

Child Protection Overview

Minnesota Legislative Task Force on Child Protection

June 15, 2022

Presented and created in collaboration by:

Minnesota Department of Human Services | Institute to Transform Child Protection | Minnesota Association of County Social Service Administrators | Center for Advanced Studies in Child Welfare | Foster Advocates | MN One Stop Grace House | ICWA Advisory Council

Agenda

- I. Introduction and Acknowledgement
- II. Prevention and Early Intervention
- III. Intake & Screening Maltreatment Reports
- IV. Family Assessment & Family Investigation Response
- V. Court process: Child in Need of Protection or Services
- VI. Closing – Community Voices

Acknowledgement

Historical and Intergenerational Trauma and Systemic Implications in
Child Welfare

Prevention & Early Intervention

Presenter: Rebecca Wilcox, Manager, Child Safety and Prevention Unit,
MN Department of Human Services

A prevention framework

- Experiences, environments and relationships shape family and child development. Because people and families are all unique, we must approach our solutions in many ways and with the participation of families and communities.
- Promoting well-being and preventing negative family and child outcomes ensure a healthy start for young families. We do this by shifting the focus at multiple levels from reacting to problems after they occur to helping families have what they need to thrive from the beginning.



Community and families focus our work

- “We need systemic solutions. start working, rent goes up can't pay for childcare cycle of poverty and a gap in coverage means you might lose your housing.”
- “We have racism, poverty and toxic stress crisis. Not a mental health crisis.”
- “We want more cultural specificity for prevention but there is no funding.”
- “Families of color and indigenous populations are the most underserved. They need culturally appropriate care, free of racial biases, with providers who listen!”
- “Housing plays a role in all of this-without it and all other issues are exacerbated”
- “There are so many hoops. You have to tell them about your entire life before you can access just a little bit of help. I only go for help with I really, really need it”

Quotes are reflective of feedback received during community engagement conversations as part of outreach and preparation for the preschool development grant (PDG) in 2021.

Data focuses our work

- Poverty and economic instability are a significant factors - leading to number of negative outcomes for children and families, and in particular for involvement in child protection.
- In Minnesota, African American and American Indian children are 5.4 and 6.4 times more likely to live in poverty than are White children.
- Recent analysis from the DHS CSP Research Team show that census tracks with high rates of childhood poverty (all children) also have higher rates of **reporting** to child protection, and in particular higher rates of **reporting** for neglect.
- In 2020, American Indian children were 4 times more likely, African American / Black children were 2 times more likely, and children of two or more races were 4 times more likely than white children to be **reported** to child welfare.
- Once reported, American Indian children were 5 times more likely, African American / Black children were 2.5 times more likely, and children of two or more races were 5 times more likely than white children to be an alleged victim in a child protection assessment or investigation.

Multiple Material & Economic Hardships Can Overload Families and Increase their Risk for Child Welfare Involvement



Family Economic Insecurity & Child Welfare Involvement

Most reliable **economic predictors of child welfare involvement**



(Conrad-Hiebner, 2020)

Strongest predictors of **investigated neglect reports**



(Slack, 2011)



Protective Factors/Whole Family Systems
These approaches are complimentary

What is the work?

Goals

- Make it easier for families to get what they need
- Family and community well-being
- Reduce neglect-based reporting based in poverty/economic instability

How

- Promote a systemic approach to support family and community well-being
- Use data and engagement with families, communities, providers, counties and Tribes to inform, understand, and incorporate an inclusive, whole family, equitable approach
- Coordinate programs and services through collaboration at state, county, and local levels to be relationship based and culturally responsive

Child Protection Process: Intake & Screening

Presenter: Stacy Hennen, Human Services Director, Western Prairie
Human Services and Traverse counties

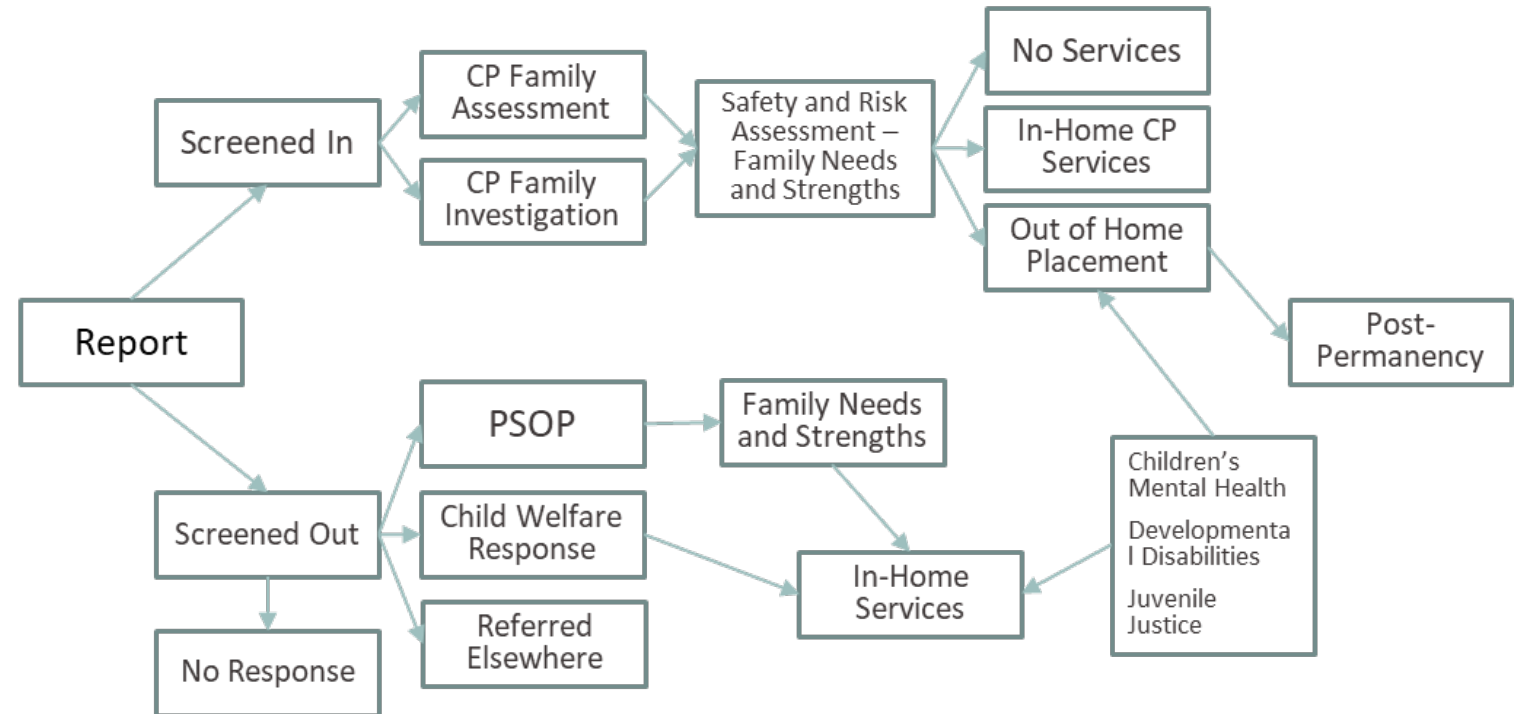
Child Welfare Continuum

Universal Promotion for Family Well-Being



Primary Prevention Strategies and Family Serving Systems

Report



Maltreatment Reports

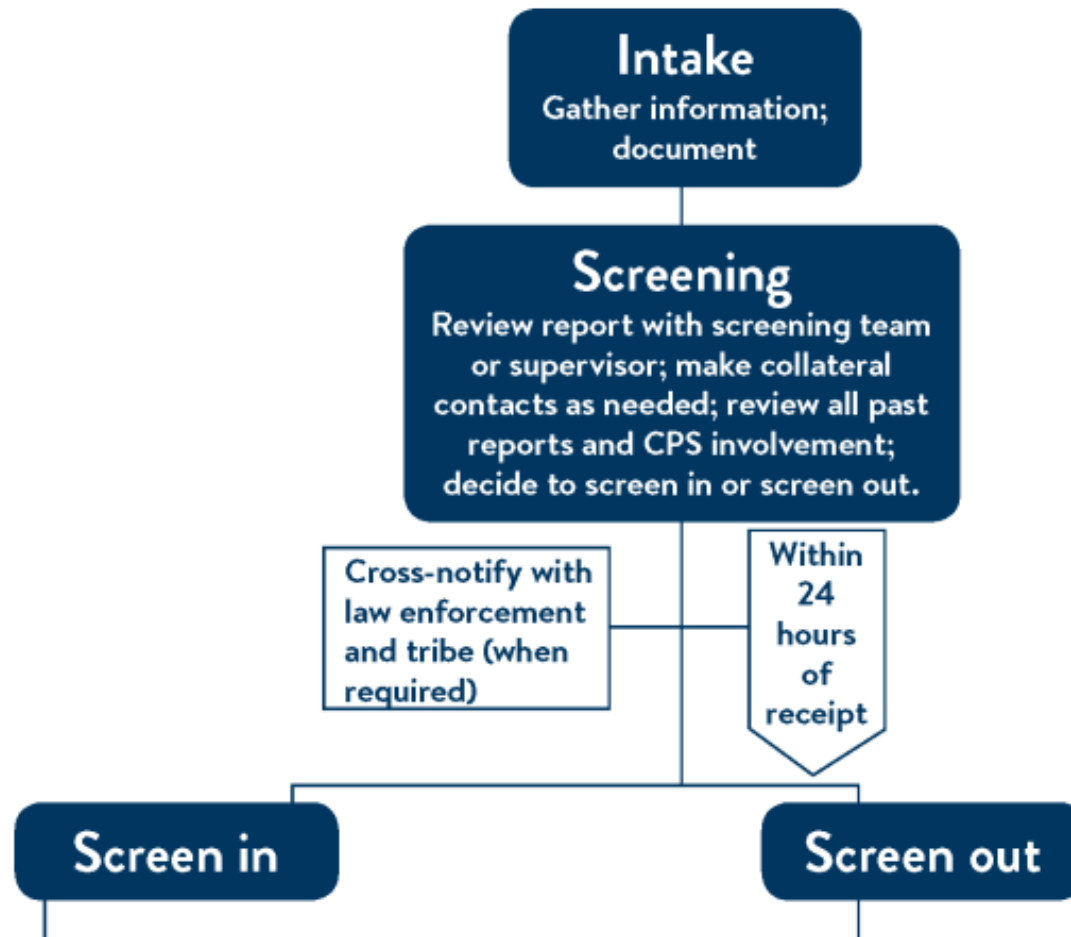


Mandated
reporters

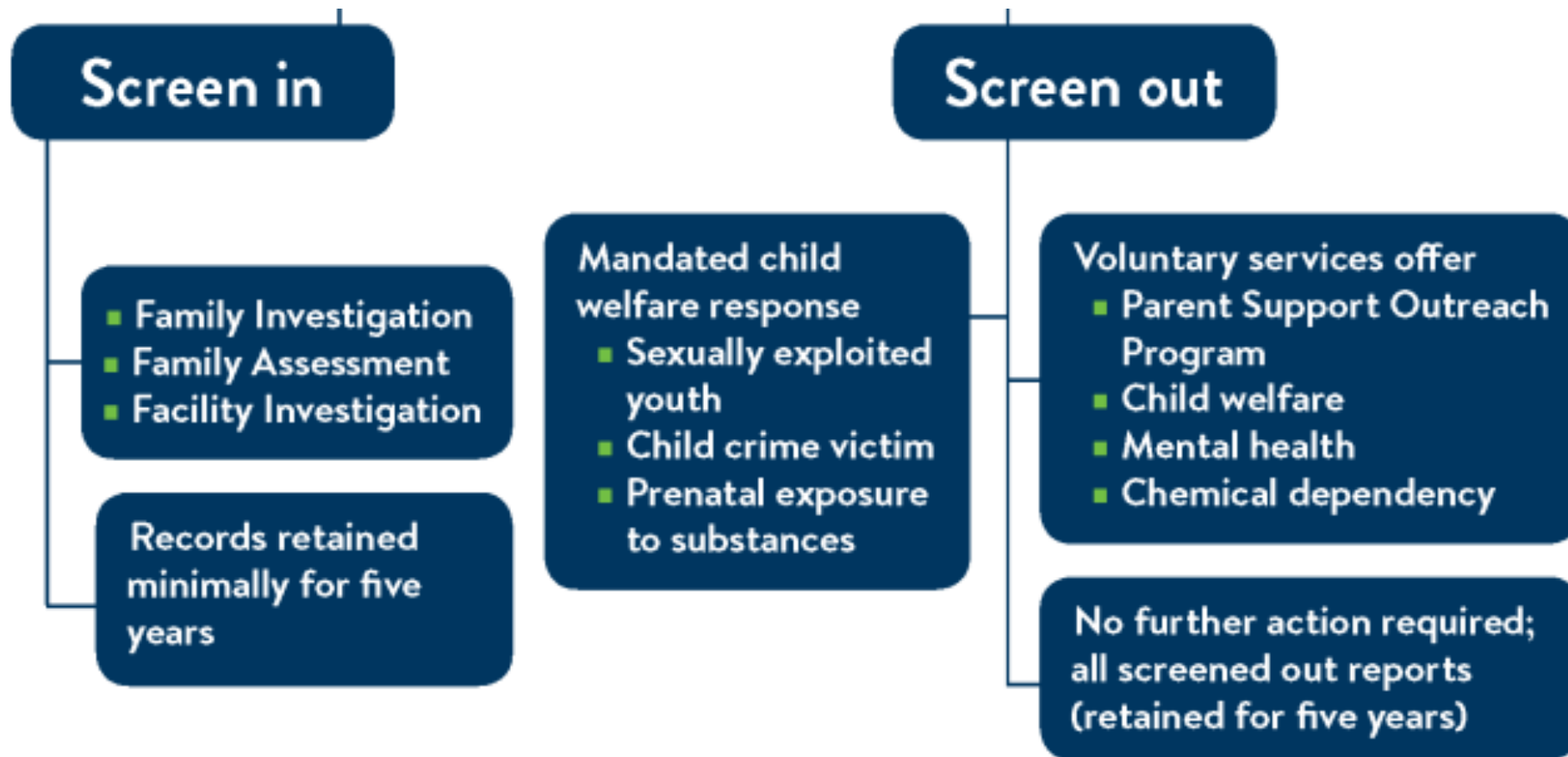


Voluntary
reporters

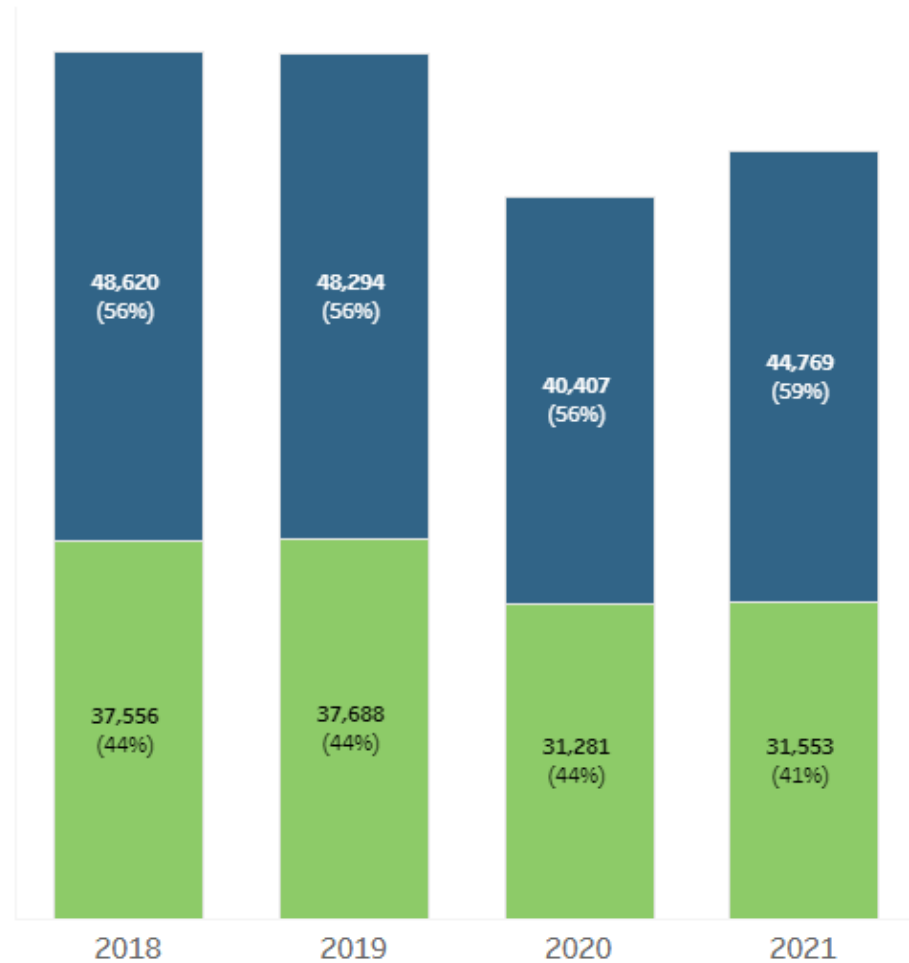
Intake and screening



Screening



Number of child protection reports received / screened

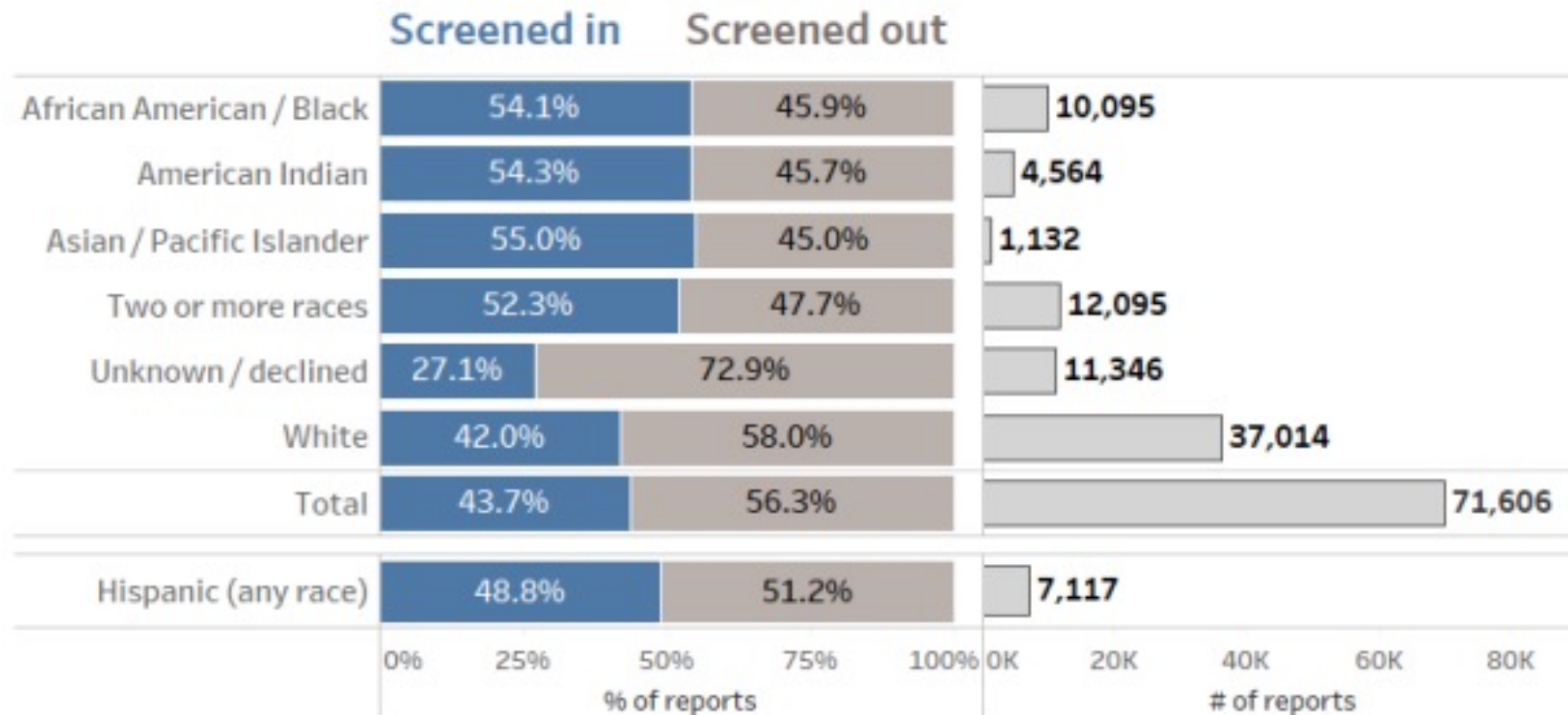


[Click legend to highlight graph](#)

- Screened-out
- Screened-in

Screening decisions by race (2020)

Figure 1. Screening decisions of child maltreatment reports received in 2020



Child Protection Process: Family Assessment & Family Investigation Response

Presenter: Stacy Hennen, Human Services Director, Western Prairie
Human Services and Traverse counties

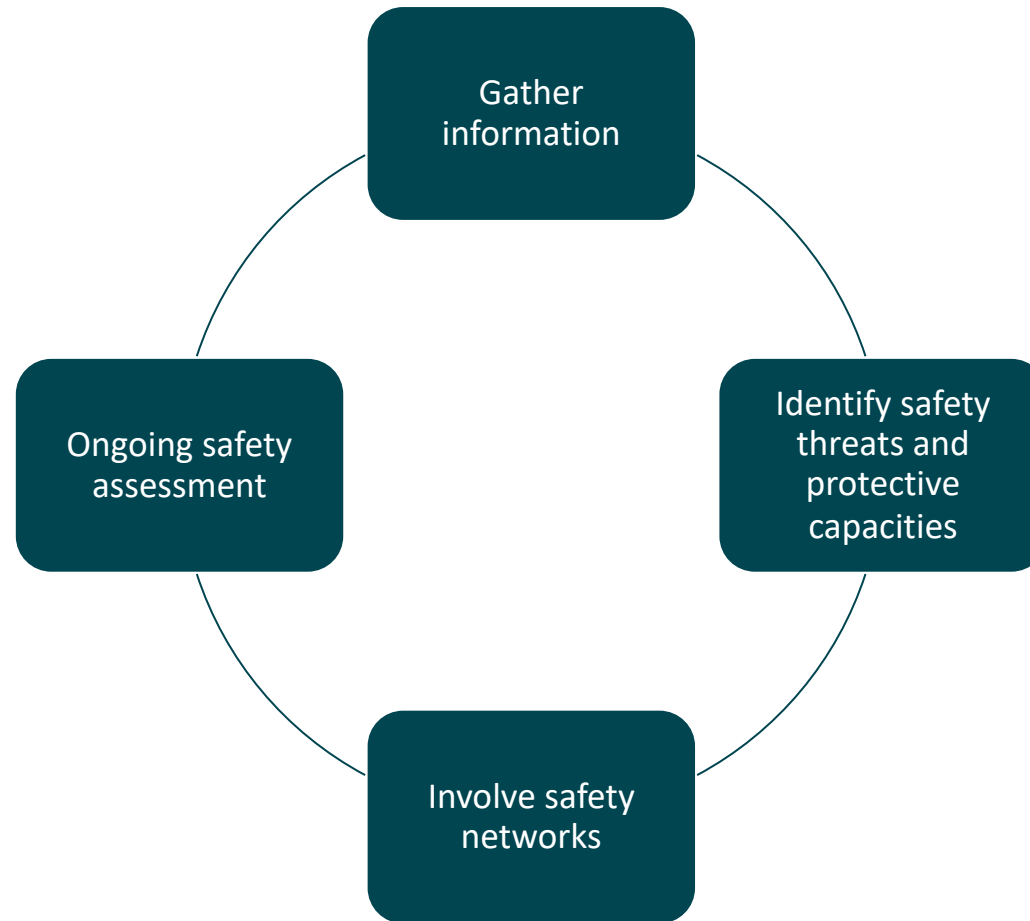
Screened in child maltreatment reports

Family Assessment Response

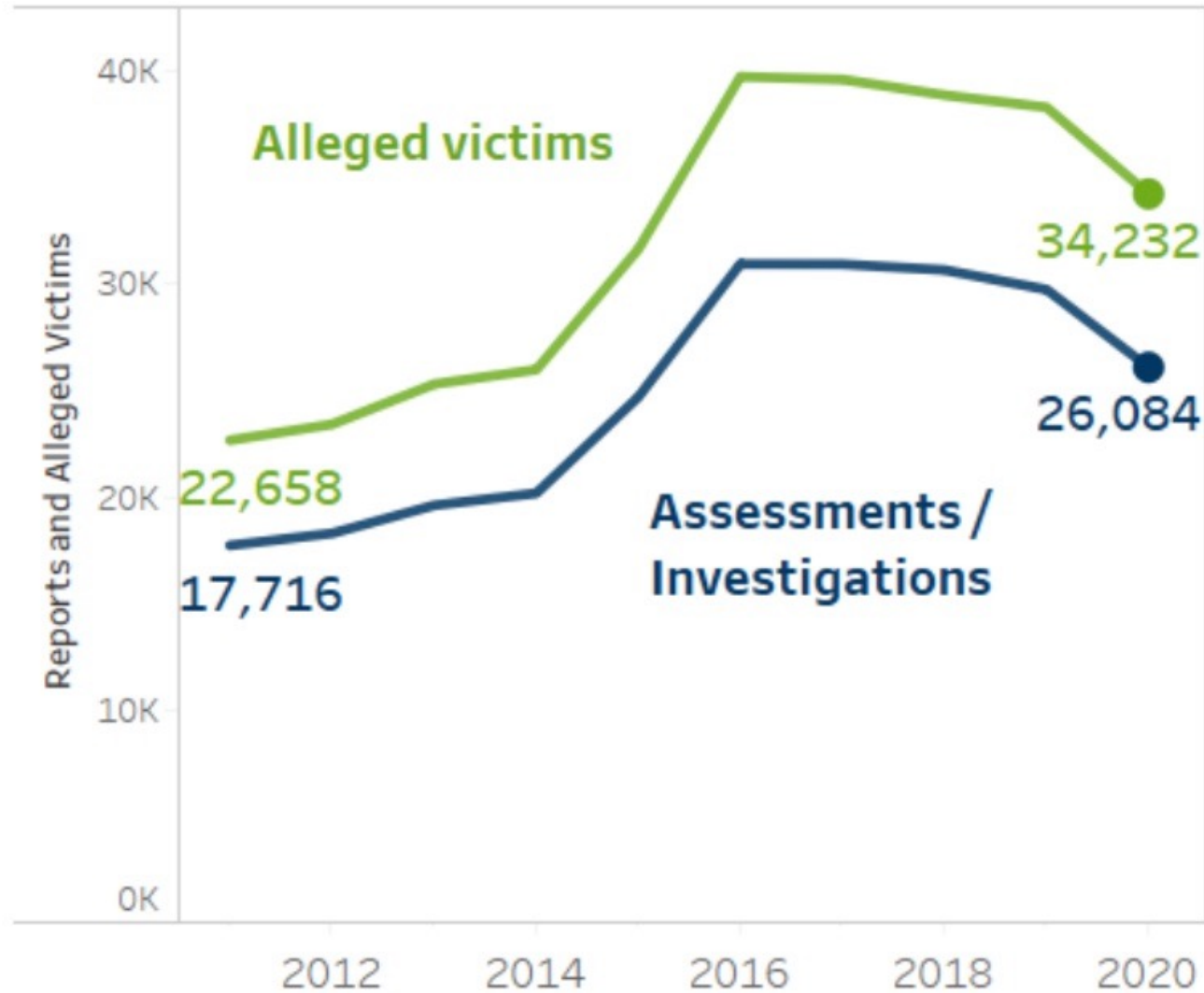
Family Investigation

Facility Investigation

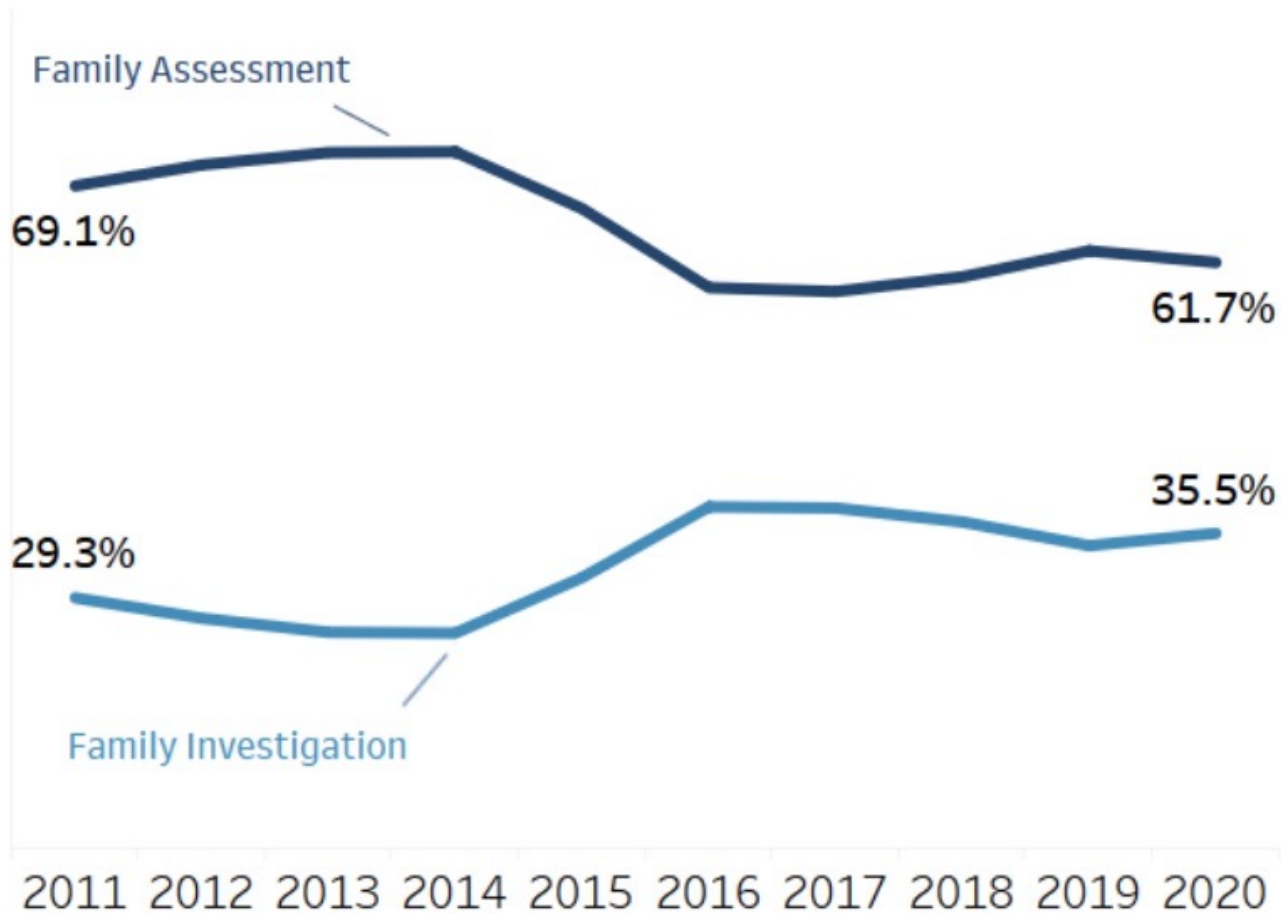
Child Protection Process



Trends of accepted reports and alleged victims, 2011 - 2020



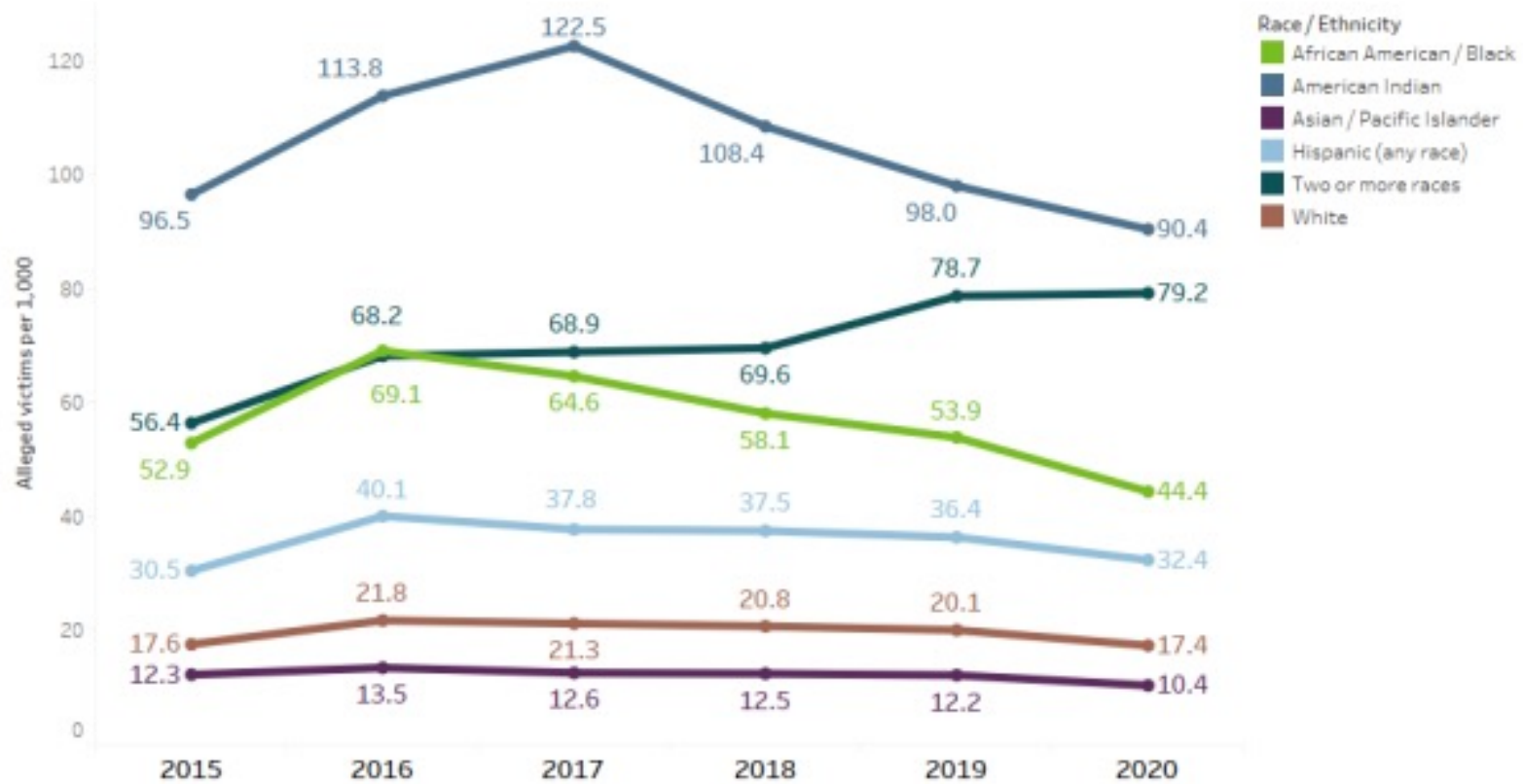
Trends of percent of reports assigned to FA and FI paths, 2011-2020*



* The percent of reports assigned to FA and FI will not equal 100 percent, as a small percentage of reports are assigned to Facility Investigations.

Number of alleged victims by race (2015-2020)

Figure 6. Number of alleged victims per 1,000 with at least one completed assessment/investigation by race/ethnicity, 2015 - 2020



Court Process

Presenter: Joanna Woolman, Executive Director of the Institute to Transform Child Protection, Mitchell Hamline School of Law

Court Process

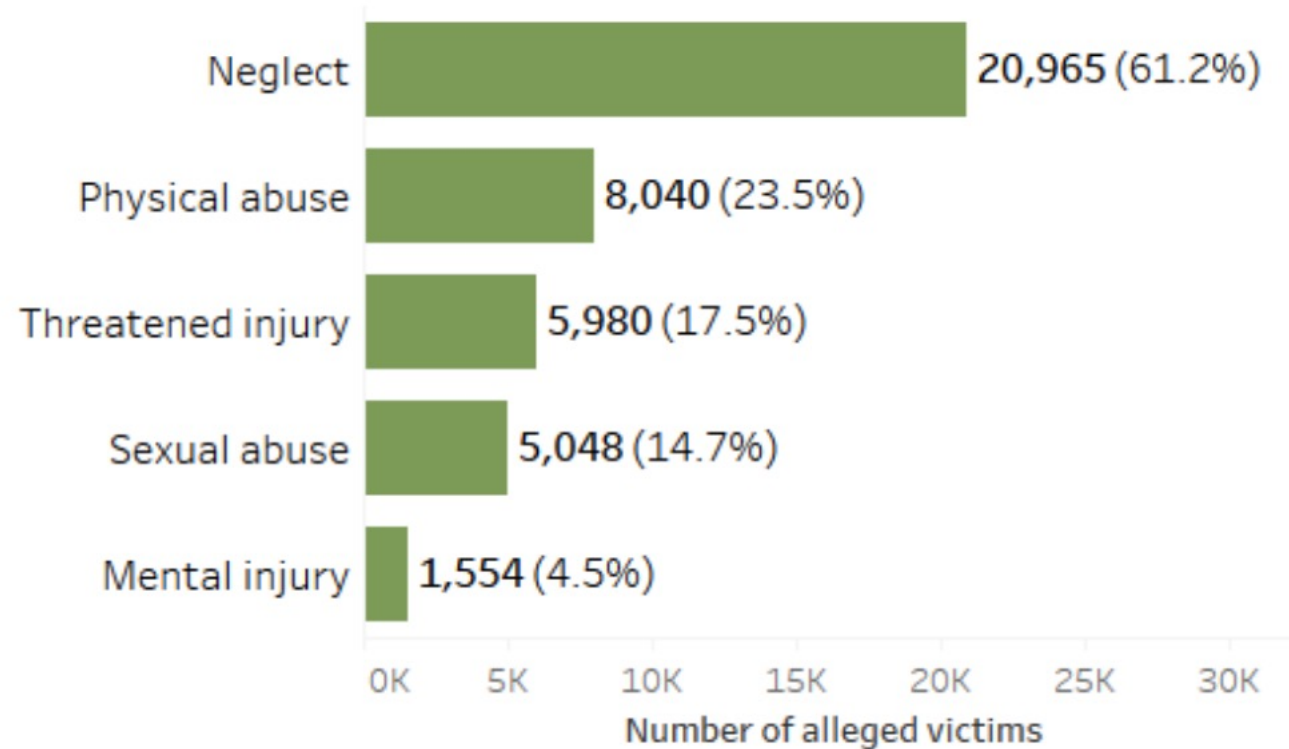
- In most cases, county attorneys have the discretion to review the allegations in a child maltreatment report and decide whether to file a child in need of protection or services (CHIPS) petition. However, county attorneys are not given discretion where Minnesota law requires that a petition to terminate parental rights be filed immediately in specific cases.
- When a petition is filed, oversight of the child maltreatment case begins in the district or tribal court. In Minnesota, juvenile court has original and exclusive jurisdiction over any child who is alleged to be in need of protection or services, or neglected and in foster care.
- A hearing must be held within 72 hours to determine if the removal of a child from their home is constitutional. The legal standard to continue a child in an out of home placement in Minnesota is the child would be in immediate danger if they remained in their home. Relatives are preferred placement for foster care.

What Constitutes Neglect in MN?

"**Neglect**" means the commission or omission of any of the acts specified under clauses (1) to (8), other than by accidental means:

- (1) **failure to provide necessary food, clothing, shelter, health, medical, or other care** required for the child's physical or mental health
- (2) failure to protect child from conditions that lead to **failure to thrive/growth delay**
- (3) failure to provide for necessary **supervision or childcare** arrangements
- (4) failure to ensure that the child is **educated** as
- (5) **prenatal exposure** to a controlled substance
- (6) **medical neglect**
- (7) **chronic and severe use of alcohol or a controlled substance** by a person responsible for the child's care that **adversely affects the child's basic needs and safety**; or
- (8) **emotional harm** from a pattern of behavior that contributes to impaired emotional functioning of the child

Number and percent of alleged victims by maltreatment type, 2020



Court Process: Parties & Participants

- The child
- The child's attorney, if the child is age 10 or older
- The child's parent(s)
- The child's parent(s)' attorney(s)
- The county social worker
- The county attorney
- The guardian ad litem
- A tribal social worker and/or ICWA advocate of the tribe, if an Indian child
- The judge
- A child's relative(s)

Right to an Attorney: Child

- McKenna's Law (Minn. Stat. Section 260C.163, Subd. 3)
 - A court must appoint a public defender or *other counsel at public expense* for every child age 10 or older who desires counsel, but is unable to employ it, in connection with a juvenile court proceeding (except truancy)
- A Guardian ad litem (GAL) is typically appointed to consider the best interests of the child throughout the case – not always aligned with the child's wishes
- New role of social service agency
 - Must fully and effectively inform children of their right to be represented by counsel upon request within 14 days of the filing of a CHIPS petition or at the emergency removal hearing if the child is present, and within 14 days of their 10th birthday when the child is a subject under CHIPS or is under guardianship of the commissioner

Right to an Attorney: Parent

- In all child protection proceedings where a child risks removal from the care of the child's parent, guardian, or custodian, the court shall appoint counsel to represent each parent, guardian, or custodian prior to the first hearing on the petition and at all stages of the proceedings.
- Court appointed counsel shall be at county expense.
- There is a fundamental right to parent under the United States Constitution.

Court Process: First Part of Case - CHIPS Timeline

The county is required to complete a case plan jointly with the child's parent(s)—and tribe, if an Indian child, within 30 days of a child being placed in foster care

- This details all of the services—mental health assessments and treatment, chemical dependency assessments and treatment, parenting assessments, etc. that the county is assisting a parent or child in securing so the parent can be reunified with the child
- The case plan is voluntary until after a CHIPS determination at the CHIPS trial

The county is required to provide reasonable efforts / active efforts throughout the duration of the child protection case

- Regular review hearings to assess progress – and whether those efforts are successful and helping family safely reunify.

A trial on the issue of whether a child is in need of protection or services should occur within 60 days

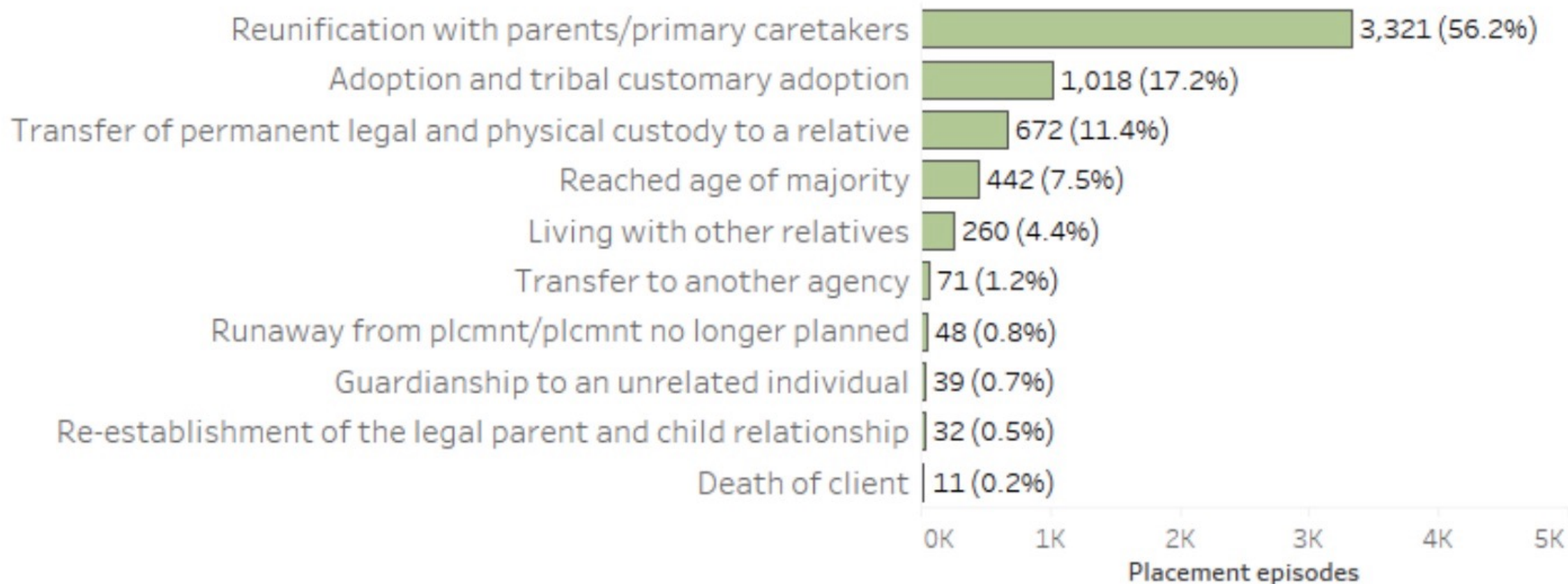
Court Process: Second Part of Case - Permanency Timeline

- Reunification is the preferred permanency outcome under Minnesota statute
- When a child has been in foster care for **11 months** and reunification with the parent is not recommended by the county, the county is required to file a permanency petition for one of the emboldened legal custody types below:
 - A **termination of parental rights** of the child's birth parents, making the child legally available for adoption
 - **Guardianship to the commissioner of human services** through a parent's consent to adopt
 - **Transfer of permanent legal and physical custody**
- When a child cannot be reunified with the child's parent, Minnesota law states an explicit preference for permanent placement with a relative before considering options with a non-relative
- The county attorney must file a termination of parental rights petition or transfer custody to a relative for all children who have been in out-of-home care for 15 of the most recent 22 months, however, this requirement does not apply if there are compelling reasons that this would not be in the best interests of the child

Post-Permanency

- Important to acknowledge the process doesn't end when a permanency determination is made.
- When a parent's legal rights are terminated, the child(ren) become state wards until they are adopted or age out of foster care.
- Counties and tribal social service agencies are responsible for the safety, placement, and well-being of children including facilitating the adoption process.
- This process can be lengthy and children may remain under state guardianship for months, years, or until they age out.

Discharge reasons for children who exited out-of-home care in 2020



Closing: Community Voice

Hoang Murphy, Executive Director, Foster Advocates, St. Paul MN

October Allen, Parent Mentor, MN One Stop for Communities, Director, Grace House, Duluth, MN

Thank You!

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