

Chapter 63

2022 Regular Session

Subject Office of the Foster Youth Ombudsperson

Bill H.F. 3845

Analyst Sarah Sunderman

Date June 14, 2022

Overview

This act establishes the Office of the Foster Youth Ombudsperson and the Board of the Foster Youth Ombudsperson, and specifies data provisions related to the newly established office.

Summary

Section	Description
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1	Foster youth ombudsperson; data.
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Proposes coding for § 13.876. Specifies foster youth ombudsperson data that are classified as private data; specifies that data contained within an investigation file maintained by the ombudsperson are classified as confidential data. Allows the ombudsperson to access juvenile placement and medical data.

2	Office of the Foster Youth Ombudsperson; board.
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Proposes coding for § 260C.80. Creates the Office of the Foster Youth Ombudsperson; specifies ombudsperson selection and service requirements and permits the ombudsperson to investigate matters related to youth in foster care.

Establishes the Board of the Foster Youth Ombudsperson, to make recommendations to the ombudsperson and staff and oversee the work of the ombudsperson. Specifies members of the board, terms, compensation, removal, and vacancy procedures.

3	Organization of the Office of the Foster Youth Ombudsperson.
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Proposes coding for § 260C.81. Allows the ombudsperson to select, appoint, and compensate staff; addresses additional administrative and staffing matters. Requires the ombudsperson to provide outreach, resources, and assistance to youth in foster care through direct engagement. Specifies that the office will receive administrative support from the commissioner of administration.

Section	Description
4	<p data-bbox="318 264 1317 331">Powers of foster youth ombudsperson; investigation; action on complaints; recommendations.</p> <p data-bbox="318 348 1406 422">Proposes coding for § 260C.82. Defines “agency” for purposes of the section. Allows the foster youth ombudsperson to:</p> <ul data-bbox="415 459 1422 873" style="list-style-type: none"><li data-bbox="415 459 846 485">▪ establish a complaint process;<li data-bbox="415 504 1122 529">▪ determine the scope and manner of investigations;<li data-bbox="415 548 1382 621">▪ make conclusions, recommendations, and proposals to the governor or legislature;<li data-bbox="415 640 1317 714">▪ investigate administrative agency actions, including examining the physical placement of a youth in foster care;<li data-bbox="415 732 1406 758">▪ request and be given access to information from administrative agencies;<li data-bbox="415 777 1325 802">▪ subpoena individuals, in relation to an investigation or inquiry; and<li data-bbox="415 821 1422 873">▪ be present at court proceedings and related meetings, when requested by a youth in foster care. <p data-bbox="318 911 1422 984">Specifies civil liability immunity for the ombudsperson, except for acts demonstrating malicious intent or gross negligence.</p> <p data-bbox="318 1022 1382 1096">Outlines the complaint and investigation process and requirements for facilities or family foster homes.</p> <p data-bbox="318 1134 1406 1278">Specifies recommendations the ombudsperson may make to an administrative agency or judicial officer when the ombudsperson considers a complaint to be valid. Allows the ombudsperson to refer matters to the appropriate authorities and bring statutory issues to the governor and the legislature.</p> <p data-bbox="318 1316 1365 1390">Allows the ombudsperson to apply for and receive grants from public and private entities.</p> <p data-bbox="318 1428 1382 1535">Requires state district courts and administrative agencies to provide the ombudsperson with access to juvenile court data, foster care placement data, and certain medical data.</p>
5	<p data-bbox="318 1581 894 1606">Recommendations and reports to governor.</p> <p data-bbox="318 1625 1422 1808">Proposes coding for § 260C.83. Allows the ombudsperson to send conclusions and suggestions to the governor; requires the ombudsperson to consult with the governor and relevant agency, facility, program, or person concerning the conclusion or recommendation, before finalizing a conclusion or recommendation that criticizes an agency, facility, program, or person.</p>

Section **Description**

Requires the ombudsperson to report to the governor and the legislature at the end of each biennium regarding the exercise of the ombudsperson's functions during the preceding biennium.

6 **Appropriation; Office of the Foster Youth Ombudsperson.**

Appropriates \$775,000 in fiscal year 2023 from the general fund to the Office of the Foster Youth Ombudsperson, to establish and operate the office and the board. Specifies that the base appropriation is \$726,000 in fiscal year 2024 and fiscal year 2025.



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