



AMERICAN BAR ASSOCIATION

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**Testimony Before the
Before the
House Children and Youth Committee
of the
Pennsylvania State Legislature
Regarding PA HB1709
Establishing the Commonwealth Children's Ombudsman and the Commonwealth
Children's Ombudsman Office
Presented by
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American Bar Association
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Good afternoon, my name is Anne Marie Lancour and I am the Director of State Projects for the American Bar Association Center on Children and the Law in Washington DC. It is a pleasure to be here and I thank you for the opportunity to provide testimony. The American Bar Association is the world's largest voluntary professional organization, with a membership of over 400,000 lawyers (including a broad cross-section of prosecuting attorneys and criminal defense counsel), judges and law students worldwide. The ABA continuously works to improve the American system of justice and to advance the rule of law in the world. I appear today at the request of ABA President William Neukom to share our experience with Children's Ombudsman Programs.

I would like to begin by commending the sponsors of House Bill 1709, as it clearly demonstrates the commonwealth's commitment to children and families. The American Bar Association is a staunch supporter of Children's Ombudsman Programs. The ABA created and adopted Standards for the Establishment and Operation of Ombuds Offices in February 2004, and since that time has been actively working with Children's Ombudsman programs around the country as well as providing technical assistance to foreign countries and governments working to enhance child welfare services.

Since 2003, I have been directing a project called the Permanency Barriers Project. The goal of the project is to reduce the amount of time children spend in foster care and to expedite permanency for all children in care. My staff and I have worked in 20 counties within the commonwealth and in so doing I feel I have become particularly well acquainted with Pennsylvania and the many challenges and strengths of the child welfare system here. I am glad to be here today, because this bill is yet another demonstration of the proactive manner in which

Pennsylvania strives to properly care for the safety and well-being of its children. .

My intention today is to provide a general overview of the purpose and scope of authority for Children's Ombudsman programs in the U.S. Twenty-seven states now have some form of children's ombudsman or child advocate's office. These offices were created primarily through state legislation and are responsible for resolving complaints from citizens and professionals regarding the manner in which government agencies are serving children. The Children's Ombudsman is charged with monitoring child-serving agencies to ensure that state and county agencies are complying with federal and state law to serve and protect children effectively. Ombudsmen can be viewed as an extra check or balance on government action.

U.S. Ombudsman models share these common components: (1) a direct link to the public (telephone hotlines, receptiveness and responsiveness to written letters or email communications, and in some instances face-to face meetings with citizens), (2)investigative capacity, and (3) the ability to demand and assist in the improvement or repair of government services.

Unlike child protection workers, ombudsman staff are not first responders. An ombudsman and his or her staff do not respond in the case of emergency, but rather monitor the agencies that do, as well as any other agencies providing important services to children and families. If a citizen is concerned that a child- serving agency has failed to meet its responsibility toward a child, or that a child has been wrongfully denied a service, it is the ombudsman's job to examine what may have gone wrong, work on resolving the matter and prevent similar problems from arising in the future. Independence, both perceived and structural is a critical component to program efficacy.

For examples of highly effective children's ombudsman offices, the Commonwealth need

look no further than its nearby neighbors of Connecticut and New Jersey. The State of Connecticut Office of the Child Advocate presents one of the most well-established programs with over a decade worth of experience to offer. The State of New Jersey Office of the Child Advocate was created in 2003 and sets the example as the office with the greatest scope of authority. Both offices have proven highly effective.

Powers and Authority of U.S. Ombudsman

Ombudsman authority in the U.S. is generally statutorily based. Depending on the scope of the enacting legislation, some offices may be more powerful and have more autonomy than others. The powers necessary for ombudsman to be effective, and most commonly granted to ombudsman include the authority to:

- access all state agency records and files on children;
- issue subpoenas to acquire records and information or to compel attendance and testimony of witnesses;
- inspect, monitor and review foster homes, detention centers, or any other out-of-home placement for children;
- interview children about their experiences;
- provide training and technical assistance to state and county agencies;
- recommend systemic changes;
- issue public reports;
- recommend and draft proposed legislation;
- demand corrective action from agencies failing to properly exercise their responsibilities;

- intervene in important court cases that involve children;
- file *amicus curiae* (friend of the court) briefs, and;
- initiate litigation on behalf of individual or classes of children.
- These powers allow Ombudsman access to needed information and the authority to make necessary inquiries.

Ombudsman and child advocate offices in the U.S. are playing increasingly important roles in the United States. Child Welfare System. These programs provide a mechanism to help ensure that children are safe and that the systems charged with serving children and families do so in a meaningful and effective way.

I would like to commend the authors and sponsors of this bill for their good work and advocacy for children and families in the Commonwealth of Pennsylvania. The ABA would be happy to appear before this or other committees again in the future at your request to provide additional information, answer questions or address the particulars of the bill before you

I will take any general questions you may have at this time. Although I have a working familiarity with ombudsman programs, I have colleagues that were unable to attend the hearing today that are more specialized on the topic. Should I be unable to answer in the detail you desire, we will submit answers or additional information to the committee in writing. I thank you for your time.