredited. The Foster Parent Ombudsman is located within the Department of Human Services; has the responsibility of assisting foster parents. No statutory authority.	The Ombudsman is appointed by the Executive Director of the Public Defender's Commission. The Ombudsman should have an advanced degree in related field and four years related experience. The Foster Parent Ombudsman should have an advanced degree in related field and four years related experience.	The Ombudsman has access to confidential information and juveniles in the state's custody; receives and investigates complaints; prepares annual reports. The Foster Parent Ombudsman serves as an advocate for foster parents by answering questions, providing training and assistance, and working to help resolve complaints or problems the foster parents might be having with the Division.
CALIFORNIA	California	Cal.	1998	The	The	The

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
NIA	Ombudsman for Foster Care	Welfare And Institutions Code § 16160-16167		Ombudsman is established as an autonomous entity within the State Department of Social Services with the oversight of children in foster care and relating to their placement services.	Department is established as an autonomous entity within the State Department of Social Services with the oversight of children in foster care and relating to their placement services. The Ombudsman may be appointed for consecutive terms.	California Ombudsman for Foster Care investigates complaints; has access to confidential information; must maintain confidentiality; prepares an annual report for the Legislature that is available to the public.
COLORADO	Office of Colorado's Child Protection Ombudsman	Colo. Rev. Stat. § 19-3.3-101 to -109	2010	The Child Protection Ombudsman is established in the State Department and administered by contract with a public agency or private nonprofit organization. The Ombudsman must act independentl	Contract awarded by State Department's Executive Director. The current contract is with the National Association of Counsel for Children.	The Child Protection Ombudsman receives and investigates complaints; maintains confidentiality; has access to confidential information; does not have the ability to subpoena; makes recommenda

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTY & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
CONNECTICUT	Connecticut Office of the Child Advocate	Conn. Gen. Stat. § 46a-13k	1995	<p>The Child Advocate shall act independently of any state department.</p> <p>The Office of the Child Advocate is located within the Office of Governmental Accountability.</p>	<p>The Child Advocate is appointed by the Governor with Approval by the General Assembly to serve a four year term and may be reappointed.</p>	<p>The Child Advocate receives and investigates complaints; periodically reviews institutions; recommends policy changes; provides training to attorneys and guardians ad litem; has access to confidential information; issues subpoenas; maintains confidentiality; maintains a child fatality</p>

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
DELAWARE	Office of the Child Advocate	Del. Code Ann. tit. 29 § 9001 A – 9009A	1999	The Office of the Child Advocate is a non-judicial agency of the Court. The Child Advocate serves as Executive Director to the Committee of the Child Protection Accountability Commission (CPAC).	Appointed by the Executive Committee of the Child Protection Accountability Commission (CPAC). The Child Advocate shall be an attorney duly licensed to practice law in Delaware.	review panel; represents a child in court; produces annual and public reports . The Child Advocate provides legal representation of children; provides public education and legislative advocacy; reviews child policy; recommends changes, submits an annual report; maintains confidentiality; effectuates the purposes of the CPAC.
FLORIDA	Children's Board Ombudsman Program	Hillsborough County		The Ombudsman works with families who		The Ombudsman provides advocacy

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
GEORGIA	Office of the Child Advocate for the Protection of Children	Ga. Code Ann. § 15-11-740 et. Seq.	2000	<p>have children with complex mental health/behavioral challenges. The Child Advocate provides independent oversight of persons, organizations and agencies responsible for providing services to or caring for children who are victims of child abuse and neglect, or whose domestic situation requires intervention by the state. The Child Advocate is located within the Governor's Office of Planning and Budget for administrative purposes only.</p>	<p>The Child Advocate is appointed through the Governor.</p>	<p>referrals to appropriate services, information and resources.</p> <p>The Child Advocate coordinates the Child Fatality Review Panel; investigates complaints; has access to confidential records; subpoenas records; reviews the facilities and procedures of any institution or residence; provides public education and legislative advocacy; provides annual and public reports.</p>

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTY & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
HAWAII	Office of the Ombudsman	Haw. Rev. Stat. § 96-1 to 96-19	1969	The Ombudsman is an officer of the Legislature and has jurisdiction to investigate the administrative acts of all agencies. The Ombudsman operates independently and autonomously of state and county agencies.	The Ombudsman is appointed by the legislature for a six year term, with a three term limit. The Ombudsman may not currently serve public office.	The Ombudsman receives and investigates complaints; has access to confidential information; issues subpoenas; makes recommendations to state agencies; publishes recommendations; maintains confidentiality; publishes an annual and public report.
ILLINOIS	Illinois DCFS Office of the Inspector General	Ch. 20 Ill. Comp. Stat. § 505/35.5	1993	The Inspector General function independently, within the Department of Children and Family Services, with the authority to conduct investigations into by any employee, foster parent,	The Inspector General is appointed by the Governor and confirmed by the Senate for a term of four years.	The Inspector General makes recommendations to the Director of the Department of Children and Family Services; has access to confidential information; acts as

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
INDIANA	Indiana Department of Child Services Bureau	Ind. Code § 4-13-19	2009	The Ombudsman oversees the Department of Child Services (DCS) and acts independently of DCS. The Ombudsman is housed in the Department of Administration.	The Ombudsman is appointed by the Governor. The Ombudsman must be an attorney licensed to practice law in Indiana or a social worker with a master's degree, and must have significant experience or education in child	liaison between the Department and the police; has power to subpoena; publishes an annual and public report.

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
IOWA	Iowa Office of Citizen's Aide Ombudsman	Iowa Code § 2C-1 et.seq.	1993	The Ombudsman is part of the Legislative branch, acts independently and has the jurisdiction to investigate complaints about all state and local government agencies.	The Ombudsman approved by the Senate and House Representatives for a term of four years and may be reappointed.	The Ombudsman has access to confidential information; maintains confidentiality; investigates complaints; issues subpoenas; makes recommendations; publishes conclusions; provides annual and public reports.

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	DUTY & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
KENTUCKY	Kentucky Office of the Ombudsman for the Cabinet for Health and Family Services	Ky. Rev. Stat. Ann. § 194A.030(A)	1980	The Ombudsman is established within the Cabinet for Health and Family Services.	Iowa resident, and qualified to analyze problems of law, administration and public policy. The Ombudsman receives and reviews complaints; has access to confidential records; emphasizes research and best practice; program with accountability; monitors federal compliance.
MAINE	Maine Child Welfare Services Ombudsman	Me. Rev. Stat. tit. 22 § 4087-A	2001	The Ombudsman is established as an independent program within the Executive Branch, and contracted to a non-profit	The Contract Ombudsman receives and investigates complaints; provides public outreach; has access to persons, Children's files,

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTY & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
MARYLAND	FOSTER PARENT OMBUDSMAN, John J. Bertulis, Foster Parent Ombudsman	Internal ly, Depart ment of 1985 Human Service	1985	Not Independent. Autonomous within the Department of Human Resources and reports directly to the Secretary.	The Foster Parent Ombudsman is hired by the Secretary of the Departme nt of Human Resources	and records, does not have the power to subpoena; maintains confidentialit y; provides annual and public reports. The Foster Parent Ombudsman reviews and mediates inquiries made by or on behalf of Maryland's public foster parents' and is responsible for a quarterly newsletter to foster parents.
MASSACHUSETTS	Massachusetts Office of the Child Advocate	Mass Gen. Laws ch. 18 § 1-13	2008	The Child Advocate is an independent office within the Executive Branch with the jurisdiction to oversee	The Child Advocate is appointed by the Governor and a nominating committee	The Child Advocate investigates critical incidents; receives and investigates complaints; reviews and makes

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
MICHIGAN	Office of the Children's Ombudsman	Mich. Comp. Laws § 722.921 et. sec.	1984	The Ombudsman is independent and autonomous within the Executive Branch Department of Management and Budget, with jurisdiction to oversee child welfare functions.	The Ombudsman receives and investigates complaints; advocates to the legislature; the Senate makes recommendations; has access to confidential records; issues subpoenas; holds informal hearings; maintains confidentiality; provides annual and public reports .

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
MINNESOTA	Office of Ombudsperson for Families	Minn. Stat. § 257.07 55 et. sec.	2001	The Office of Ombudsperson for Families is an independent state agency. There are four ombudspersons working with four different communities of color. Each Ombudsperson works independently from, but in collaboration with, each of the following groups: the Indian Affairs Council, the Chicano Latino Affairs Council, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans.	The Ombudsperson for each community shall be selected by the applicable community-specific board and serves at the pleasure of the respective communities. Each Ombudsperson shall be highly competent and qualified to analyze questions of law, administration, and public policy regarding the protection and	The Ombudsperson monitors agency compliance with all laws regarding child protection and placement as to the impact on children of color; provides cultural diversity training to state and local courts; receives and investigates complaints; has access to confidential information; has subpoena power; makes recommendations; provides annual and public reports .

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTY & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
MISSOURI	State of Missouri Office of Child Advocate	Mo. Rev. Stat. § 37.705	2004	The Office of Child Advocate is part of the Executive Branch Office of Administration and operates as an independent agent of accountability regarding	The Office of The Child Advocate is appointed jointly by the Governor and the Chief Justice of Missouri Supreme Court	The Child Advocate receives and investigates complaints; has access to confidential information; has the power to subpoena; makes recommendations;
						placement of children from families of color; must be experienced in dealing with communities of color and knowledgeable about the needs of those communities; must not hold any other public office.

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
MONTANA	Citizens Advocate Office	Executive Order	1973	The Citizens Advocate operates under Executive Order of the Governor within the Governor's Office, with the authority to assist Montanans in their interactions with all state executive branch	the advice educates the public; consent of maintains confidentiality; The Child Advocate coordinates mediation efforts between school districts and students when allegations of child abuse arise in a school setting; provides annual and public reports . The Citizens Advocate takes complaints regarding state agencies; operates an assistance hotline.

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
NEBRASKA	Public Counsel (Ombudsman's Office) Office of the Inspector General of Nebraska Child Welfare	Neb. Rev. Stat. § 81-8,240 to 8-8,254	1969	As part of the Legislative Branch the Public Counsel oversees all agencies and is independent of the agencies it oversees.	The Ombudsman is appointed by the Legislature for a term of six years. The Ombudsman receives and investigates complaints; shall have access to a person's information; well equipped subpoena; to analyze problems of law, administration, and public policy and shall not be actively involved in partisan affairs.
NEVADA	Nevada State Advocate for Missing and Exploited Children		1991	The Advocate operates within the Office of the Attorney General.	The Advocate assists other agencies in investigating missing and exploited children; educates the

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
NEW HAMPSHIRE	New Hampshire Department of Health and Human Services: Office of the Ombudsman			The Ombudsman is established within the Department of Health and Human Services.		public. The Ombudsman investigates and resolves complaints; provides mediation; maintains confidentiality.
NEW JERSEY	Department of Children and Families Office of Advocacy	Department of Children and Families	2010	The Ombudsman is established within the Department of Children and Families within the Office of the DCF Commissioner with authority as an independent advocate for children and families.		The Ombudsman provides education; receives and reviews complaints; provides advocacy for families; makes recommendations; and makes reports .
NEW YORK	New York Office of the Ombudsman	N.Y. Exec. Law § 523b	2008	The Ombudsman operates within the Office of Children and Family Services.	The Ombudsman is appointed by the Commissioner of the Office of Children and	The Ombudsman receives and investigates complaints; monitors child welfare policy; advises residential

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
NORTH CAROLINA	Foster Care Ombudsman Pilot Program in Gaston County		2013	Gaston County	Family Services. youth; makes recommendations; has access to confidential information; receives critical incident reports; maintains confidentiality; provides monthly reports . The Ombudsman staff are either licensed attorneys or persons with expertise in the areas of juvenile justice or youth rights. The Board of County Commissioners shall establish the qualifications for the selection of the

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTY & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
OHIO	Lucas County Children Services Ombudsman	Lucas County Children Services		The Ombudsman is established within the Lucas County Children's Services.		foster care ombudsman, including the criteria that the person selected shall have experience in child welfare and State laws and policies governing children in foster care.
OKLAHOMA	Oklahoma Department of Human Services, Office of Client Advocacy			The Office of Client Advocacy operates within the Oklahoma Department of Human Services (OKDHS).		The Ombudsman investigates complaints; makes recommendations. The Office of Client Advocacy takes complaints from: minors in OKDHS custody; youth in voluntary care of OKDHS; and foster

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTY & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
OREGON	Oregon's Governor's Advocacy Office at the Department of Human Services (DHS)	Or. Rev. Stat. § 417.810	1993	The Office of Children's Advocate is established in the Department of Human Services within the Governor's Advocacy Office at the Department of Human Services and is part of the Department of Human Services Director's Office. The Children's Advocate specifically responds to concerns regarding child abuse and neglect, child protective services, and issues relevant to individual child welfare cases.	With the concurrence of the Governor, the Director of Human Services shall appoint the Children's Advocate. The Children's Advocate educates the public; receives and reviews complaints; maintains confidentiality in: law enforcement with particular emphasis on crimes involving child victims; or work with particular emphasis on child	parents.

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
RHODE ISLAND	Rhode Island Office of the Child Advocate	R.I. Gen. Laws § 42-73-1 et seq.	1979	The Office of the Child Advocate (OCA) is an independent and autonomous state agency responsible for protecting the legal rights and interests of children in state care.	abuse. The Child Advocate is appointed by the Governor, to the advice and consent of Legislature; the Advocate insures all children in the child welfare system are appraised of their rights; reviews procedures; reviews complaints; provides training; has access to confidential information; has the power to subpoena; commences civil action against the state on behalf of a child; maintains confidentiality.

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
SOUTH CAROLINA	The South Carolina Governor's Office of Children's Affairs	Executive Order		The Office of Children's Affairs exists within the Governor's Office of Executive Policy and Programs and advocates for improved services for children and families. There is no statutory authority.		The Office of Children's Affairs provides arbitration and mediation services; researches constituent concerns.
TENNESSEE	Tennessee Commission on Children and Youth's (TCCY) Ombudsman Program	Tenn. Code Ann. § 37-3-101 et seq.	Ombudsman-1996 TCCY-1988	The Ombudsman for Children Youth and Families is part of the Tennessee Commission of Children and Youth, an Independent and autonomous agency with statutory authority to review children in the foster care system, kinship care or CPS and	The Governor shall appoint one member of the 21-member commission to be chair of the TCCY for a term of three years.	The TCCY shall make recommendations regarding the child welfare system; advocate; publish annual reports ; review licensing standards; monitor foster care review boards. The Ombudsman takes

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
TEXAS	1. Independent Ombudsman for the Texas Juvenile Justice Department	Tex. Hum. Res. Code Ann. § 261.001	2007 and 2003	The Ombudsman is independent of the Juvenile Justice Department, reports to the Governor and Legislature and is responsible for overseeing the rights of children committed to the Texas Juvenile Justice Department.	The Ombudsman is appointed by the Governor with consent of the senate for a two year term and may serve up to three terms.	referrals concerning the children in state custody; access records and persons; annual reports . The Ombudsman receives and reviews complaints; advocates for children in custody; provides quarterly reports ; maintains confidentiality; provides public education and awareness; reviews facilities; has access to confidential information.
TEXAS	2. Health and Human Services Commission's Office of the Ombudsman	Tex. Gov't Code § 531.008		The Ombudsman is independent within the organization.		The Ombudsman provides dispute resolution

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
UTAH	Utah Office of Child Protection Ombudsman	Utah Code Ann. 62A-4a-208	1998	The Ombudsman was created as an independent office within the Department of Human Services, independent from the Division of Child and Family Services.	The Ombudsman shall be appointed by and serve at the pleasure of the executive director. The Ombudsman shall have experience in child welfare, and in state laws and	services for the Commission and the health and human services agencies; performs consumer protection functions related to health and human services. The Ombudsman shall be appointed by and serve at the pleasure of the executive director. The Ombudsman shall have access to confidential information.

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
VIRGINIA	Office of Juvenile Justice's Ombudsman Program	Office of Juvenile Justice Initiative	2002	The Ombudsman exists within the Office of the Inspector General with the authority to help protect the rights of committed youth.	policies governing abused, neglected, and dependent children. The Ombudsman maintains a relationship with juvenile correction centers; investigates complaints; makes recommendations.
WASHINGTON	Washington State Office of the Family and Children's Ombudsman	Wash. Rev. Code § 43.06A	1996	The Ombudsman is established within the Office of the Governor, reports directly to the Governor and acts independently from the Department of Social and Health Services.	The Ombudsman is appointed by the Governor, with confirmation by the Senate, for a term of three years. The Ombudsman educates the public; receives and investigates complaints; monitors child welfare procedures; reports annually ; Has access to confidential information; shall maintain confidentiality; makes training or child fatality

STATE	OFFICE	AUTHORITY	YEAR ESTABLISHED	JURISDICTION & LOCATION WITHIN THE GOVERNMENT	APPOINTMENT & QUALIFICATION	DUTIES & POWERS OF THE OMBUDSMAN/CHILD ADVOCATE
-------	--------	-----------	------------------	---	-----------------------------	---

experience, review, or both, recommendations in family and children's services law and policy.

Wyoming [Wyoming Department of Family Services, Complaint Resolution/Ombudsman](#)

[i] Jeffrey S. Lubbers, Ombudsman Offices in the Federal Government—An Emerging Trend? Administrative and Regulatory Law News, Vol. 22, No. 7 Summer 1997, available at:

<http://apps.americanbar.org/adminlaw/news/vol22no4/ombudsmn.html>.

[ii] Id.

[iii] United States Ombudsman Association, Governmental Ombudsman Standards, Oct. 2003, Available at: http://usoa.non-profitsites.biz/documents/PDF/References/USOA_STANDARDS.pdf.

[iv] Id.

[v] Moira Kathleen O'Neill, Pulling Back the Curtain: State Children's Ombudsmen at Work 107 (Jan. 2011), available at:

http://www.americanbar.org/content/dam/aba/administrative/child_law/moira_oneill_dissertation_2011.authcheckdam.pdf.

[vi] Id. at 81.

[vii] Id.

[viii] Id.

Additional Resources

- [American Bar Association, Center on Children and the Law](#)
- [United States Ombudsman Association](#)
- [Moira O'Neill- Pulling Back the Curtain: State Children's Ombudsmen at Work](#)

- For questions about this newsletter or to be removed from our distribution list, please e-mail childwelfare@ncsl.org

NAVIGATE

[Home](#)

- [About State Legislatures](#)
- [Agriculture and Rural Development](#)
- [Civil and Criminal Justice](#)
- [Education](#)
- [Elections and Campaigns](#)
- [Energy](#)
- [Environment and Natural Resources](#)
- [Ethics](#)
- [Financial Services and Commerce](#)
- [Fiscal Policy](#)
- [Health](#)
- [Human Services](#)
 - [Child Support and Family Law](#)
 - [Child Welfare](#)
 - [Early Care and Education](#)
 - [Home Visiting](#)
 - [Hunger and Nutrition](#)
 - [Same Sex Marriage](#)
 - [Welfare and Poverty](#)
- [Immigration](#)
- [International](#)
- [Labor and Employment](#)
- [Military and Veterans Affairs](#)
- [Redistricting](#)
- [State-Tribal Institute](#)
- [Telecommunications and Information Technology](#)
- [Transportation](#)

Share this:

We are the nation's most respected bipartisan organization providing states support, ideas, connections and a strong voice on Capitol Hill.

NCSL Member Toolbox