

Report and Recommendations

MN Kinship Support and Licensing Work Group

Introduction

Minnesota has made significant strides to implement licensing improvements in foster care – driven by the desire to support kinship caregivers and supported by a broad group of stakeholders. This is coupled by significant growth in kinship caregiving statewide over the past several years, with Minnesota reporting in 2023 that 63% of foster placements were with kin¹. At present, Minnesota’s mainstream foster response is reliant on kinship caregivers, and that is the case despite the fact that our system design is for traditionally licensed foster caregivers who have prepared their homes and lives to care for children.

This context directs us to continue to build a child welfare response that reflects actively supports kin-relative caregivers.

In September of 2023, the Federal Government through the Children’s Bureau finalized a rule allowing different foster care licensing standards for relatives (see <https://www.federalregister.gov/documents/2023/09/28/2023-21081/separate-licensing-or-approval-standards-for-relative-or-kinship-foster-family-homes>).

The impetus for this change is grounded in social science research documenting the better relational stability and long-term outcomes that children in foster care achieve when they are able to remain connected to their families and communities. Gupta-Kagan, *The New Permanency*, 19 U.C. Davis J. of Juv. L. & Pol'y 11 (2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2497434.

Prior to both the Federal guidance change and the release of the national model standards by Grandfamilies and Kinship Support Network, Minnesota as a state amended its foster care licensing statute, Minnesota Statute (add cite). Beginning in 2019, a group came together to work on reforming Minnesota’s foster care licensing statute to remove unnecessary barriers to licensing relatives and to engage with communities to ensure that the processes to get licensed were effective and equitable. After several years of work and negotiation, in the 2021-2022 session, HF 1287 was passed (<https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF1287&ssn=0&y=2021>).

However, this work in Minnesota was done prior to the 2023 rule change by the Children’s Bureau and because of the 2023 change to allow a different process to license relatives, a similarly constituted work group came together between April and October of 2024 to work on additional changes to support relative placement and licensing in Minnesota.

The working group is supported by significant review of licensing and related support for kinship caregivers and committed to advancing improvements in Minnesota’s system based on both the opportunity presented with enhanced federal flexibilities, and the reality that we can make

¹ <https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/child-protection-foster-care-adoption/child-welfare-data-dashboard/>

improvements to increase the stability of kinship caregiving in Minnesota. A recent article in the Imprint highlighted that while Minnesota has made progress in the number of relative placements, Minnesota continues to have disproportionately more white foster families caring for children of color, despite goals to increase the diversity of foster families to reflect the ethnicity and race of children in care. This article and the data that it contains speak to the need in Minnesota to license more relatives, in particular relatives in communities of color. .

The goal of the new federal policy and the model relative licensing standards are to create more efficient and equitable processes to get relative foster care providers licensed more quickly and easily with safety as the abiding and primary goal within a modernized more efficient process.

Many states began making plans to amend their statutes and practices considering this new change. To support these state efforts, a national coalition, the Grandfamilies and Kinship Support Network, that provides technical support to states, created a comprehensive set of model standards to ease the transition for states seeking to operationalize the new policy. As a part of the tool kit created to support state implementation of the new licensing rule, a Crosswalk was created to be used by states to track how their current policies track with the recommended model standards. Please see the Minnesota Cross Walk Attached to this report as Attachment A.

To create the model standards, the Grandfamilies and Kinship Support Network worked closely with kin caregivers, subject matter experts, and over 50 child welfare title IV-E agencies to develop these model standards and implementation guidance. See the model standards here https://docs.google.com/document/d/1V30W6Ft_uEUpVIQ062wPh12HrYHNod0b43T25wrp190/edit#heading=h.em5sk2qkmbrn.

Across their work, they gave special attention to reach diverse kin populations, especially those who have been historically marginalized or disproportionately denied placement, specifically with regards to American Indian or Alaska Native tribal members, identities (e.g., race and ethnicity, LGBTQIA+, non-English speakers), socioeconomic status, and type of home (e.g., apartment, farm).

In Minnesota, data shows that relative placements are more stable and have disruptions than non-relative placements.

Relative Placement Stability and Placement Moves

The Child Safety and Permanency Division received a request for data in March 2024. The request was focused on the rates of "disruptions" for "formal kinship placements" for children in out-of-home care. The research team worked with foster care and permanency program staff to determine the most appropriate data to provide in response. The original response included data for placement settings with relatives that closed/ended in 2021, 2022, and 2023. The research team examined the rates at which those closed placements were followed by either a) discharge from care without a subsequent placement, or b) movement to a new placement setting within the same continuous out-of-home care episode (referred to as "placement moves" in the information below). Additionally, limited and approximate information was provided on possible disruptions for cases post-TPLPC finalization (i.e., after foster care has ended). The original response was provided back to the requester on April 17th, 2024. In response to follow-up questions regarding placement moves for non-relative placement settings, additional summary information is provided in the table below.

Additional Information – Highlights

Topic	Highlights
Baseline placement move information	<ul style="list-style-type: none">How often do the following kinds of foster care placements result in a placement move?<ul style="list-style-type: none">Family foster care – all non-relative: 60% w/ a placement move<ul style="list-style-type: none">Non-relative placements (temporary): 67% w/ a placement movePre-adoptive (non-relative): 13% w/ a placement moveFamily foster care – all relative: 37% w/ a placement move<ul style="list-style-type: none">Kin placements (temporary): 62% w/ a placement move¹Relative placements (temporary): 52% w/ a placement movePre-kinship: 9% w/ a placement movePre-adoptive (relative): 8% w/ a placement move²
i) Placement moves by location and reason	<ul style="list-style-type: none">For children in family foster care settings, the most common reasons for a placement move were:<ul style="list-style-type: none">Provider request (30%)Relative placement (16%)Child safety (11%)Emergency to non-emergency (6%)Needs more structure (5%)
ii) Length of stay by location setting	<ul style="list-style-type: none">Relative placements tend to last longer than non-relative placements (3-4 months vs. 2 months) for those placements that don't transition to pre-adoptive or pre-kinship placements.
iii) Placement stability by location setting	<ul style="list-style-type: none">Out-of-home care (OHC) entries show greater placement stability for relative settings compared to non-relative settings and other non-family home placements (based on the <u>initial placement setting</u>).Stability is greater for cases beginning with relative placements compared to non-relative placements as a function of both a) moves per days in care, as well as, b) moves per continuous placement episode.

1. This setting type is new to the child welfare administrative data system, and therefore, case counts are low. Subsequently, it was not included in the original request. It is included here for completeness so that all available family settings (i.e., relative and non-relative) are shown.

2. Information in this table was retrieved several weeks after the information for the original request (above). Due to data maturity and rounding, the rate of placement moves for pre-adoptive relative settings is slightly higher than originally reported.

Workgroup Membership and Process

In the spring of 2024, all original members of the work group that began convening in 2019 to make recommendations that led to the 2022 were invited to rejoin this new 2024 Kinship Licensing Workgroup. This included original working group representation from DCYF, the Minnesota Association of County Attorneys, MACSSA, AspireMN, EVOLVE Family Services the ICWA Law Center, and invitations were extended to community partners including Village Arms, the Northside Achievement Zone, Family Alternatives, MIAC, Leech Lake, Ampersand, Safe Passage for Children, MN One Stop for Communities, Lutheran Social Service, the Ombudsperson's Office for Families, Ombudsperson's Office for American Indian Families, the Ombudsperson for Foster Youth, and Quality Parenting Initiative-Minnesota (QPI-MN). It is important to note that the members who participated from DCYF were there to listen and to provide information and technical assistance, and not to endorse specific recommendations that came out of this working group.

After an initial meeting to discuss the goals and timeline, the larger group was divided into two subcommittees. One subcommittee focused on implementing legislative changes to bring Minnesota's statutes more in line with the national model standards. The other was focused on support and resources for relative caregivers who are not a part of the formal child welfare system. Each subcommittee had 3-5 meetings. The larger group met 3 times.

As part of this group's work, a survey was created and disseminated to as many foster care licensors in Minnesota as possible. This included both county licensing workers and community licensors. Additionally, tribal licensing workers were also invited to participate. The goal of this survey was to better understand from a licensor's perspective what barriers were most critical to address to improve Minnesota's licensing processes for relatives. Additionally, we sought information about what was working well with our current licensing processes. The results of this survey are discussed in a separate section below.

Subcommittee on Informal Kin Needs and Supports

Participants reviewed data, experience shared by community-based licensing organizations, and reflections and direct participation from those with lived experience. Subcommittee participants extensively discussed barriers for kinship caregivers to engage throughout the process – with the goal of stability for children and families throughout the duration of informal or formal kinship care, and a permanency outcome for the children and family.

Themes in the discussion included:

- Access to information and resources as a priority
- Honoring the significant complexity kinship caregivers are encountering with a multiplicity of relationships
- Delivering timely, direct support for licensing and assistance for caregivers and children to stabilize within their newly defined relationships
- Prioritizing flexibility in delivering resources to best meet the need of the family and leverage natural supports

Recommendations have been prioritized to reflect those investments and policy changes that yield the most significant support for kinship caregivers by leveraging existing mechanisms to deliver necessary information, access to resources and direct support to assure family stability.

Subcommittee on Statutory Reform

This subcommittee focused on doing a careful walkthrough of the Minnesota CrossWalk to discuss the areas where Minnesota was currently out of line with the national model standards and where to make recommendations for statutory adjustment to bring us more in line. The group discussed which model standards could apply to all license applicants and those which should just apply to relatives in Minnesota. We also discussed differing perspectives on child safety and background studies criteria. Most recommendations related to the change in process for licensure made in this report were agreed upon by all members of this subcommittee.

National Model Standards and Comparative Data

There are several areas where Minnesota's current law differs from the national model standards. These can be seen illustrated in the MN CrossWalk chart.

These differences include the following:

1. Minnesota requires a fee for out of state child abuse / neglect registry checks.
2. Minnesota requires a witnessed notarized signature for out of state child abuse and neglect registry request checks.
3. Minnesota does have a centralized email or portal to request an out of state abuse and registry check.
4. Minnesota does not accept attestation from sending agencies on out of state checks – but instead requires individual consent form.
5. Minnesota does not utilize as many in-home fingerprinting devices as other states (instead we have location to get finger-printed every 35 miles).
6. Minnesota currently requires background checks for individuals under the age of 18, versus 32 other states which do not. MN conducts background checks on family members or others living in the home down to age 13.
7. Minnesota is the only state in the country that uses the date of conviction versus the date of commission in our calculation of the five-year automatically disqualifying felonies provision. Other states use the date of the commission of the offense because the policy intention behind this recommendation from the Adam Walsh Act (which is the federal law that lays out the mandatory requirements to receive licensing subsidies for foster care) is that an individual would be barred from licensure for five years following the occurrence of the disqualifying event, not from the date of the conviction for that event understanding that at times there can be significant delay between the commission of a crime and the date of conviction. Using the date of conviction adds additional time onto this five-year period and goes against the intent of the original policy goal.
8. Only Minnesota and Kentucky include a prior Termination of Parental rights explicitly as an automatic disqualifier. Minnesota currently has a 20-year bar in obtaining a license for prior TPR (both involuntary and voluntary). The Adam Walsh Act does not contemplate any required disqualification period for a prior termination of parental rights.

All other states than Kentucky consider prior child welfare involvement in their licensing process but not use it as a strict bar to licensure.

9. In addition, Minnesota is out of line with the Adam Walsh Act list of permanent disqualifying crimes. Our current state statutes include additional barriers to those crimes listed in the Adam Walsh Act.

Adam Walsh Act versus Minnesota

The Adam Walsh Act (<https://www.congress.gov/bill/109th-congress/house-bill/4472>), lays out a list of required permanent and temporary criminal bars to licensure. All states, to receive federal support for foster care licensing, must have these barriers codified in state law.

The Adam Walsh Act permanent barrier crimes include the following: a felony conviction for child abuse or neglect; for spousal abuse; for a crime against children (including child pornography); or for a crime involving violence, including rape, sexual assault, or homicide, but not including physical assault or battery. Under the Adam Walsh Act, a five-year barrier crime prevents an applicant from being approved for placement if the felony was committed in the last five years. These five-year barrier crimes include a felony conviction for physical assault, battery, or a drug related offense.

Minnesota's current law includes many additional criminal disqualifiers than the Adam Walsh Act requires. Because the list of permanent barriers is not malleable – meaning there is no opportunity to do a set-aside or variance (mechanisms allowed in Minnesota law that allow for an exception to a statutory disqualification) because of the permanent nature of the bar. For crimes listed on Minnesota's five-year bar list and some additional provisions that create a bar (for example the 20-year bar for a prior voluntary or involuntary TPR), there is the possibility for a variance or work around because the bar is temporary.

Of note, Minnesota includes manslaughter, criminal vehicular homicide, and assault in the first degree on the last of permanent bars. We also include arson, carjacking in the first or second degree, felony level interference with privacy, and felony level false imprisonment on this list of permanent bars. None of these crimes are contemplated as permanent bars within the Adam Walsh Act.

Minnesota Licensor Survey Results

In August of 2024, a survey was created for Minnesota foster care licensors. The survey contained eight questions related to the process around licensing in Minnesota, timeframe for licensure, barriers encountered both by licensors and families applying, and what was working well in Minnesota. The survey was sent to all county licensors, community organizations around the state that license interdependently from counties, and to tribal licensors.

With the generous help and support of Minnesota's Quality Parenting Initiative (QPI-MN), the survey was distributed, and the results were compiled. The following infographic was distributed broadly to all DHS licensors and the greater community. It represents highlights from the survey.

MINNESOTA RELATIVE/KIN LICENSING REFORM SURVEY
COMPLETED BY COUNTY AND COMMUNITY-BASED LICENSORS
SUMMARY SEPTEMBER 2024

Details

All county and community-based identified licensors by MN DHS were invited to complete this survey to understand licensing barriers and provide context and information to the legislature for relative/kin families in Minnesota. This summary is based on the 62 respondents who completed the survey.



Licensor Feedback

Licensing Timeframe

- Average time to license relative/kin family was 4-6 months.
- Under 90 days was identified as the shortest length of time to license; however, the longest length of time extended +9 months.

BGS Reform

- 47% of respondents reported the CFC Background Study Reform changes implemented in July 2022 have reduced the barriers for applicants to become and remain licensed foster care providers.
- Respondents identified procedural challenges, outdated disqualifications, and financial constraints as preventing suitable relatives from being licensed.

Licensing Delays

- Identified issues leading to licensing delays:
 - Orientation and specific training (31%)
 - Out of state BGS (15%)
- 34% of respondents identified other licensing delays from:
 - Perceived lack of urgency or motivation of relative
 - Relatives feeling overwhelmed with unplanned responsibilities
 - Logistical issues, such as transportation and scheduling
- 44% of respondents believe there are mandated licensing requirements that are not necessary for relatives/kin.



QPI-MN thanks the Kinship Working Group to request our support of this survey. QPI-MN uses surveys as one tool to build a more inclusive and responsive child welfare system.



The full survey results are attached to this Report as Attachment B. These full results indicate that for those licensors surveyed, it takes between 4-6 months to license a relative for foster care in Minnesota. The national model standards encourage states to seek final licensure within a day.

Working Group Recommendations

After reviewing the survey results, reviewing subcommittee recommendations, consulting with additional community and agency partners, reviewing national data around anti-poverty reforms and discussing the MN Crosswalk, this Working Group makes the following recommendations to change the process and law to license relative foster care providers in Minnesota.

New statutory provisions should be added to Minnesota Statute 245A.03 and Minnesota Statute Section 246C.15. to include the following recommendations relating to the licensure process and background studies. **The recommendations numbered 1-5 should apply to ALL individuals seeking a foster care license (not just relatives). The recommendations contained in 6-18 should apply only to relatives seeking a home foster care license.** Recommendations 19 and 20 are intended to provide additional resources and financial support to relative caregivers in Minnesota.

1. Remove requirement for a witnessed notarized signature on out of state child abuse and neglect registry request checks.
2. Modify process around out of state abuse and neglect registry request checks to accept a centralized email or portal.
3. Modify process around out of state abuse and neglect registry request checks to accept attestation from the sending agency that they received consent; do not require copy of consent or the consent form.
4. Include funding request for counties to invest in additional at home fingerprinting devices to further expedite the fingerprinting process.
5. When a couple lives together (unmarried) and shares the parenting role, remove the requirement that the non-kin/relative partner be licensed in addition to the kin/relative adult.
6. Modify initial training requirements to complete 1 hour of Normalcy, responsible and prudent parenting, mandated reporting, C.A.R.S (or BEST beginning in Jan. 2025) and SUID to after receiving licensure. Modify annual training requirements for licensed relative foster care providers to remove repetitive requirements after foster providers have completed once (such as FASD training, mandated reporting).
7. Require that notice be provided to all relative caregivers of resources and support to be developed and distributed to all kinship caregivers at regular intervals, advising them of:
 - Access to legal support
 - Choice in licensing and ongoing support for the case
 - How to access respite care and leverage natural support for the child and family
 - Including resource/substitute caregivers in the case plan
8. Direction to the commissioner that all materials for relative-kin caregivers must be available in the top 20 languages used in Minnesota, including ASL and access for caregivers with disabilities.

9. Support creative use of flexible funds to achieve access to childcare by applying CCAP support and respite resources to natural supports within the child and family network if caregivers can deliver childcare/respite.
10. Increase funding for licensing and ongoing support of kinship caregivers to assure access to licensing and stability for the family during the tenure of kinship caregiving through to permanency.
11. Modify the background study check requirement for individuals under the age of 18. MN currently requires background checks starting at age 13. Recommendation to move background check age to 16 for relatives.
12. Modify the five-year automatically disqualifying felonies provision to begin with the date the crime was committed versus conviction.
13. Modify the disqualification period for a prior involuntary TRP / TPPLC from 20 years to 5 years – to align with the statutory scheme currently in place MN – and to better align with model standards (which do not recommend any automatic bar). **Author ask on #**
14. Remove manslaughter, criminal vehicular homicide, **assault in the first degree**, arson, **carjacking** in the first or second degree, felony level interference with privacy, and felony level false imprisonment on the list of permanent bars in Minnesota. These felony level crimes should be added to Minnesota's five-year bar list.
15. Modify home study requirements to direct DCYF to create a condensed version of DHS commissioners guide for kin/relatives. For example, there is significant personal history information gathered which could be reduced. This could significantly shorten the amount of time to complete a home study. Additionally, reduce the amount of required annual training hours. It is currently 12 hours.
16. Modify statute to include requirement that all county licensors inform relative caregivers of choice as to who will license. This would require informing relatives seeking a license of their option to utilize a community provider and direct them to available community provider in their area.
17. Modify Minnesota's TANF 60-month eligibility exception to include relatives caring for children (allowing those households to maintain TANF for a longer period).
18. Change to child-only MFIP eligibility to include relative caregivers without formal guardianship or custody.