

**m1 MINNESOTA**  
**OFFICE OF OMBUDSPERSON**  
**FOR AMERICAN INDIAN FAMILIES**



Ombudsperson: Jill Kehaulani Esch, Esq. Email: [Jill.Esch@state.mn.us](mailto:Jill.Esch@state.mn.us)

Tel. 651-592-1953

**Re: Support of HF3901 (Johnson, W.) – Office of the Foster Youth Ombudsperson**

My name is Jill Kehaulani Esch. I am the Ombudsperson for American Indian Families with the Office of Ombudsperson for AMERICAN INDIAN Families (OAIF). Due to the overwhelming disparities of Native children in child welfare, the OAIF was created in 2021 through the strong advocacy of the Minnesota Indian Affairs Council, the American Indian Community-Specific Board, the American Indian Community and others. Minnesota is Number 1 in The Nation for the removal of American Indian/Alaska Native children from their homes. The OAIF is the only independent state agency of its kind in The Nation.

By way of background, I have served in the role of Ombudsperson for American Indian Families since 2013; though prior to the creation of the OAIF in 2021, I was housed with the Office of Ombudsperson for Families, a different agency. From 2017 to 2025, I co-chaired and later tri-chaired the United States Ombudsperson Association (USOA) Children and Families Chapter. Beginning in January 2026, I was appointed by the USOA Board to be the USOA Board Director of Membership.

**I am writing to clarify the OAIF's support of HF3901 (Johnson, W.) as amended.**

- This legislation only applies to agencies who license homes under State Authority: DCYF, DHS and DOC licensed homes.
- This legislation does not include Tribally licensed homes under Tribal Authority because the State does not have jurisdiction over these homes.
- In the legislation, the definition of "Placement" and "Placement Manager" has this same clarification that this applies only to homes licensed under State Authority.
- Tribes have an inherent sovereign right to control how their data is collected, used, and shared, and any investigation will only apply to state licensed homes and state placed children.
- Direct access to the Social Services Information System (SSIS) will not include access to any data from Tribes or foster youth who were placed by Tribal Child Welfare.

This proposed legislation is for direct access to SSIS, which is an essential tool to help the Office of Ombudsperson for Foster Youth (OOFY) carry out their statutory mandates. Access promotes transparency and accountability for the State's child welfare systems. It also decreases the time burden for DHS/DCYF or the social service agency in searching for and providing the necessary case information in response to any requests.

For several years, the Minnesota Ombuds Offices supporting accountability and transparency for the child welfare system have sought access to records, specifically the SSIS, in order to be most effective in their capacities as Ombudspersons. HF3901 clarifies and protects the Foster Youth Ombudsperson's ability to review and investigate agencies responsible for supporting foster youth.

The OOFY and the OAIF have successfully collaborated and consulted when cases involved Native Youth.

Not all states have Ombuds for Children and Families. For example, the State of Wisconsin does not have a dedicated Ombuds for Children/Families. The following Ombuds or Child Advocate offices have reported they have access to their States' child welfare systems for case records and documents. Minnesota should be among them.

1. Alaska
2. Arizona
3. Arkansas
4. California
5. Colorado
6. Connecticut
7. Georgia
8. Indiana
9. Louisiana
10. Massachusetts
11. Michigan
12. Montana
13. New Hampshire
14. South Carolina
15. Texas
16. Utah
17. Virginia
18. Washington
19. West Virginia

I agree and support the statements made by Margaret Zadra, the Ombudsperson for Corrections, that *"Ombudspersons must be able to receive and act on complaints, conduct investigations, review systemic concerns, work towards resolutions, and make recommendations regarding the activities of state and governmental entities with transparency and accuracy. An ombuds can only function well if the office is able to access data without impediments or influence by those who hold the data."*

I respectfully urge you to support HF 3901, as amended.



Jill Kehaulani Esch, Esq.

**Office of Ombudsperson for AMERICAN INDIAN Families**

April 14, 2026

**Re: SF3881/HF3901 | Office of the Foster Youth Ombudsman Statutory Changes**

Dear Chairs and Members of the Committee:

For nearly two years, the Office of the Foster Youth Ombudsman has been here to listen to foster youth, thanks in large part to your passage of the bill creating our office in 2022. After two years of putting our charge into practice, there are a few areas we would like to clarify and strengthen. We are requesting changes in three areas — retaliation protection, private meetings, and records access.

**Retaliation protection**

We are requesting changes to ensure our statute is consistent, so that if we can investigate an entity, they are also prohibited from retaliating against a foster youth for contacting our office.

Our current statute allows us to investigate an agency, or family foster home, custodian, parent, or facility licensed by the state, but only prohibits retaliation from facilities or foster homes ([Minnesota Statutes 2025, section 260C.82, subdivision 4](#)). If we can investigate an agency, or custodian or parent licensed by the state, they should also be prohibited from retaliation against foster youth.

**Private meetings**

Right now, if we need to privately communicate with a foster youth, we may exchange protected physical mail that others are not allowed to open. However, our statute does not explicitly state that our staff are allowed to have private phone calls or meet with children and youth outside of the hearing of others.

If a young person fears retaliation or they are being listened to as they talk with us, they may feel unsafe raising concerns or they may withhold critical information. Ensuring the right to confidential, private communication is essential to protecting youth from harm.

**Records access**

**Background**

Currently, our office has access to some court records through [Minnesota Government Access](#), but we must request foster care case records and data. For the vast majority of cases, we go directly to the county and request what we need. Sometimes, the responses are prompt and comprehensive, and sometimes they require multiple meetings and follow-up requests, and are still incomplete. In one example, data that substantiated a complaint was provided to a member of the public during discovery but omitted from the records sent to us.

For some situations, we request data from the Dept. of Children, Youth, and Families (DCYF) rather than going directly to the county. We request data from DCYF when we want to better understand a concern before meeting with the county, when there may be sensitive concerns, or when DCYF is the only entity that holds the data.

Current process

Since July, the process proposed by DCYF has been to email our requests. For the ~155 concerns reported to us from July to March, we have requested data from DCYF in approximately 30 cases (averaging one a week). The vast majority of these required us to follow-up one or more times. Some requests were never fulfilled or acknowledged, and due to time-sensitivity, we opted to request directly from the county, despite our determination that requesting from DCYF was the best approach.

Since then, the delays have gotten longer, well beyond DCYF’s stated goal of 10 days, with some requests waiting months to be fulfilled.

The records we seek contain vital information — including the very basics, such as whether a youth is in foster care. Our lack of access creates barriers that significantly limit our ability to respond quickly, effectively, and efficiently. Currently, we also have little recourse when our requests go unfilled.

Federal guidance and national landscape:

Guidance from the Administration for Children and Families ([technical bulletin](#)) is clear that title IV-E agencies managing child welfare information systems may appropriately share data with Child Welfare Contributing Agencies through data-sharing agreements to support improved outcomes and improve efficiency.

Nationally, of 24 child-serving ombuds offices with data available, 18 had explicit login access to their data systems. Those offices include:

Arkansas	Texas Foster Care Ombudsman
Michigan	Virginia Office of the Children’s Ombudsman
Indiana	New Hampshire Office of the Child Advocate
Arizona	Montana Child and Family Ombudsman
Office of Colorado’s Child Protection Ombudsman	Washington State Office of the Family and Children’s Ombuds
New Hampshire Constituent Relations	Alaska State Ombudsman
West Virginia Foster Care Ombudsman	California State Ombudsperson
Connecticut Office of Child Advocate	Massachusetts Office of Child Advocate
Office of the Ombudsperson for Children District of Columbia	New Hampshire Office of the Child Advocate

Agency concerns

Like other government entities, OOFY complies with the Chapter 13 Data Practices Act and additionally have our own statutes regarding data protection and privacy. Our current statutes already give us access to private and confidential data on individuals, such as juvenile court data, foster care placement data, and medical data ([Minnesota Statutes 2025, section 260C.82, subdivision 7](#)).

While there may be information included in SSIS that is outside of the area of our inquiry, there is already language in statute that grants the ombudsperson the power to choose to investigate, to determine the scope and manner of an investigation and to receive access to data when it is necessary to perform the ombudsperson's duties ([Minnesota Statutes 2025, section 260C.82, subdivision 2, subdivision 4, and subdivision 7](#)). OOFY is not required to disclose the substance of a complaint in order to get data. Ultimately, we may see data in our investigatory role that we are not seeking, with or without SSIS access (for instance, when we review court records or records from counties). As state employees, we abide by the Data Practices Act, to ensure we are fulfilling our duties to protect data, and limit data access to those whose work assignment reasonably requires access. We have also consulted with the [Data Practices Office](#) and incorporated all of their suggested language.

Regarding information protected by attorney-client privilege: The training to county agencies is clear that privileged information should not be in case notes. If there are other entities outside the attorney-client relationship who access SSIS, we are willing to agree to similar data-sharing agreements used to address concerns about privilege. Ultimately, blocking data access entirely because of this concern is not reasonable.

#### Solutions offered

Despite efforts to work on this issue with DCYF since OOFY opening in 2024, no meaningful progress has been made. In fact, we are experiencing increasing obstacles, longer response times, and additional questions about our ability to receive data. We have offered the following solutions:

- OOFY staff are required to go in-person to access SSIS, as we understand some DCYF contractors have been able to do.
- OOFY and DCYF enter into an interagency agreement, as the Department of Health has done for their SSIS access, to address concerns.
- Temporary solution: OOFY and DCYF agree on reasonable deadlines for response, expedited requests, or avenues for recourse if data requests are disputed.

While we understand that the modernization of SSIS is in progress, we respectfully request that our office be given the tools to efficiently enact the charge we have been given— to investigate decisions being made about children and youth, in order to ensure their health, safety, and welfare.

Sincerely,



Ombudsperson for Foster Youth  
651-946-2941  
[Misty.coonce@state.mn.us](mailto:Misty.coonce@state.mn.us)

Website: [mn.gov/oofy](http://mn.gov/oofy)

March 12, 2026

Re: [Support for HF3901 \(Johnson, W.\)](#): Investigative powers added to the Office of the Foster Youth Ombudsperson

Dear Chair and Members,

As Ombudsperson for Corrections, I write to express my support for HF3901 (Johnson, W.). This bill provides that ombudsperson offices have express access to the data necessary to fulfill their statutory role.

Although this bill does not directly impact the work of our office, such language and access to data is typical of ombuds work, including ours. This access to data is critical to being able to fulfill the statutory duty of ombuds work with the full scope of its authority.

Ombudspersons must be able to receive and act on complaints, conduct investigations, review systemic concerns, work towards resolutions, and make recommendations regarding the activities of state and governmental entities with transparency and accuracy. An ombuds can only function well if the office is able to access data without impediments or influence by those who hold the data.

Some of our state's most vulnerable community members rely on ombuds offices who have jurisdiction over agencies and facilities that serve youth, including the Minnesota Department of Children, Youth, and Families facilities and entities licensed by the Department of Corrections and the Department of Human Services. Ombudspersons must be able to conduct independent investigations and provide client-centered assistance within the full scope of their authority.

In support of the important work of ombuds offices, I ask that you support HF3901.

Sincerely,



Margaret Zadra  
Ombudsperson for Corrections

Monday, April 13th, 2026

Co-Chair Liebling, Co-Chair Scott, and Members of the Judiciary Finance and Civil Law Committee,

My name is Osahon Akpata-Tanius, Executive Director of Foster Advocates. We are writing in support of HF3901 / SF3881, the Office of the Foster Youth Ombudsperson ("OOFY") Statutory Amendment.

Foster Advocates led and championed the creation of the Office of the Foster Youth Ombudsperson because young people in foster care need a neutral, independent office they could trust, an office to ensure accountability and safeguard their rights while in the state's care. When OOFY was first established through HF3845/SF4209, it marked a historic step toward accountability for the state systems responsible for the care of young people. Nearly two years later, this bill provides essential clarifications that ensure OOFY can effectively fulfill that original promise.

This amendment strengthens the office's ability to carry out its oversight role by:

- Affirming OOFY's right to meet privately with Foster youth.
- Aligning retaliation protections to safeguard youth who raise concerns.
- Increasing efficiency and transparency by clarifying access to agency records and systems necessary for investigations.

These provisions are not expansions of authority, but clarifications of the original legislative intent. These are tools the office should already possess to fulfill its mission effectively. Oversight without effective tools is symbolism; this bill ensures accountability becomes real.

When youth in foster care share concerns, they do so at great personal risk. The fear of retaliation or being ignored silences too many. OOFY exists to interrupt that cycle, and it cannot do so without timely access to the complete information needed to assess and resolve complaints while maintaining confidentiality.

We understand that any clarification involving data systems can raise valid concerns about privacy and appropriate access. This amendment does not expand who may view sensitive information; it reinforces that OOFY, as an independent oversight body, must operate under the same confidentiality and data protection standards as other statutory entities. Effective oversight depends on both access and accountability, and this bill ensures OOFY has what it needs to carry out its duties responsibly and transparently.

**From the beginning, our intention in advocating for OOFY's creation was to ensure the office had access to the information and systems necessary to respond swiftly and independently to youth concerns. Clarifying this today restores that intent and reinforces the State's commitment to transparency, accountability, and the safety of Minnesota's Fosters.**

Foster Advocates respectfully urges the Committee to support this amendment and ensure OOFY has the clear statutory authority it needs to continue standing with and for young people in care.

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