

A F R I C A N A M E R I C A N
C H I L D R E N I N
O U T - O F - H O M E P L A C E M E N T

A REPORT PRESENTED TO:

HENNEPIN COUNTY BOARD OF COMMISSIONERS

AUGUST 1991

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August, 1991

Board of Hennepin County Commissioners
A-2400 Government Center
Minneapolis, Minnesota 55487

Dear Commissioner:

The enclosed reports are from the **Committee to Examine Out-of-Home Placement of African American Children in Hennepin County**, per Resolution Number 90-9-844, dated September 18, 1990.

In an effort to present thorough information, the Committee is presenting documents from:

- Hennepin County Community Services Department
- Hennepin County Family Search Staff
- Hennepin County Attorney's Office
- Hennepin County Administrator Response to "Monitoring of Hennepin County Compliance with Laws Respecting Cultural Heritage"
- Department of Human Services overview of Minority Recruitment Program
- State of Minnesota, Council on Black Minnesotans [also Members of the African American Children and Family Survival Committee]

When the African American Children and Family Survival Committee appeared before the Social Services Committee of the Hennepin County Board of Commissioners on August 23, 1990, they presented a series of demands with strategies to respond to those demands. There were, at the time, disproportionate numbers of African American children in out-of-home placements and a number of children placed with non-same race foster families when same race foster homes remained vacant.

Board of Hennepin County Commissioners

August, 1991

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There is a need to orchestrate a functionable system in the Hennepin County Community Services Department, designed to preserve families and respect the heritage of its clientele by following state laws based on the statutory language and the legislative intent.

There is a need for additional African American staff to work with African American families. The number of African American social workers in this unit is very small. Though two new African American advocates have been hired, making the total five, case loads for the advocates, as well as the social workers, are large, making it very difficult to be efficient. Services should be focused and directed to supporting the functioning and preservation of the family, in the event a placement becomes necessary. The initial placement process is crucial and must be done with care.

The reports indicate that "once a worker got onto the placement track . . . the process itself seemed to have become a barrier in the reunification of some children with their families." The staff lacks adequate information about the laws and has not been exposed to tools to assist them in indepth cultural awareness and sensitivity. These workers work inconsistently when placing children, and it is unclear what "discretion" social workers have with respect to using same race homes when they are available.

The initial placement process is crucial. All efforts need to be exercised to locate relatives. A number of recommendations have been made in the enclosed reports and should be followed by the Hennepin County Community Services Department. These children need to be reunified with their families as soon as possible. Cases need to have reviews in a timely manner.

A monitoring tool was not available to access the compliance of these laws until January, 1991. [I have attached a copy of "Monitoring of Hennepin County Compliance with Laws Respecting Cultural Heritage", for your information.] Both the Hennepin County Board of Commissioners and the State Commissioner of Human Services are charged with the responsibility to ensure that the legislative mandate expressed in the Minority Heritage Child Protection Act is carried out. Additionally, the courts themselves are responsible for making the written findings demonstrating compliance with the Act in each specific instance of minority child disposition. The statutes that affect minority children in out-of-home placement provide a clear mandate in the best interest of African American children.

Board of Hennepin County Commissioners

August, 1991

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Though some positive changes in Hennepin County have occurred as a result of the dialogue, communication and information integrated through the efforts of the Committee members, there is much work to do in order to achieve an acceptable level of compliance. It is vital that this committee continue to meet, monitor progress and initiate change. This committee is unique as key players in the Department of Human Services and Hennepin County participate and have first hand knowledge about their agency, its limitations and potential growth.

Efforts, such as the Relative Search staff, are major cost saving strategies. Locating relatives can keep Hennepin County's shelter cost from reaching the \$7,000,000 spent in 1990.

If you have comments or questions regarding the content of these reports, please contact me at 643-3015 or the Council's Public Policy Research Analyst, Elvira Barnes-Wycough at 643-3014.

Sincerely,

Lester Collins, MN CBM
Executive Director

LCR:llb



STATE OF MINNESOTA
COUNCIL ON BLACK MINNESOTANS

Wright Building • Suite 426
2233 University Avenue • St. Paul, MN 55114 • (612) 642-0811

**O U T - O F - H O M E P L A C E M E N T
T A S K F O R C E**

Mr. Raymond Ahrens
Division Manager
Child Protection Division
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Minneapolis, Minnesota 55487

Ms. Elvira Barnes-Wycough *
Public Policy Research Analyst
Council on Black Minnesotans

Mr. Ronald Bell
Supervisor, African American
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Unit, Hennepin County

Reverend Ian D. Bethel *
Council on Black Minnesotans
Board of Directors
State and National One Church/
One Child, Pastor of New
Beginnings Tabernacle

Ms. Peggy Brown *
Hennepin County Developmental
Disabilities

Reverend Richard H. Coleman *
One Church/One Child
Pastor, St. Peter's A.M.E. Church

Mr. Lester R. Collins *
Executive Director
Council on Black Minnesotans

Ms. Suzanne Douglas
Hennepin County Community Service

Mr. Roger Engstrom
Division Manager, Community Resources
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Ms. Ella Gross
Individual Advocate
ARC Hennepin County

Reverend Curtis A. Herron *
State and National
One Church/One Child
Pastor, Zion Baptist Church

Representative Richard Jefferson *
State Representative
Council on Black Minnesotans
Board of Directors
577 State Office Building
St. Paul, Minnesota 55155

Mr. Michael Jones *
Intern, House of Representatives
c/o Representative Richard Jefferson

Ms. Lynn Jones *
Minneapolis African American Foster
Parent Association

Mr. Louis Kaluza
Hennepin County Child Protection

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10901 Noble Avenue
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267 Lafayette Road South
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Ms. Ummil-Kheer Shabazz*
Foster Parent
Guardian Ad Litem

Ms. Lorraine Smaller*
Director
Minneapolis Afrocentric
After School Program

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1545 East Lake Street
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Minneapolis, MN 55487

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Minnesota House of Representatives
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St. Paul, MN 55155

Ms. Brenda Walton
Individual Advocate
ARC Hennepin County

Ms. L. Jean Webb*
Senior Social Worker
Hennepin County

Mr. Michael Weber
Director
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A-1005 Government Center
Minneapolis, MN 55487

Ms. Carol Ann White *
Social Worker
Hennepin County

Janet Wiig
Director
Children's Services Division
Department of Human Services

* **INDICATES MEMBER OF THE AFRICAN AMERICAN
CHILDREN AND FAMILY SURVIVAL COMMITTEE**

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

BACKGROUND

Presentation to Board

The African American Children and Family Survival Committee and the Minnesota Council on Black Minnesotans appeared before the Social Services committee of the Hennepin County Board of Commissioners on August 23, 1990, and presented a series of demands and strategies to respond to those demands. The response of the Board was to ask staff to meet with the Council to suggest membership and to draft a resolution creating a committee to review the out-of-home placement of African American children. The resolution was passed by the Board on September 18, 1990.

Fourteen meetings were held between October 5, 1990, and July 19, 1991. This report contains documents prepared for discussion at those meetings.

Section I

Section I contains the resolution and the letter to the Task Force from the Board of Hennepin County Commissioners, as well as the Demands and Strategies presented to the Board.

Section II

Representative Vellenga sent a memo to Michael Weber, Director of the Community Services Department, asking a series of questions regarding implementation of the Minority Heritage Child Protection Act. This section contains her request and the response.

Section III

In response to requests by the committee for data on the number of African American Children in non-African American placements, Louis Kaluza, Principal Social Worker, presented a report and a subcommittee chaired by Wayne Takeshita, Services to Seniors Division Manager, was set up to review each placement.

A study of all children in placement in the Developmental Disabilities, Family Services and Child Protection Services programs was conducted in October 1990. A survey was completed by the Social Worker or the Social Worker's Supervisor assigned to each placement. The survey identified all minority children in non-same culture foster care. After obtaining additional information on the minority children identified by the Social Workers, it was determined that 105 (19 in Family Services, 6 in Developmental Disabilities and 80 in Child Protection) African American children were in non-same race foster care.

The placement reviews have been completed, further case activity initiated and there is a process in place to follow-up on these reviews.

Department-wide or systemic issues also emerged from the placement reviews. Further examination of these issues, it is believed, will promote continued discussion of family preservation practices and procedures in Hennepin County. Assumptions about permanency planning and termination of parental rights may have inadvertently resulted in excluding relatives as a viable placement option. Failed private adoptions and Interstate Compacts add layers of work effort which may not be in the best interest of the child. Administrative procedures, social worker discretion and recruitment of foster homes for children of color should all point toward preserving families and assuring the first placement is the child's last placement.

This section contains the above-mentioned reports.

Section IV

Ron Bell, Minority Advocate Unit Supervisor, shared with the committee the Community Services Department's definition of the role of Minority Advocates and a memo of his supervisor, Roger Engstrom, to the Community Services Budget Team, which highlighted the pressures of increased caseloads on the Minority Advocates.

Hennepin County established an eligibility list for the classification of Special Programs Counselor (African American Advocate) on September 17, 1990. This list consists of 20 African American applicants who have successfully completed the merit system examination process and are eligible to be hired as vacancies occur.

This section also contains a report on the county's effort to hire more social workers of color. One of the Demands presented to the County Board was that the county hire more social workers of color.

Charles M. Sprafka, Personnel Director for Hennepin County, on November 30, 1990, reviewed with the Committee the status of minority employment in Hennepin County. Specifically, he stated that the County's minority employment goal is 7.5%. The present employment of minorities in Hennepin County is 7.9%. The Community Services Department's present minority employment is 9.0%. Charles Sprafka also informed the Committee that the Community Services Department in particular has had a very aggressive and successful minority outreach recruitment program during 1989 and 1990.

Section V

The hiring of temporaries to do family search was authorized. The June 1991 report and recommendations of the "Relative Search Team" are included in this section.

Section VI

A summary of foster home recruitment efforts with special emphasis on the "One Church/One Child" program is included in this section. This section also contains a report on the availability of minority foster homes.

Section VII

The County Attorney responded to the Strategies and Demands presented to the County Board by the African American Children and Family Survival Committee as regards legal interpretation of the relevant statutes.

Section VIII

At the request of the task force, the Department of Human Services did a review of Hennepin County's compliance with laws respecting cultural heritage.

Sections IX and X

These sections contain the response required of the county outlining a corrective action plan and the state's acceptance of that plan and response to further requests.

Sections XI and XII

These sections are statements by the Council on Black Minnesotans (also members of the African American Children and Family Survival Committee) urging actions to be taken by the County to fully comply with the Minority Heritage Child Protection Act.

Testimony of the Council on Black Minnesotans was given during the County's budget hearings, including budget recommendations, namely, the hiring of eight additional African American Advocates, establishing a Relative Search Team of eight workers and a Supervisor, and paying 20 Guardian Ad Litem. The total cost of these items was estimated at \$974,000. Commissioner Derus offered an amendment to the budget adding two African American Advocates, and it was adopted.

RECOMMENDATIONS

Recommendations are included throughout the report but especially in Sections III, VIII and XI. Some are for changes in practice by county and/or state staff; others, for County Board and State Legislative action.





BOARD OF HENNEPIN COUNTY COMMISSIONERS

2400 GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55487

September 20, 1990

RECEIVED

SEP 21 1990

COUNCIL ON BLACK MINNESOTANS

Mr. Lester R. Collins, Executive Director
Council on Black Minnesotans
2233 University Ave., Suite 426
St. Paul, MN 55114

Dear Mr. Collins:

At the request of the African American Children and Family Survival Committee of the state Council on Black Minnesotans, the Hennepin County Board passed a resolution (Attachment I) establishing a committee to examine out of home placement of minority children in Hennepin County. This was done in response to a presentation made to the County Board expressing concerns about current practice regarding the placement of African American Children (Attachment II).

I am therefore inviting you to participate in the work of a committee which will address these concerns and report back with recommendations for the County Board.

Please contact Mr. Lester Collins, Executive Director of the Council on Black Minnesotans, regarding the schedule and/or agenda of the committee. His telephone number is 642-0811. The first meeting is tentatively scheduled for 9:00 a.m., Friday, October 5, at the Council on Black Minnesotans office, Wright Building, 2233 University Avenue, St. Paul.

Your participation will be appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sam", is written over a large, stylized circular flourish.

Sam S. Sivanich
Chairman

lh

Attachments 2

The following resolution was offered by Commissioner Andrew, seconded by Commissioner Derus:

BE IT RESOLVED, that the Hennepin County Board of Commissioners establish a committee to examine out of home placement of minority children in Hennepin County, and that the following Hennepin County staff be appointed to the Committee: Kevin Kenney, Michael Weber, Raymond Ahrens, Carol Ogren, Michael McGraw, Roger Engstrom, Wayne Takeshita, Charles Sprafka, and William Kennedy; and

BE IT FURTHER RESOLVED, that the Chairman of the Board be authorized to invite the following persons to be part of the Committee: Rev. Ian D. Bethel, Rev. Curtis A. Herron, Representatives Richard Jefferson and Kathleen Vellenga, Human Services Commissioner Ann Wynia, Judge Isabel Gomez, Hennepin County Attorney Thomas Johnson, and the members of the African American Children and Family Survival Committee: Jean Webb, Jacqui Smith, Peggy Brown, Lynn Jones, Carol Ann White, Lester R. Collins, and Elvira Barnes-Wycough; and

BE IT FURTHER RESOLVED, that the Committee report back to the Board within 30 days of its establishment.

Chair Sivanich ruled a technical amendment that the name of Public Defender William Kennedy be moved to the second resolving clause if there were no objections and no objections were voiced.

The question was on the adoption of the resolution as amended and there were Seven YEAS and No NAYS as follows:

| COUNTY OF HENNEPIN BOARD OF COUNTY COMMISSIONERS | <u>YEA</u> | <u>NAY</u> | <u>OTHER</u> |
|---|------------|-------------|--------------|
| Jeff Spartz | <u>X</u> | <u> </u> | <u> </u> |
| Randy Johnson | <u>X</u> | <u> </u> | <u> </u> |
| John Keefe | <u>X</u> | <u> </u> | <u> </u> |
| John E. Derus | <u>X</u> | <u> </u> | <u> </u> |
| Tad Jude | <u>X</u> | <u> </u> | <u> </u> |
| Mark Andrew | <u>X</u> | <u> </u> | <u> </u> |
| Sam S. Sivanich, Chairman | <u>X</u> | <u> </u> | <u> </u> |

RESOLUTION ADOPTED.

ATTEST:

Kay Mitchell
Clerk of the County Board

SEP 18 1990



STATE OF MINNESOTA COUNCIL ON BLACK MINNESOTANS

Wright Building • Suite 426
2233 University Avenue • St. Paul, MN 55114 • (612) 642-0811

THE AFRICAN AMERICAN CHILDREN AND FAMILY SURVIVAL COMMITTEE

WITHIN THIRTY (30) DAYS A SYSTEM MUST BE DEVELOPED TO EFFECTIVELY MONITOR THE "MINORITY HERITAGE CHILD PROTECTION ACT." THIS COMMITTEE WILL EVALUATE THAT SYSTEM AND ALL RECOMMENDATIONS FROM THIS COMMITTEE MUST BE FOLLOWED, PRIOR TO IMPLEMENTATION OF THE NEW SYSTEM.

DEMANDS:

- 1] All African American children who are presently placed with white foster families must be moved immediately and placed with African American foster families. 60 days
- 2] All African American children in the future must be placed with African American foster/adoptive families. 60 days
- 3] Siblings will not be separated when removed from their families.
- 4] Siblings who are separated in foster homes must be reunited into one African American home.
- 5] Relatives must be explored as the first placement resource. This includes relatives in the State of Minnesota, as well as those that live in other states/countries.
- 6] Relatives must be used before utilizing the foster care system.
- 7] The County's policy of basing placement of children into foster homes where one parent has to be in the home must be changed so that the policy reflects the needs of the child as the basis of placement, not the circumstances of the foster family.
- 8] All activity regarding any "orphanages" MUST BE STOPPED IMMEDIATELY. Any further discussion MUST include members of this Committee.

STRATEGIES:

- 1] The counties must hire African American staff in proportion to the number of African American children served. Staff includes, not only Child Protection Workers, but Supervisors, Program Managers and Division Managers as well.

Further, the counties must hire 10 African American Advocates IMMEDIATELY.

- 2] Child Protection Workers must be screened as closely as potential foster care parents are BEFORE being placed on their jobs.

- o v e r -

AFRICAN AMERICAN CHILDREN AND FAMILY SURVIVAL COMMITTEE
"DEMANDS AND STRATEGIES" - p. 2

- 3] Counties must provide training immediately to judges and social workers in the entire system that work with communities of color. Those training programs should be developed with communities of color, i.e., Council on Black Minnesotans. 60 days
- 4] Arrangements for therapy will be with African American professionals.
- 5] To facilitate the move to African American families, White foster parents will receive therapy so as not to sabotage the move.
- 6] African American children, who are being reunited with their siblings must receive therapy [around reunification and grief, and how to function again as a family] with African American therapists.
- 7] All RTC's will be reviewed by this Committee which will determine which RTC's are inappropriate resources. Those inappropriate RTC's will no longer be used for African American children from Hennepin County.
- 8] There needs to be a Unit created for the purpose of doing "relative searches."

For further information call the Council on Black Minnesotans - 612/642-0811

**THE AFRICAN-AMERICAN CHILDREN & FAMILY
SURVIVAL COMMITTEE**

URGE YOU TO ATTEND THE

TAKE BACK OUR CHILDREN RALLY !!!

**AT THE
HENNEPIN COUNTY GOVERNMENT
CENTER**

AUGUST 15, 1990 11:00 AM - 1:00 PM

**HELP US SAVE OUR AFRICAN-AMERICAN
CHILDREN FROM PLACEMENTS OUTSIDE OF
AFRICAN-AMERICAN FOSTER AND ADOPTIVE
HOMES.**

**IF WE DON'T TAKE CARE OF OUR OWN, WHO WILL?
IF NOT YOU, THEN WHO?**

**FOR FURTHER INFORMATION PLEASE CALL
THE MINNESOTA COUNCIL ON BLACK MINNESOTANS (612) 642-0811
OR THE CITY, INC. - JACQUI SMITH (612) 724-3689**

FACTS YOU SHOULD KNOW:

- * 1 out of every 5 African-American children are removed from their home inappropriately.**
- * 1 out of every 3 African-American children are placed in white homes.**
- * Currently there are 653 African-American Children in Hennepin County in out-of-home placements.**
- * 1 out of every 4 African-American foster homes are vacant.**
- * Currently there are 216 African-American children in white homes.**
- * Relatives can become foster parents and adoptive parents with financial assistance.**

PLAN TO ATTEND THE RALLY !!!



Rep. Kathleen Vellenga

District 64A

Ramsey County



Minnesota House of Representatives

Robert Vanasek, Speaker

CHAIR, CRIMINAL JUSTICE DIVISION

COMMITTEES: EDUCATION, EDUCATION FINANCE DIVISION; HEALTH AND HUMAN SERVICES; JUDICIARY;
TRANSPORTATION; RULES AND LEGISLATIVE ADMINISTRATION

October 8, 1990

M E M O

TO; Mike Weber, Director of Community Services Dept.

FROM; Representative Kathleen Vellenga

GENERAL QUESTIONS;

1. What would you need and what can you do now to prevent out-of-home placement?

2. What would you need and what can you do now to place all children appropriately? (to follow MCHA)

SPECIFIC QUESTIONS:

Demand #6. How do you perceive extended family members are viewed by Child Protection workers? There appears to be a bias against grandparents who report and seek temporary custody. Must grandparents leave it to others to intervene and have children sent to foster homes?

What is your network search for family? Does screening process differ for family and licensed foster parents?

What is being done to eliminate middle-class bias in licensing homes?

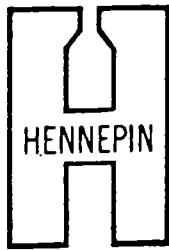
Demand #7. How stringent is the rule requiring one parent to be home during the day? Other counties either do not have this rule or don't enforce it.

How are you working with Police regarding removal of children to shelter?

What is your funding for family based services and out-of-home placement?

Where are the 13 new staff people placed? Does #13 include Homebuilders staff - at IBCA, The City?





COMMUNITY SERVICES DEPARTMENT
EXECUTIVE OFFICE
A-1005 Government Center
Minneapolis, Minnesota 55487-0105

October 16, 1990

Honorable Kathleen Vellenga
MINNESOTA HOUSE OF REPRESENTATIVES
District 64A
State Office Building
St. Paul, Minnesota 55155

Dear Representative Vellenga:

Thank you for detailing your questions regarding out-of-home placements in your October 8 memo.

Because of the length of the answer to your two general questions, we have prepared the attached papers rather than using a letter format response.

Regarding your more specific questions:

1) **Perception of Extended Family Members by Child Protection Workers.**

The problematic cases that ordinarily emerge to my level and in public discussions often include the appearance of bias against relatives in placing children. In the cases I have reviewed, I have found no overt bias, but have found less than exhaustive searches for relatives.

To systematically emphasize the importance of placement with relatives to our Child Protection staff as well as to give us some systematic information, we began tracking relative placements in 1989. Attachment A indicates the increase in placements with relatives from a 1989 first quarter 3.9 percent to a current 8.5 percent. At the same time as we note this progress, we recognize the further need for reliance on placement with relatives.

I agree with your premise that grandparents or other relatives (broadly defined to extend beyond biological relationships) should not have to have related children placed with foster homes if they are willing to safely provide for the children's needs.

HENNEPIN COUNTY

an equal opportunity employer

October 16, 1990.

2) Describe our Approach for Family Search.

If children are separated from their families for protective purposes, the first potential source of information about the existence of relatives are the parents themselves or the children. If the parents do not want us to contact other family members, this presents a problem or at least a delay. If the child is unable to identify or help locate relatives, that provides a similar delay. When there is a potential placement of a child of color, the assistance of a minority advocate is requested. When there is an advocate available, that advocate also assists in locating family members and have been a major source in identifying extended family. An additional problem is encountered when the extended family lives outside Minnesota and the Juvenile Court is involved since we are required to utilize the statutory interstate compact process to enlist the assistance of the appropriate local agency to evaluate the potential relative.

3) Does the Screening Process Differ for Family and Licensed Foster Parents?

The commonality in our review of relatives and unrelated foster parents is the effort to seek safe and appropriate care for children; no difference exists regarding this standard. However, the additional value of placing children with relatives is a consideration in assessing the appropriateness of relatives for placement.

A major difference does exist regarding compensation of relatives. Persons who meet DHS Rule 1 (setting standards for licensed family foster care) are compensated at a State-established rate that generally does not meet the cost of raising children and is substantially below both the federal poverty rate and the income eligibility for public assistance programs. Relatives who do not apply for licensure or who do not meet licensure standards are ineligible for even this level of compensation. If the child is AFDC-eligible, the relative receives compensation at the "household of 1" level of \$250. If the relatives are already recipients of AFDC, their compensation is limited to the additional increment for one more family member (if there are four members in the household, the fifth child receives \$76).

While this discrimination in compensation does not govern the screening process, it does affect the ability of many families to serve in a placement capacity.

4) "What is being done to Eliminate Middle-Class Bias in Licensing Homes?"

We should note that a variety of factors in DHS Rule 1 setting standards for family foster care contains what many would consider middle-class bias. For example, the rule requires physical conditions more costly than can be afforded by many families in poverty.

To minimize any additional middle-class or European bias in the licensing process, Hennepin County has had minority licensing staff since 1984 and an African American foster home recruiter since 1978. These staff resources have made a major difference in the increased recruitment and retention of ethnic minority foster homes. We have offered many foster parent training sessions on cultural sensitivity and department staff are mandated to participate in a two-day multi-cultural diversity training session. A policy was established in January 1988 of providing necessary equipment (e.g., cribs) for low income foster families to enable them to provide foster care. We also pay one-half of the cost of smoke detectors and fire extinguishers for low income foster parents.

5) "How Stringent is the Rule Requiring One Parent to be Home During the Day?"

We currently do not have such a rule. My assumption, as I mentioned at the October 5 meeting, is that the question relates to payment of child care for children in foster homes. We currently pay for child care for foster children in situations in which foster parents are employed. We recently surveyed the other six metropolitan counties and found that none pay for foster care and child care for the same child. We are considering the elimination of payment of child care for the employment of foster parents licensed by private agencies.

We initially began using these private agencies as alternatives to residential treatment because of the more intensive foster care provided by these agencies. Because of this level of care, we have placed children with more intense emotional and behavioral demands while in foster care. When these foster parents are employed outside the foster home full time, the foster children obviously do not receive the additional intensive level of service we were seeking. In view of the additional cost for this child care, we are considering payment of child care only in situations when the child care is for the special needs of the child rather than employment of the privately licensed foster parent(s).

6) "How are You Working with the Police Regarding the Removal of Children to Shelter?"

For the most part, placement of children in shelter by law enforcement is by the request of Child Protection staff, and therefore, we agree with the majority of law enforcement placements. Nevertheless, a number of problems emerge, including the release of 72-hour orders when the child can safely return to family members. Note the attached June 20 letter from Deputy Chief David Dobrotka.

In addition, we are exploring with the Minneapolis Police Department joint training for law enforcement and Child Protection staff in accord with the guidelines for such cooperation published by the American Enterprise Institute on September 5, 1990.

Additional problems have emerged regarding law enforcement interaction with children, although unrelated to shelter placement. These situations are under discussion with the Minneapolis Police Department.

7) Funding for Family-Based Services and Out-of-Home Placement.

The 1990 County Board approved budget is as follows:

| | FTE | Amount |
|--------------------------------|------|-------------|
| Home Team Staff | 40.2 | \$2,232,405 |
| Families First Project | - | 200,000 |
| Project CHILD | 4.0 | 500,000 |
| Home Based Family Services | - | 417,787 |
| Contracts | | |
| Parents Support Project | 4.5 | 360,000 |
| Family Homemaker/Chore Service | - | 130,000 |
| Children's Emergency Shelter | - | 6,658,229 |
| Child Welfare Funds--In-Home | - | 1,540,000 |
| Support | | |
| Child Welfare Funds--Placement | | 30,139,896 |

8) "Where are the 13 new Staff People Placed?"

I assume your question relates to the 13 new staff requested for our Department in the 1991 budget recommended by the County Administrator to the County Board. These 13 staff include:

Honorable Kathleen Vellenga
Page Five
October 16, 1990

- 2 staff for diversion of new shelter admissions
- 2 staff for increased child protection reports
- 2 adoption staff
- 2 staff for intensive children's mental health case management, emphasizing children in residential treatment centers
- 2 clinical psychologists to serve children
- 2 child protection field staff
- 1 adult protection staff person for increased vulnerable adult reports

You will note that these are all County staff and will be officed in County offices. The shelter diversion staff will, of course, spend a great deal of time at St. Joseph's shelter.

Our County budget request does not include the number of contracted staff persons. Insofar as the efforts described in the attached paper shift our emphasis from placement to in-home alternatives, the increased services will be provided largely by contracted community agencies, including staff increases.

Thank you for your interest in our services, particularly those to prevent the unnecessary disruption of families. We look forward to further discussions and continued support as we approach the 1991 legislative session.

Sincerely,



MICHAEL W. WEBER, Director
Community Services Department

MWW:c1

Attachments

cc: Hennepin County Board of Commissioners
Committee to Examine the Out-of-Home
Placement of African American Children
in Hennepin County



INTRODUCTION:

The following is a report completed by the Review Committee who reviewed approximately 105 African American children who were identified, in a survey conducted in September, 1990, as residing in non-same race foster home or out-of-home placements. The report is based on: a) information obtained from the individual reviews conducted on the identified cases, b) trends which were identified and discussed during the process, c) issues and concerns which have been raised as a result of the information obtained and finally, d) from a good deal of agonizing debate and discussion amongst the members of the committee.

It became very clear to the members of the committee that the facets and dynamics of reviewing placements or placement decisions made by social workers involves a myriad of variables and judgments, e.g., attitudes, values and assumptions relative to a child's particular situation, etc. leading to the placement decisions.

Given this frame of reference, the committee nevertheless emerged unanimous upon completion of the reviews that a good deal was learned about the placement processes which are currently perceived to be in place in the Community Services Department. What we will attempt to do in this report is to share with you what we learned with the sincere hope that the Department will, with urgency and priority, continue to make an earnest effort and commitment to do what is necessary to establish a practice in the Department which will ensure and protect the rights of children of all color and their families whenever they come in contact with us.

Efforts are already being made by the affected programs within the Department to assure that better compliance and practice will be occurring for children of color, as well as for all children, who may be in need of alternative care away from their parents. We need to continue and strengthen these efforts. The committee members all came away from the conclusions of the reviews with a sense of renewed commitment coupled with a sense of urgency that efforts continue to be made and focused in a systematic manner to improve our services to the families and children to whom we provide these services. We sincerely hope that our report will provide some additional guidance and impetus for those efforts.

BACKGROUND:

The Community Services Department's Placement Review Committee began its work in early October, 1990. The review committee was requested to establish a specific work plan for the purposes of undertaking an immediate review of the 105 African American children who were identified as living in non-African American out-of-home placements.

The review process was based on some of the following assumptions:

- a) Whenever possible, child(ren) will be returned or reunited with their birth parent(s).
- b) If parent(s) are not available, an exhaustive effort will be made to locate relatives for the out-of-home placement for the child(ren).
- c) Information regarding the birth parent(s) desires for their child(ren) will be thoroughly explored and done in a culturally sensitive manner.
- d) Information regarding placement options/alternatives with youngsters old enough (pre-adolescent/adolescent) to comprehend and understand their respective circumstances will be explored with them. Culturally sensitive counseling and assessment services would be made available and provided if the need arose.

In order to complete as thorough a review as possible for each of the children identified, the review committee's plan was to interview social workers/case managers, review the child/family case file, when appropriate, and to seek input and information from other informed parties. In general, answers to the questions listed in Attachment #1 -- OUT-OF-HOME PLACEMENT REVIEW -- QUESTIONS? were being sought in the review process.

REVIEW COMMITTEE:

The Review Committee membership consisted of the following individuals:

| | |
|------------------|---|
| Peggy Brown: | Unit Supervisor, Developmental Disabilities |
| Judy Hadler: | Program Manager Child Protection Program |
| Lou Kaluza: | Principal Social Worker Child Protection |
| Jean Webb: | Senior Social Worker Family Services Program, Adoption Unit |
| Carol Ann White: | African American Advocate Minority Advocate Unit |
| Craig Swedberg: | Senior Social Worker Community Resources, Child Placement Unit |
| Wayne Takeshita: | Chairperson/Recorder Manager, Services to Seniors Division |

The individual reviews began in early October, 1990, and were completed in early January 1991. It is estimated that approximately 50 hours were involved in completing the actual reviews. The committee began with the initial number of 105 children (those identified on the survey), and as the process went on, some new cases were added and some cases were dropped from the original 105, mainly due to some of the children leaving their respective placements for different reasons, e.g., reaching the age of majority, returning home, and so on. During the review process, suggested actions were recommended to the social worker/case manager and supervisors relative to the specific cases which precipitated some immediate case activity and in a number of instances, follow-up reviews are currently underway and in process.

RESULTS/FINDINGS:

Non-Same Cultural Placement Review Committee Summary

January 25, 1991

(INFORMATION BELOW PERTAINS TO THOSE CASES REVIEWED BY THE COMMITTEE NOT TO ALL CASES IDENTIFIED IN THE NON-SAME CULTURE FOSTER HOME SURVEY IN THE FALL OF 1990.)

65 cases reviewed
126 children identified in the 65 cases
103 children involved in placements
(FH, relatives, etc.)

Conclusions Reached From The Case Reviews

33 cases indicated immediate relative search needed
9 cases given priority for relative search unit (A)
10 cases needed an advocate referral or a re-referral
2 cases suggested an additional SW (B)
21 cases needed additional family support services to
assist return of children (C)

EXAMPLES:

PHN
REUBEN LINDH
ONGOING THERAPY
PARENT SUPPORT PROJECT
MEDICAL MANAGEMENT
FINANCIAL
ACCESSIBLE HOUSING
HOUSING
RESPITE CARE
BLAISDELL Y BI-RACIAL PROGRAM
IBCA
HOME BASES SERVICES
EDUCATIONAL ISSUES

13 cases suggested search for an African American FH
2 cases suggested African American FH adopt
6 cases suggested relative adoptions
2 cases suggested relatives to be interviewed for
possible adoption
2 cases suggested using relatives as a FH
2 cases suggested that the current FH adopt child (D)
5 cases suggested long term placement with current
FH (E)
9 cases suggested that more support be given for
mother and sibling visitation
1 case review determined the child was under the
Indian Heritage Act
15 cases suggested African American respite care
9 cases involved out-of-county placement
8 cases identified relatives living out-of-state
15 cases reviewed either were to maintain current
placement or placement plan is reasonable

ATTACHEMENT A

THE FOLLOWING TWO PAGES PROVIDE CASE VIGNETTES

(LETTER IN PARENTHESES BELOW REFERS TO LETTER IN PARENTHESES ON THE PREVIOUS PAGE)

- (A)** Oldest child already with a relative, three siblings in a non-same culture FH; many relatives available but time needed to systematically research relatives, children in rural.

Minnesota-few same culture experience available-relative search priority

- (A)** Oldest child with relative. Other child placed for adoption--relatives in Chicago interested in child placed for adoption-relative search priority.
- (A)** Three children in non-AA FH, mother low functioning; plan is to reunite children living out-of-county. Suggestion: Mother is low functioning but could handle situation with in-home support services and support of relatives-relative search priority.
- (B)** Four children, two youngest with mother, one in out-of-county FH, one with relative; relative can no longer care for child. Two children with mother recently removed, institutional abuse situation with out-of-county FH. Suggestion: Have one SW work with stabilizing mother and two youngest children and one SW working with the circumstances of the two older children, possible sibling placement for older children-much intense and immediate work needed.
- (B)** Fifteen year old mother of six month old baby who has leaking heart and Downs Syndrome and is in a non-AA FH, 15 year old mother has three other children who are in placement (1 at Home Away, 2 in non-AA FH). Suggestion: 15 year old and baby need a joint placement, much immediate work needed to establish stability for 15 year old and dealing with medical needs of baby. One SW for this situation; mother and three other children require another SW to work on reunification, three children out of home from 11-26 months.

- (C) Child with spina bifida, two children with mother; mother visits child and child visits mother at home every other weekend, child involved with Shriners Hospital. Mother will need medical monitoring assistance, financial and emotional support, respite care with relatives being checked, accessible housing for wheelchair bound child. Much work needed to get child back home, but all seems possible.
- (C) Three year old child severely brain damaged from injuries suffered in FH, present FH providing good care, three other children in FH. Mother has not worked through child's injuries. Relatives could help provide respite care, mother needs support to become more involved with child with aim to reunite.
- (C) Mother with two children in placement; mother CD but working with IBCA, Sabathani, HCMH Center. Needs financial resources to obtain appropriate CD and mental health services with close monitoring to prevent re-placement search for relatives for possible back-up.
- (C) Cocaine baby out of home since birth, apnea monitor, another child placed with the baby, three other children with relatives. Plan is to reunite all children with mother, IBCA involved, relatives for back-up needed, housing and financial assistance needed. Close monitoring and in-home services needed to maintain children in mother's care.
- (D) Ten year old child in placement since birth, child has medical problems requiring specialized care. Child was in adoption unit, but no home found, child needs permanency, TPR'd in 1982 - current foster home a possibility for adoption.
- (D) Profoundly retarded child with multiple disabilities, foster parents have adopted two other children with disabilities. Foster parents may adopt if appropriate subsidized adoption information provided to them.
- (E) Autistic child, cerebral palsy, mother wanting to become more involved with placement but unable to care for child.
- (E) Sixteen year old, TPR'd, medical problems, connecting with relatives is a possibility, but not for placement.
- (E) Fifteen year old who has had numerous placements, has contact with mother but very volatile relationship.

There are additional African-American cases which were not reviewed but were part of the survey. Those cases are primarily youths who have turned 18 or the child(ren) was/were returned to family prior to a review being conducted. A report on those cases will be forthcoming.

DISCUSSION ABOUT THE FINDINGS:

The numbers found in the "CONCLUSIONS REACHED FROM THE CASE REVIEWS" section are duplicated numbers relative to the total number of cases and children reviewed by the committee. What the numbers in the "Conclusions" revealed to us were some observations and issues which will be summarized in the following pages and which we believe should warrant additional discussion and possible action.

However, before going into a discussion about what the numbers tell us, we would like to first share some general thoughts:

- a) In completing the reviews of the 103 children reported to be in placement, no African American child was moved from one situation to another, e.g., from one foster home to another, solely on the basis of race or culture. In fact, very few children were moved precipitously during the review process. The committee was very sensitive to the dynamics of having to move any youngster and took great care to assure that if in fact a move was recommended, a reasonable transition plan be arranged and with a minimum of trauma to the affected youngsters.
- b) A few children were moved to different situations during the process. All of these moves were made after careful consideration of all the facets involved for each specific youngster and were made for what were sound clinical or casework decisions.
- c) It appears that in many instances, once the worker got onto the placement track, the placement and subsequent court actions began to take a "life" of its own. As a consequence, the process itself seemed to have become a barrier in the reunification of some children with their families.

Also, compounding the difficulty appeared to be the lack of sufficient resources to make it possible for social workers to provide support services for families to enable them to provide adequate and reasonable care for their children or to make reunification easier or practical for some families. Monies and supportive services appeared to be more readily available and accessible if the children were in placement as opposed to them being in their own homes, e.g., day care, respite care, clinical therapy, etc.

- d) In those instances where there was consensus that the children remain where they were at, we believe that a major focus of activity with those youngsters be on maintaining, encouraging and enhancing the youngster's African American cultural heritage. There was a real sense that often time, this matter was either overlooked or minimized which potentially could be problematic to a youngster's future.

While many other generalized thoughts and observations were discussed, the above thoughts and matters were those that appeared to have some major implications for the department. References to some other matters will be made in other parts of this report.

With respect to the data summarized on page 4, the committee would like to make the following comments:

Relative Searches:

- a) In over one-half of the cases (33 of 65 cases), it was concluded that a more exhaustive relative search was indicated. Based on the information available to the committee during the reviews, it was clear that a good deal more attention needs to be emphasized in this area, especially at the "front-end" of the placement process, i.e., focus on how we could have supported and maintained a particular family rather than quickly moving into an out-of-home placement track.

It was felt that the whole matter of relative searches be reviewed, explored and discussed. The law is not clear regarding the extent of effort required in searching for relatives. Simply asking the questions, "are there relatives?" or contacting one or two relatives can be perceived by program management as sufficient; but this may be reviewed by the minority community only as a minimal effort done for compliance' sake only. In some instances, potential relatives were left completely out of consideration, e.g., if a termination occurred on one parent, no search was done on the parent who still had parental rights. In others, relatives simply were not considered or if considered, eliminated from consideration for reasons which were not clearly documented, e.g., family members such as grandparents who have had a criminal or previous child protection case with the department. It is fair to say that at the present time, a consistently practiced process to clearly rule in or rule out possible relatives for placement does not seem to exist and if it does exist, it is not very clear.

- b) In about twenty-one (21) cases, the need for additional family support services to assist in the return of the children to families were identified. In many of these cases, assisting the families in meeting their basic needs, e.g., financial, housing, medical services, food, etc., are the issues which hold many implications for our department, particularly some fiscal and budgetary implications.
- c) Approximately thirteen (13) cases focused on the need to continue searching for like culture homes. It seems that greater efforts need to be made to assure that in the event that children of color are placed in non-same cultural foster homes, that on-going efforts be made to seek like culture foster homes for these youngsters should they need to continue in placement.

- d) Fifteen (15) cases suggested the need to develop a component of respite care for either birth parents, as an example of supportive services indicated above; for non-same culture foster homes where the youngster(s) could go for purposes of exposing them to and encouraging their culture heritage; and respite homes to serve as "transition" homes when reunifying children with their parents. In some instances, for example, African American youngsters were placed in small, rural Minnesota locations in non-same culture foster homes and it seemed that a respite home of the same culture close to the Cities tied in with parental visitations would be a way to support the reunification of children with their birth parents or relatives.

In addition, during the process of doing the reviews of individual children and their specific situations, the committee began to identify a number of other issues/concerns which appeared to be repeating themselves, i.e., issues/concerns which seemed to cut across the individual children and appeared to be more generic in nature. These issues are perceived to be programmatic and systemic. For example, some of these issues were as follows:

1. Issues having to do with Termination of Parental Rights?
 - We seem to be in need of a more consistent process or procedure in determining when TPR's would be appropriate.
 - o What are the statutory requirements? What are some of the timelines?
 - There needs to be a better understanding about what the implications are for Termination of Parental Rights. What this means for families, children, relatives, etc.
 - There was a prevailing sense when reviewing some of the cases that had there been a more intensive effort on the "front end," perhaps a TPR would not be necessary? For instance, doing a more exhaustive search of relatives and other family members?
2. Another issue has to do with how we view what permanency for children is all about. In some ways are we too narrowly defining permanency to mean that something legal needs to occur, e.g., termination, guardianship, and the like? Perhaps we need to rethink how we could establish a sense of permanency for the child(ren) with his or her extended family, relatives or kin without having to terminate parental rights?
3. Use of Interstate Compact. When and how do we use this process particularly for placing children with out-of-state relatives? Under what circumstances can children be moved, etc. while the ICPC is in progress?

4. There is a need to review private adoption arrangements, e.g., a mother may voluntarily place a child with a private agency such as LSS for adoption but does not follow through after a lengthy period of time, with the situation finally coming to the attention of Hennepin County? Does the State (DHS) have a role in monitoring compliance of the law of the agencies they license? What should be the County's role, if any?
5. What kinds of resources seem to fit better for parents/children of color, e.g., there appear to be some agencies which do not seem to have a good track record working with African American young mothers or families? What about developing/recruiting more foster homes of persons of color which could take a mother and her baby coupled with the department building in and providing appropriate supportive resources for these foster homes.
6. Often it appears that some administrative procedures may put social workers in a double bind or impossible situation, e.g., push to empty over-capacity shelters "at any cost" may have resulted in a number of children being placed in non-same race homes. Children of color, once placed in these situations, somehow became "stuck" or attached to these homes? What do we need to do to assure that these types of things do not happen?
7. It is unclear what discretion social workers have with respect to using same race homes when they are made available to the workers from the foster care unit. Are they required to use one of the homes referred or can they pick and choose homes for their children even though the home may not be of the same race?
8. There may be some social work practice values which we need to review. The issue being raised here is about the degree to which a worker's autonomy is respected and recognized in conjunction with, and which sometimes may be in conflict with, the expectations of the department. How do we manage such inherent conflicts within the Department? In other words, how do we balance this conflict and still try to be consistent and in conformance with the rules and mandates that are required of us?
9. The department needs to clearly define and state its values about preserving children with their families to the extent possible and when this is not possible, assure the child's first placement out of their home will be his/her last placement.

It would appear that once our values become clear as to how we view all families, not only families of color, then it will become possible for us to put into place those practices and procedures which will reflect upon these fundamental values.

RECOMMENDATIONS:

Given the above findings and subsequent discussion regarding the reviews, the committee would like to forward the following recommendations to the Department's Executive Management Team and to all the affected children's programs management teams for consideration and action. The recommendations are purposely framed to be relatively broad brushed in nature, recognizing full well that within each major recommendation, there are many subparts which could also be reviewed individually for consideration.

1. The Community Services Department must explicitly state and promote the value of preserving the families we serve. What has become evident to the committee is that while this value seems to exist currently in the Department, translating this value into our day-to-day practice when working with families and children is problematic. What became abundantly clear to us was for whatever reasons, over the last few years the "placement" of children has, in fact, become a practiced methodology. In other words, while we may believe in the value of preserving families and sincerely believe that this is what we are really doing, in reality this does not always appear to be the case.

It is strongly recommended that we re-commit ourselves to the idea that, in most instances when it becomes necessary to intervene into any family's situation, our primary focus become the preservation of the family and that we review our policies and practices and revise the same, as appropriate, so they are in concert and consistent with the values of family preservation.

2. The Community Services Department should immediately undertake a review of all the existing statutes, rules and policies which govern service provision to families and children, specifically as they relate to the out-of-home placement of children of color. We recommend that a short term, work or task group(s) be appointed to accomplish this task.

We recommend that the group(s) be made up from a cross section of staff at every level from the various programs which serve families and children and for the purpose of accomplishing the following:

- o To review the applicable laws and rules, e.g., Minority Heritage Act, Indian Child Welfare Act, etc., and develop/write/rewrite some clear policies and procedures which can be applied across all the family and child serving programs.

- o It is extremely important that the intent of the law be understood and somehow be spelled out along with policies and procedures. Further, the proposed policies and procedures must be developed so that they will be understood by all staff and to enable the department to be in full compliance with the laws.
- o We need to review our record keeping procedures and review how documentation is done to enable us to be certain that we are in compliance and to assist us in monitoring the various processes, i.e., are we in/not in compliance with laws and rules?

Also, in the area of record keeping and data, we need to look at ways to collect data and information about children in placement which will easily identify for the department on a day-to-day basis or on an as needed basis; for example, how many African American children are in foster homes, how many are not, etc.? While this type of data is currently available, it appears to reside with respective divisions in different forms which makes it difficult to retrieve or to make good "information" sense out of the current data.

- o We recommend that a quick, easy to reference guide be developed and be available to social workers regarding the policies and procedures which need to be followed in the event a youngster of color needs to be placed out of the home. The guide or checklist should include a step by step reminder to social workers about what they need to consider, e.g., what was the parental preference? Was an exhaustive relative search completed? Referral made to advocate units? etc.
- o We further recommend a revised handbook not unlike the one created for Indian Parents with Children in Foster Care which spells out for all birth families the various laws, their rights and responsibilities, and information about the placement process.

- o Safeguard procedures need to be developed in the event that children of color are placed in non-same culture homes. For example, if a minority child has to be placed in a non-same culture home for whatever reason, how can we rigorously monitor the situation to assure that the child can/will be moved to a like cultural home? (For example, as occurred when we needed to empty an overcrowded shelter situation a year or so ago?) How do we develop a process to ensure that a same cultural foster home will be searched for on a continuing basis if a non-same cultural home placement is made? Who is currently responsible? Who should be responsible? The placing social worker, the placement coordinator, coordinated with one another, etc.?
 - o With respect to relative searches, for example, we concluded that this process must be considered to be an on-going one. In other words, how do we make certain that relative searches are continuing in the light of a child's changing circumstances?
3. The Community Services Management Team needs to review those issues relating to the line staff's abilities to make critical judgments and decisions. These issues have to do with how we as a department think about a case, i.e., is a case a departmental case or is it the social worker's case? Many of us have a clear understanding that cases handled by the department are just that, "departmental cases". However, there seems to be a belief on the part of many workers, perhaps attributed to the professionalism frame of reference which social workers ascribe to, that whatever case they are assigned is "their case."

We recognize this to be a complicated issue. It is important that the Management Team look at this matter since it does have some serious implications for how social workers go about conducting the way they perform their functions. Somehow, it appears to be much more difficult for social workers to accept input about cases if they believe that it is "their case" vs. it being a "departmental case." Additionally, there may be some issues around liability related to this particular issue.

CONCLUSIONS:

In view of the above findings and subsequent discussion of the data, the main question which confronts the Community Services Department is: "How do we go about from this day forward making certain that we will not find ourselves in the same position in the months or years ahead?" While it was evident that the Department has done some things, our compliance has not been what we would like it to have been. We need to ensure that the Department will be in better compliance with the laws and rules governing placements of children of color, or for that matter, for all children. Immediate steps need to be taken in developing those procedures and policies which will demonstrate our commitment toward this end.

First and foremost, the Department needs to seriously think about how we are presently conducting our business. If, in fact, placement has become a predominant methodology, we need to carefully examine whether this methodology is still valid or needs changing. The review committee strongly recommends that the Department begin rethinking the idea of placing a high value upon family preservation as a primary service methodology. If we begin to do this, we believe that the assumptions flowing out of this value will ultimately predicate and influence how our policies and procedures are developed and what the shape of our day-to-day practice will be.

Take for an example, an African American family coming to the department's attention as a result of a referral to Child Protection Services (CPS) on the basis of an alleged neglect or abuse complaint. If in this instance, we begin by affirming the value that somehow keeping this family together is important, then maybe the CPS approach to the family could somehow be different from what it is today. This does not discount the need to conduct the CPS investigation regarding the reported abuse or neglect -- this assumes we would still be doing this and meeting our requirements under the CPS mandates. What might be different is that if the child(ren) would need to be placed out of home because of some risks, we would immediately begin to automatically look for and conduct an exhaustive search for some relatives or other extended family members or kin to provide this emergency care. At the same time, we could be outreaching to the parents to evaluate what services they might need and how we might provide supportive services in order to strengthen the family and make it possible for the child(ren) to be reunited with them as soon as it is feasible. While this example can be detailed out to many different scenarios, what is important to remember is that whatever we do for the family should clearly focus on the preservation of the family. The placement must be the least restrictive, with a relative, or other family but always one which will maintain, protect and preserve the integrity of the child's cultural heritage.

In many respects, what we need to do is not very difficult or complex. Essentially, what we need to do is to return to what might be construed to be "sound social work or good casework practice" which speaks to:

- a) Starting where the client is;
- b) Respect the integrity of the client;
- c) Look for strengths in individual(s);
- d) Assume clients can acknowledge responsibility for their actions or behaviors; and
- e) Make certain that the client understands what services they can expect from the department.

For the very immediate future, the Department needs to be as certain as we can about being in full compliance with the laws and rules governing the placement of minority children. We must state our policy explicitly and without equivocation that in the absence of good cause to the contrary, no child(ren) of color will be placed in a non-same culture out-of-home placement. In the event that exceptions do occur, the reasons for why a child(ren) was not placed in a same culture home shall be clearly spelled out and documented in the child's record.

The committee believes that it is imperative that the Department give attention and high priority to the recommendations made in this report. As stated above, it is obvious that although we have made some effort toward better compliance, we are still far from where we need to be. There are some identified "systematic issues" which need to be reviewed and modified when appropriate and necessary. We also need to be mindful that this issue is impacted by and related to issues having to do with our understanding of multiculturalism and diversity not only within the Department but also, within the larger context of the communities we serve. We need to accept the fact that perhaps some of our current procedures and practices, though well intended at the time they were put into place, are no longer coherent or acceptable within the cultural context of the present time. We need to be sensitive and respectful to the diversity of people in our communities. Wisdom also suggests that the Department take steps to involve segments of the affected communities of color in those discussions having to do with changes within the Department and to view this kind of an issue as a shared responsibility between the Department and the communities we serve.

In this specific instance, the African American community is speaking with the sense of urgency regarding this issue. Essentially, it speaks to a fundamental issue of the survival for African American children and families. Their concern centers upon the need to advocate for and to protect the rights and the integrity of their African American culture. The report points to things which the Department needs to do and the committee believes that the Department must respond with the same kind of urgency to the issues at hand.

OUT-OF-HOME PLACEMENT REVIEW -- QUESTIONS?

Issues Respective to the Potential for Relative Placement:

1. Has a relative search been completed for each child?

If **YES**, when was this completed? By whom? What were the results? Is there clear documentation in the case record?

If **NO**, reasons why not? Is there clear documentation in the case record?

2. Are there plans/activities going on currently to locate relatives?

Who is responsible for this activity?

3. In those instances where some relatives were indicated to be not appropriate, have other relatives been contacted? Does the case record reflect any additional follow-up with relatives?

4. In those instances where relatives were not available at the time of placement, why were they not available? Has any additional follow-up activity occurred?

5. Has the search been extended to out of state? Country? Has the Interstate Compact been a barrier to placement with relatives out of state?

6. Were relatives reluctant due to some special medical needs of the child, i.e., special medical problems, physical/developmental disability?

If resources were made available to relatives, e.g., special training, equipment, etc., could the child(ren) be considered for placement with them?

(In some instances, the need of an apnea monitor was still indicated even though the child(ren) were 2-3 years old?)

7. Why are there some instances where one or another child is in placement while other siblings are with relatives?
8. Have the issues of bi-racial children been explored and considered thoroughly? Issues explored with available relatives?

9. For children in long-term placement where relative searches may or may not have occurred, is another effort warranted and being made?
10. What are the birth parent(s) desires with respect to their child(ren) current placement? Is there clear documentation on the records?
11. For youngsters who have been in long-term placement where a possible move would be contemplated or considered, assure that a clinical assessment will be completed which will explore some of the following issues:
 - a) Impact of the relationship between the youngster and current foster family?
 - b) Assess special needs of youngster and needed services/resources are replaced with own family or relatives?
 - c) What other individuals should be included in the youngster's assessment, i.e., doctor? Teacher?, etc.

REVIEW OF AFRICAN AMERICAN CHILD PLACEMENT

Date of Review: _____

Child's Name: _____ **Age:** _____

PRESENT STATUS:

PROPOSED PLAN:

ACTIONS TO BE TAKEN:

A. Specific Steps

- 1.
- 2.
- 3.

B. Person(s) assigned responsibility

PROPOSED TIME FOR ACTION TO TAKE PLACE:

HOPED FOR OUTCOME OF ACTION STEPS:

HOW/WHO WILL BE RESPONSIBLE FOR MONITORING THIS ACTION?

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* HENNEPIN *
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DATE: April 11, 1991
TO: Distribution List
FROM: Wayne Takeshita
SUBJECT: SERVICES TO FAMILIES AND CHILDREN

The purpose of this memo is to provide you some direction and to clarify some of the expectations which were discussed at the April 1st meeting regarding the "Implementation of Recommendations Regarding Services to Families and Children." In addition, I hope to clarify my role as the designated manager responsible for this major initiative in the Department.

First of all, I will assume that the background information provided to you at the meeting by Mike Weber is sufficient for you to understand the reasons why we need to undertake this initiative? I believe many of us have been involved in one way or another with the recent activities surrounding this matter, e.g., DHS Compliance Audit and Report; the African American Family/Child Survival Committee -- Hennepin County Task Force; Review of placements; Family Preservation Project; etc., and are reasonably clear as to why we need to do this? If any of you are not clear about the background or issues bringing us to this point, please be sure to let me know and I would be happy to meet with you to discuss the matter further.

I. THE TASK AND ISSUES

The handout Mr. Weber provided to us on April 1st, outlines in a brief summary fashion what some of the tasks ahead of us are and in his discussion with us, how he hopes to see these tasks accomplished. (Attachment #1 -- his memo of 3/26/91 expands on the project more fully). The charge of this initiative as I understand is to undertake a review of the major issues listed in the attachment with the hope of bringing about some coherence to these related issues by way of policy reviews, developing and reviewing implementation procedures, communicating these changes in a clear and consistent manner to all affected staff, to develop a training component, etc.

The outcomes among other things will be to design and develop a service system for families and children which will not only benefit the recipients of our services but one which will benefit our entire community and for our staff, develop a service system which will be supportive and helpful in their efforts. Additionally, it is hoped that over the long run some fiscal savings may be realized by the Department.

The challenge facing those of us undertaking this initiative will be to recommend a family/child service system for Hennepin County which will ideally meet the following criteria:

- a) Services will be focused on preserving the integrity of families and children,
- b) Services will be client centered and client driven,
- c) Services will be sensitive to and reflect the diversity of all persons living in our community,
- d) Services will be provided in a consistent and equitable manner irrespective as to where organizationally the services are being provided within the Department.

II. ASSIGNMENT OF RESPONSIBILITY

At the meeting on 4/1/91, the following individuals were assigned lead responsibility to convene a task group or committee to work on specifically assigned issues:

- a) Policy re: importance of preserving families --
Wayne Takeshita, Manager
- b) Implementation of legislation, Indian Child Welfare Act and Family Heritage Act -- **Richard Merwin, CPS Program Manager**
- c) Resource Directory -- **David Sanders, Manager**
- d) Kinship Care -- **Karen Wahlund, CPS Program Manager**
 - Definition of family, relative
 - Training on importance of relative placement
 - Relative search
 - Use of Interstate Compact
 - Adequacy of relative - Licensing standards/ waivers
 - Payment for relative care, foster care; Length of relative payment for foster care; private foster home agencies
- e) Referral for placement -- **Suzanne Douglas, CR Program Manager**
 - Prerequisites
 - Policies for placements to be referred
 - Decisions of selection of placement to be used

f) **Minority Advocates -- Roger Engstrom, Manager**

- Referrals for, responses to referrals
- Role of Advocates

g) **Decision making to place, terminate --
Judy Hadler, CPS Program Manager**

- Access to non-placement alternatives
 - o Information
 - o Pooled funding
 - o Decision procedures
- Placement as a risk factor
- Incentives to place
 - o Safety of child; single staff responsibility
 - o CPS workload formula
 - o Organizational structure
- Evaluation of Placements
 - o Aftercare contacts
 - o Assessing client outcomes

h) **Case/Placement plans -- Jim Christiansen, CPS Program Manager**

- Assessments
 - o Strengths/problem issues
- Objectives
- Roles --- family, CSD, foster parents, other agencies

i) **Police interaction -- Judy Hadler, CPS Program Manager**

- Emergency Holds
- Risk Investigations

j) **Rule 5 placements -- David Sanders, Manager**

- Initial evaluations
- Participation in student data reporting system
- Length of stay, transitions

k) **Documentation of efforts -- Lou Kaluza, CPS Principal Social Worker**

- Critical Activities

l) **Public Information -- Marilyn Cavara, FS Program Manager**

- Handbooks, brochures

- m) Recruitment of foster/adoptive homes --
Margaret Lonergan, FS Program Manager
- n) Role of foster families -- **Suzanne Douglas, CR Program Manager** (revised since April 1)
 - Participation of foster parents as team members
- o) Family Preservation pilot geographic team -- **Wayne Takeshita, Manager**
- p) Relationship with County Attorney's Office -- **Ray Ahrens, Manager**
 - Court processes
 - County Attorney/Client relationship

The above list of assignments was according to my notes of the meeting and recollection. Other individuals were also identified or have volunteered to work with the assigned lead persons and assignments.

III. INITIAL ASSIGNMENT

For those of you assigned lead responsibility for the various issues listed above, please send me a memo by Friday, April 26, 1991, which will address the following items:

- 1) A brief paragraph or two about the issue for which you are assigned responsibility: identifying the scope of what you will be undertaking, e.g., what is the issue you will be reviewing, what specific pieces you are planning to look at, what are the questions you are trying to answer, what are some assumptions/givens you are making, etc.
- 2) Identify the membership of your workgroup. Members must include a mix of management, supervisory, direct service staff, and support staff. Participation from community representatives should be considered and encouraged in a number of these efforts -- with an eye toward diversity and multicultural sensitivity.
- 3) Briefly describe other issues, if any, which may be related to the issue you will be dealing with and perhaps, what the overlapping issues are and which other work group might be working on the issues?
- 4) Describe what you will be trying to achieve, i.e., what you hope will be your end product? What are your expected outcomes?
- 5) Any other brief statements or concerns related to the issue you are reviewing.
- 6) An estimated timeline for accomplishing the task. Emphasis should be on putting outcomes in place in the very immediate future, even if subsequent

- 6) An estimated timeline for accomplishing the task. Emphasis should be on putting outcomes in place in the very immediate future, even if subsequent revisions are made or needed.

IV. ROLE OF PROJECT MANAGER

Upon receiving the information from each of you, I will attempt to develop a structure or methodology for keeping each of you apprised about the activities of the respective groups and about the initiative as a whole. Obviously, I have not thought through the infinite details an initiative such as this one will entail. As I understand my role, it will be to assure that the stated tasks gets accomplished in the manner indicated from each of you. I believe that there exists a good deal of "expertise" amongst all of us and we must find a way to put all of this expertise together to make sense of what we need to do and get the job done.

To reiterate, the first thing which the persons assigned the lead responsibility for the issues listed above need to do will be to send me a memo by Friday, April 26, 1991, responding to the information I am requesting regarding your assigned issue(s). Based on the information received, I will then begin to develop some further thoughts regarding what we need to do and how we relate our efforts in a coherent manner as a whole.

This is a major undertaking and a very significant one. The task will require a lot of effort, time and shared vision/commitment from all of us. I would encourage each of you to seek out all staff who would like to participate in this matter and utilize their knowledge and expertise. Additionally, it will be important to keep all staff apprised about the various activities in which we are engaging.

If there are any questions regarding this memo or if you have any thoughts or other ideas you would like for the group to know about, please feel free to call me. My extension is X 3553. Thanks all of you for your help!

Distribution List:

Mike Weber
Child Protection Managers
Family Services Managers
Roger Engstrom
Suzanne Douglas
CS - Ex. Management Team

David Sanders
Doug Ogren
Jim Baxter
Lou Kaluza
Mardi Louisell

JULY 1991 UPDATE

PLACEMENT BY PROGRAM IN 10/90

PLACEMENT BY PROGRAM IN 7/91

| | FS | CPS | DD | TOTAL 10/90 | FS | CPS | DD | TOTAL 07/91 | PERCENT CHANGE |
|--|-----|-----|----|----------------|-----|-----|----|----------------|-------------------|
| TOTAL # OF CHILDREN IN FOSTER CARE | 43 | 991 | 76 | 1510 | 399 | 907 | 83 | 1389 | 8.01% |
| AFRICAN AMERICAN CHILDREN IN FOSTER CARE | 53 | 444 | 8 | 605 | 130 | 411 | 14 | 555 | 8.26 |
| AMERICAN INDIAN CHILDREN IN FOSTER CARE | 64 | 223 | 7 | 294 | 58 | 203 | 6 | 267 | 9.18% |
| CAUCASIAN CHILDREN IN FOSTER CARE | 178 | 285 | 58 | 521 | 151 | 259 | 57 | 467 | 10.36% |
| HISPANIC CHILDREN IN FOSTER CARE | 3 | 12 | 0 | 15 | 4 | 10 | 0 | 14 | 6.67% |
| ALL OTHER CHILDREN IN FOSTER CARE | 45 | 27 | 3 | 75 | 56 | 23 | 4 | 83 | -10.67% |

RESULTS OF PLACEMENT REVIEW OF AFRICAN AMERICAN CHILDREN IN NON-SAME RACE FOSTER HOMES

| | CASES | CHILDREN |
|--|-------|----------|
| AFRICAN AMERICAN CHILDREN INITIALLY IDENTIFIED FOR REVIEW IN 10/90 | 64 | 105 |
| ACTUAL NUMBER OF REVIEWS | 69 | 120 |
| NUMBER STILL IN NON-SAME RACE PLACEMENT (1) | 30 | 55 |
| RETURNED HOME/RELATIVES (2) | 20 | 35 |
| MOVED TO AFRICAN AMERICAN FOSTER HOMES (2) | 5 | 12 |
| CHILDREN TURNED 18 SINCE REVIEWS BEGAN | 5 | 5 |
| REVIEW COMMITTEE AGREED TO STATUS QUO | 8 | 9 |
| CHILDREN REFERRED TO AMERICAN INDIAN REVIEW COMMITTEE | 2 | 4 |
| TOTALS (3) | 70 | 120 |

(1) = THE CASE/PLACEMENT PLANS FOR THESE CASES ARE TO BE CHANGED TO REFLECT THE RECOMMENDATIONS MADE BY THE REVIEW COMMITTEE.

(2) = 1 CASE COUNTED IN "RETURNED HOME/RELATIVES" AND IN "MOVED TO AFRICAN AMERICAN FOSTER HOMES"

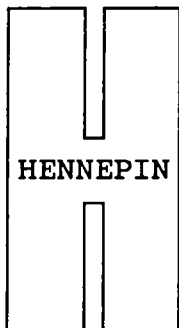
(3) = THERE ARE 70 CASES REPORTED HERE WHICH INCLUDES THE CASE COUNTED TWICE AS EXPLAINED IN FOOTNOTE (2) ABOVE. THE NUMBER OF CHILDREN IS AN UNDUPLICATED COUNT.

THE ROLE OF MINORITY ADVOCATES

| | | | |
|----------------|--------------------------|---------------|---------------|
| Department | <input type="checkbox"/> | | |
| Division | <input type="checkbox"/> | Date | December 1990 |
| Program Center | <input type="checkbox"/> | Authorized by | _____ |

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COMMUNITY SERVICES DEPARTMENT

Policy Manual

THE ROLE OF MINORITY ADVOCATES

PURPOSE

The purpose of this policy is to prevent the break up of minority families, preserve the cultural heritage of minority children who need out-of-home placement, and establish a procedure to routinely involve Minority Advocates to achieve these goals and comply with the law.

REFERENCES

Public Law 95-608 Indian Child Welfare Act of 1978.

Minnesota Session Laws 1985, Chapter 257.35, The Minnesota Indian Family Preservation Act.

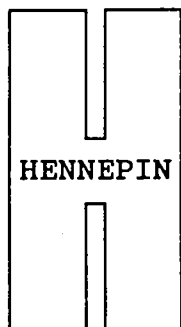
Minnesota Session Laws 1983, Chapter 278, The Minority Heritage Act, and as amended in Minnesota Session Laws 1985, Chapter 257.

Minnesota Social Services Manual XIII-3500 through 3643 American Indian Children.

Minnesota Social Services Manual XV-6330, 6332 Order of Placement Preference for Non-Indian Children of Minority Race and Minority Ethnic Origin.

POLICY

The Community Services Department believes in the goals of and hence has an unequivocal commitment to the Indian Child Welfare Act and the Minority Heritage Act for the provision of services to American Indian and African American clients. The American Indian and African American Advocates are an essential resource for case planning for staff of all divisions especially when an American Indian or



COMMUNITY SERVICES DEPARTMENT

Policy Manual

THE ROLE OF MINORITY ADVOCATES

African American child is at risk of being placed outside their family voluntarily or by court order. Although the advocates will primarily be working with Child Protection and Family Services Division staff, they will be available for case consultant with other divisions.

PROCEDURE POLICIES

- A. Social workers in Child Protection and Family Services responsible for American Indian or African American children at risk for out-of-home placement must request involvement of the Minority Advocates using the written referral form.
- B. Any departmental direct service worker responsible for a case involving American Indian or African American clients may request the assistance of an Advocate using the written referral form.
- C. A Minority Advocate may request a written referral be sent regarding any Community Services client. If the request is not deemed appropriate, the direct service worker will contact their supervisor who will contact the Minority Advocate supervisor for discussion of the situation.



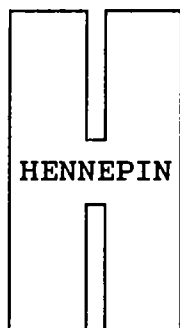
HENNEPIN

COMMUNITY SERVICES DEPARTMENT

Policy Manual

THE ROLE OF MINORITY ADVOCATES

- D. When a written request is received for Advocate services, the Advocate supervisor will assign one of the Advocates to that family. At that time, a service record will be opened. If the referral is not accepted, the Advocate supervisor will advise the social worker of the reason for non-acceptance.
- E. An "AV" prefix with a numbering system will be assigned in CSIS to all referrals. The service record with the "AV" prefix will be entered electronically to the IMS (CSIS) data base with the family information. When the case is closed in the referring division, the Minority Advocate service case and record will also be closed. The Minority Advocate closed service record will be filed with the other service records in the Closed Record Center and destroyed according to the appropriate records retention schedule.
- F. The role of the American Indian or African American Advocate is to:
 - 1. Work as a resource consultant to the family and the direct service worker who has primary responsibility for case management.



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THE ROLE OF MINORITY ADVOCATES

2. Assist direct service workers in identifying and locating extended family members in the event that they may be needed as child placement resources and make recommendations to the case manager as to the placement of the child.
3. Interpret to the family the basis for the Community Services Department's intervention.
4. Assist direct service workers in identifying and utilizing community-based resources (financial, medical, etc.) so that reasonable efforts can be made to prevent out-of-home placement and the break up of families.
5. Assist direct service workers in identifying the tribal affiliation of American Indian child(ren) in the event that notice under the Indian Child Welfare Act is required.
6. Assist the family with tribal enrollment procedures.
7. Interpret to the direct service worker any specific tribal or ethnic values or practices that may affect case planning or the setting of appropriate goals.



HENNEPIN

COMMUNITY SERVICES DEPARTMENT

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THE ROLE OF MINORITY ADVOCATES

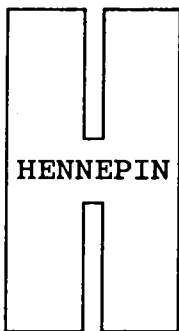
8. Participate in institutional abuse meetings when an American Indian or African American child is involved.
 9. Participate in Administrative Reviews of children in placement and receive appropriate notice of such reviews as they are scheduled.
 10. Visit children or accompany parents in visitation with their children, particularly when the child(ren) are placed with non-minority foster parents.
 11. Serve as an expert witness in court at the request of the court.
- G. When Juvenile Court action is anticipated, the Minority Advocate will participate in Legal Services consultations and subsequent contacts with the Assistant County Attorney. The direct service worker will be responsible for giving the Minority Advocate prior notice of all legal consultations and court hearings as soon as they are scheduled.
- H. Minority Advocates will discuss case situations with the direct service worker. In the event the Minority Advocate and direct service worker disagree on case planning, they will hold a case conference with their immediate supervisors reviewing the situation. Any written documentation will be noted, kept in the case record, and shared with the County Attorney.

THE ROLE OF MINORITY ADVOCATES

- I. Minority Advocates can testify in court regarding case planning and culturally specific concerns without subpoena.

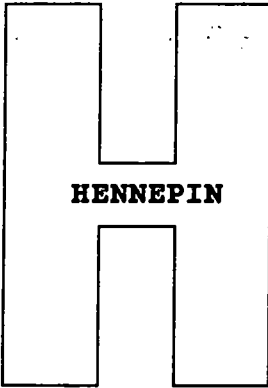
RESPONSIBILITY

Community Services Department Manager



COMMUNITY SERVICES DEPARTMENT

Policy Manual



DATE: April 15, 1991

TO: Budget Team

FROM:

SUBJECT:

BACKGROUND

Since 1985 there has been a significant increase in the number of American Indian and African American children in out-of-home placements. Minority Advocates are providing significant services and making significant impact on the Child Protection system and the out-of-home placement of minority children.

The Minority Advocate is a social service worker who can relate to minority clients from a common racial and cultural background and who can communicate with the agency, client, and community in a way that removes barriers to understanding and improves general service to the community and the minority client.

The role of the American Indian and African American Advocate is to work as a resource consultant to the family and the direct service worker. Advocates may assist in identifying and utilizing community based and departmental resources to prevent the breakup of families and out-of-home placements. Advocates may assist in identifying and locating extended family members. Advocates make recommendations as to the placement of minority children.

Minority Advocates were very active in a number of departmental committees, and meetings in the community. Minority Advocates were crucial to the meetings between Community Services and the African American children and Family Survival Committee, Child Protection Cocaine Task Force, Permanency Planning, Administrative Reviews, Family Preservation Project, Communities of Color Concerned about Child Protection, Black Child Development, Indian Child Welfare Council, American Indian Elders, Minority Elders, Institutional Abuse, Personnel and Oral Boards.

Minority Advocates were involved in presenting American Indian and African American cultural issues, Heritage Protection laws, and through referrals communicated to the case managers, and social workers in Child Protection, Family Services, Seniors, Disabled, Mental Health, and Chemical Health Divisions. Our attendance and participation in Juvenile Court has been positive and productive.

The American Indian Advocates have been in existence for 12 years. In 1989, under new supervision, the unit of 5 full time employed American Indian workers were joined by 3 full time employed African American workers. Load size in 1989 for American Indian Advocates were running about 150-175 families per worker!! This load was not manageable and resulted in poor case practices. The new supervisor insisted that all work loads be evaluated, closing cases whenever possible or referring families to additional community services and neighborhood resources. Workers responded and the client load sizes began to drop.

The 3 African American workers by the end of 1989, were experiencing a client load averaging 70+ families and the 5 American Indian workers had reduced their client load to 100+ average. But this was still too large. We received 197 African American referrals in 6 months (July - December) and 237 American Indian referrals during the entire year 1989.

During 1990, the press of African American referrals continued. By the end of 1990, we serviced 350 new families/referrals but were unable to respond to 213 formal referrals!! American Indian referrals were 258 during 1990 and although all referrals were accepted and serviced and the case load size remains too high to effectively service!!

The present total client load on the African American cases and American Indian cases averaged 100+ families. Although workers have reviewed all families and have appropriately closed many referrals; the number of new referrals received each month continues to escalate.

We Need Eight Additional Full Time Employed Minority Advocates

Increasing the number of Minority Advocates will drive the number of out-of-home placements down. There is a tremendous dollar and social cost involved as the number of out-of-home placements spiral up. The Advocates have been in the forefront of pushing for family and relative search for placement or resources and our work has positively impacted on Child Protection Intake and Field practices.

Eight additional Advocates would allow for the client load to reduce down toward the standard of 50 families maximum that makes advocacy efficient and effective. Administration is pursuing a Personnel Classification change that would allow for increase career advancement for present and future Advocates. It is our intention to use a "Lead Worker" to assist in supervision and eight additional Advocates would allow for three units of 5 Advocates with a lead worker in each unit. It is strongly suggested that at least one of the new full time employed be dedicated to Hispanic Advocacy.

nph



HENNEPIN COUNTY
Relative Search Unit's Final Report
JULY, 1991

Ron Bell, Unit Supervisor
Pamela Harris, Relative Search Specialist
Regina Sellers, Relative Search Specialist
Morris Wilson, Relative Search Specialist

„

On January 23, 1991, Hennepin County Community Services hired three temporary employees as Relative Search Specialists. They were given six months to perform the challenging task of finding relatives for the approximately 105 African American children who were in out-of-home, non-same race foster placement. These hirings were a result of the demands of the African American Children and Family Survival Committee and the Council on Black Minnesotans. These kind of placements raised concerns of the total implementation of The Minority Heritage Child Protection Act.

The Act states that "if parental placement is contrary to be the best interest of the child, that further placement be with (1) a relative or relatives of the child, or, if a relative is not available (2) a family with the same racial or ethnic heritage as the child."

The goals of the Relative Search Team were to work toward possible reunification of all African American children who were placed with non-same race foster families.

Before we received our case assignments, time was spent in preparation for research. We reviewed a variety of data on out-of-home placements, foster care and adoptions. At the Minneapolis Library, we found a report written by the Council on Black Minnesotans, September 1982, on "Adoption and Foster Care Placement of Black Children in Minnesota" as well as a report written by the Department of Public Welfare - State of Minnesota, October 1979, on "Out-Of-Home Placement of Children", as well as reviewing a document written by the task force from the State of Michigan on "Cultural Sensitivity in Foster Care."

The following outline is the process utilized by the Relative Search Specialists as they pursued prospective placements:

1. REVIEW REFERRAL INFORMATION:

There is a case study worksheet given the Relative Search Specialist stating why there was a need for placement and recommendations from the committee, as well as a case plan to be examined by the Relative Search Specialists prior to contacting the parties.

2. INTAKE - DEVELOPMENT OF CASE FILES:

The Relative Search Specialist makes appointments with the social workers to examine the files. The Relative Search Specialist examines the files and copies all relevant information.

3. CONTACT COMMUNITY SERVICES EMPLOYEES, (AGENCY SOCIAL WORKERS, ATTORNEYS, ADVOCATES, PSYCHOLOGISTS, AND OTHERS):

In order to clarify information the Relative Search Specialist contacts the persons that have interacted with the case. Areas of concern include placement techniques and the reasons for the placement.

4. MAKE CONTACTS WITH THE CLIENTS AND RELATIVES:

Clients are contacted by telephone, letter and in person. Often, clients do not have telephones.

5. MEET WITH THE CLIENTS AND RELATIVES:

Meetings are held at the clients' and relatives' homes, their places of employment, school and other places. The meeting location is determined by the client and relatives. The trust level of the clients and relatives determines whether a Relative Search Specialist is able to come to their home.

6. COMPILE INFORMATION ON BIOLOGICAL RELATIVES:

A family tree is compiled to explore the issues of social history and determine whether the past history of the relatives includes incest, abuse/neglect, criminal record, etc. Recommendations of the biological parents are considered.

7. ASSESSMENTS/EVALUATION OF PLACEMENT:

The Relative Search Specialist makes recommendations to the social worker after assessments/evaluations.

8. PROVIDE SUPPORTIVE SERVICES:

The Relative Search Specialist makes recommendations to the social worker for services needed.

9. WORKS AS A TEAM MEMBER TOWARD REUNIFICATION.

10. DOCUMENTS PROCESS.

During the Research Project, the team made many valuable discoveries into the many multifaceted, complex interworkings of the Hennepin County Departments dealing with direct service of clients (i.e. Child Protection workers, Adoption workers, other related Direct Service employees).

The Relative Search Team, because of the nature of their work, were involved, and came in contact with Child Protection, and Adoption workers more than other direct service employees. Sometimes, the contacts with workers were encouraging, however, social workers questioned our involvement into their cases, and appeared to be unfamiliar with our arrival. Some social workers viewed our involvement as interference. Many social workers did not readily share accurate, and updated information, and there was very little voluntary information shared with us in terms of current activities, and status of cases. This problem appeared to be systematic among the various workers, with the exception of a few. Many of the workers, especially the Child Protection workers, although sometimes well intentioned, were operating, and making many of their decisions based on cultural, and racial biases. Evidence of this can be seen in the fact that in almost all of the cases received by the Relative Search Unit very few Black males, if any, were viewed by most social workers as suitable placement alternatives for children. Black Foster homes also complained that they were not receiving fair, and impartial consideration for placement. Further evidence of cultural, and racial biases can be documented by the fact that White children are rarely, if ever, placed in Black, Native American, or Hispanic foster homes.

Many social workers who had cases involving the Relative Search Team, did not supply updated information in terms of their progress on the cases. Much valuable time, and energy was spent on locating relatives in cases that had already been resolved by social workers. A constant flow of information, and dialogue is needed between social workers advocates, and Relative Search Specialists in order to prevent wasted time, and unnecessary efforts.

In addition, the Relative Search Team found that some social workers became so personally involved with cases, they unknowingly transmitted these personal feelings to clients, thereby giving them the impression that if they did not agree with the workers, that funds, case plans, or potential fundings might be delayed, or tampered with. Therefore, we believe that the Hennepin County supervisors should take more of an active role in the caseloads of their respective social workers. Regular updates on all cases should be periodically reviewed, rather than leaving all major decisions in the hands of the social workers themselves who may be so personally involved that they can't be objective. This involvement by supervisors would also help to prevent future Baby D case occurrences.

SUMMARY

The cultural aspects of maintaining the heritage of every individual is not only a right, it is the law. The Minority Heritage Act should be practiced by every community service and individual agencies when dealing with the out-of-home placement of African American children.

We in the Relative Search Unit believe that we have put forth a positive and sincere effort in the relative search position. We are proud to have been a part of such a valuable piece of work initiated by Hennepin County, African American Children and Family Survival Committee, and The Council on Black Minnesotans.

The Relative Search Team has witnessed positive results of children being returned to immediate parents, relatives, or same race foster homes, previously either not known or found to be unsuitable by the social workers.

The results of where the children were placed at the projects' completion are:

| <u>Relatives</u> | <u>Biological Parents</u> | <u>African American Foster Homes</u> | <u>Non-Same Race Foster Care</u> |
|------------------|---------------------------|--|--------------------------------------|
| 12 | 18 | 17 | 28 |

RECOMMENDATIONS

The Relative Search Unit believes very strongly that it is imperative for every effort to be made by the various county agencies to diminish out-of-home placements. The fragmentation of families, although sometimes necessary, causes irreparable damage to families and community, in addition to individual child development. We further believe that the services provided by the county has a direct affect upon the various communities. Therefore, it is essential that the communities be involved in any creative process.

The Relative Search Team share the feeling that it would be virtually impossible for any other employees (i.e. intake workers, African American Advocates, social workers) to do an extensive relative search on out-of-home placements. These search efforts combined with their present duties and responsibilities would be too much for them.

We also believe that the relative search position should be a permanent position within the Community Resources Unit. This would prevent a conflict of interest that could develop within the Child Protection Department. These positions should utilize persons of color who are knowledgeable of systems advocacy and have a professional expertise in working with the clients/families of cultures.



MINORITY RECRUIT PROGRAM

This report covers the period of March, 1990 to December 31, 1990. The primary recruitment method utilized was placards inside 900 MTC buses. In January, 1991, we called back all families who called my number in response to our bus placards requesting minority families who were interested in being foster or adoptive parents to call me for additional information. A total of 74 families called. The break down is attached as attachment 1. Six families are in the adoption process.

The ONE CHURCH/ONE CHILD program was the other method used to recruit families. A total of 9 families were recruited. That break down is attachment 2. Referrals were made to Lutheran Social Service, Hennepin County, Ramsey County, and the Chippewa Urban Office.

During the year 1989, DHS tried some other recruitment pieces, bus transtops and billboards, with minimal success. After meeting with the public and private agencies and contacting other states with successful minority recruitment programs we settled on the following programs:

- Brochures -- African American, American Indian, Hispanic, and Asian Pacific Islanders
- Bus placards to recruit minority foster and adoptive families.
- Radio Announcements
- Television Announcements
- Newspaper Articles

(A personal goal for me was to develop a Minority Family Registry from our existing waiting parents register.)

What has been done:

- African American brochures are completed.
- American Indian brochures are ready to have a mock up done.
- Received approval for two months of radio announcements, beginning May 1. Three stations have been chosen--KMOJ, KFAI, and KTCJ.
- Bus placards have been approved and designed, hope to begin May 15.
- A brochure for Special Needs Children is also being developed.

PRESS RELEASE: INSIGHT NEWSPAPER

4/29/91

"ONE CHURCH/ONE CHILD"

COMMISSIONER JUDY MAKOWSKE

When I was growing up in Northeast Minneapolis, children whose parents died or couldn't care for them usually were taken in by relatives. Somehow those big families could always make room for one more. This was also true for African-American, Hispanic, and American Indian families. Responsibility for all the children in the community, not just our own, is part of the cultural heritage of many racial minorities even more so than for the majority culture.

That's why I think the program called One Church/One Child has been so successful elsewhere and is a natural for communities of color in Hennepin County. I introduced the resolution to the Hennepin County Board to have Hennepin County lend its support to the program and to declare June 9th "One Church/One Child Day." That's the day that supporters of the program will rally to emphasize the need for adoptive and foster parents for children of color.

One Church/One Child was started by an African-American Roman Catholic priest, Father George Clements, along with the Illinois Department of Family and Children. Father Clements believes that the black church is the strongest and most independent institution in the black community, and that it can play a major role in addressing community problems for persons of color, such as the need for more permanent homes for black children.

In 1989, six African-American ministers from the Twin Cities, three from Duluth, and one from Rochester agreed to serve on a One Church/One Child board and help establish a program in Minnesota. The program is currently governed by an 11-member board and has a lay-person committee of 14. The main strategy of the program is to encourage at least one African-American family in every church to foster or adopt a child.

To do this, ministers allow adoption and foster care specialists to present a program on adoption and fostering during the Sunday service or to social and/or service groups within the church. They follow up with interested families, and although the program is very new, it is having some successes. Several families are in the process of considering adoption; two of the families are considering adopting sibling groups.

Obviously this program isn't going to solve all the problems of our children needing families. It's a small, simple effort by members of the large community to heal the wounds of some small members of our community. But I have a lot of faith in programs like this, and "One Church/One Child" has my respect and support.

For more information on this idea, please call Reverend Curtis Herron (Chairman of the Board of Directors of the One Church/One Child Program) at 377-5436, Joanne Neal Sloan (Minnesota Department of Human Services) at 297-4880, or Suzanne Douglas (Hennepin County Community Services) at 348-3505. I can be reached at 348-3082.

OVERVIEW OF CURRENT * VACANCIES IN AFRICAN AMERICAN FOSTER HOMES

PRIVATE AGENCIES (Combined)

**102 vacancies in 61 AA Foster Homes
(14 of these vacancies would require day care)**

| <u>Age</u> | <u>Either Sex</u> | <u>Boys</u> | <u>Girls</u> |
|------------|-------------------|-------------|--------------|
| 0-1 | 1 | | |
| 0-5 | 8 | | |
| 0-10 | 11 | | |
| 0-14 | 1 | 1 | |
| 0-18 | 16 | | |
| 2-6 | 3 | 1 | 1 |
| 2-9 | 3 | | |
| 2-18 | 7 | | |
| 4-8 | | 3 | 4 |
| 5-13 | 20 | 4 | 10 |
| 13-18 | | 2 | 2 |
| 9-15 | 1 | 1 | |

VACANCY BREAKDOWN BY AGENCY

FAMILY ALTERNATIVES

**37 vacancies in 24 foster homes
(14 of these vacancies require day care)**

| <u>Age</u> | <u>Either Sex</u> | <u>Boys</u> | <u>Girls</u> |
|------------|-------------------|-------------|--------------|
| 0-5 | 3 | | |
| 0-10 | 3 | | |
| 0-18 | 12 | | |
| 2-6 | 2 | 1 | |
| 2-18 | 4 | | |
| 4-8 | | 1 | 2 |
| 5-13 | 2 | 3 | 3 |

October 1990

HUMAN SERVICES ASSOCIATES

**25 openings in 13 foster homes
(no day care required)**

| <u>Age</u> | <u>Either Sex</u> | <u>Boys</u> | <u>Girls</u> |
|------------|-------------------|-------------|--------------|
| 0-1 | 1 | | |
| 0-5 | 2 | 1 | |
| 0-18 | 2 | | |
| 2-6 | 1 | | 1 |
| 4-8 | | | 1 |
| 5-13 | 11 | 4 | |
| 13-18 | | 1 | |

PATH

**12 vacancies in 9 foster homes
(no day care required)**

| <u>Age</u> | <u>Either Sex</u> | <u>Boys</u> | <u>Girls</u> |
|------------|-------------------|-------------|--------------|
| 0-5 | 2 | | |
| 2-9 | 3 | | |
| 5-13 | 2 | | 2 |
| 13-18 | | 1 | 2 |

VOA

**15 vacancies in 8 foster homes
(no day care required)**

| <u>Age</u> | <u>Either Sex</u> | <u>Boys</u> | <u>Girls</u> |
|------------|-------------------|-------------|--------------|
| 0-1 | 1 | | |
| 0-10 | 8 | | |
| 0-18 | | 1 | |
| 4-8 | | 3 | 1 |
| 13-18 | | | 1 |

WILDER

**13 vacancies in 7 foster homes
(no day care required)**

| <u>AGE</u> | <u>Either Sex</u> | <u>Boys</u> | <u>Girls</u> |
|------------|-------------------|-------------|--------------|
| 0-10 | 1 | | |
| 0-14 | | 1 | |
| 2-18 | 3 | | |
| 5-13 | 3 | 2 | 1 |
| 13-18 | | 2 | |

HENNEPIN COUNTY**42 vacancies in 25 AA foster homes
(10 of these vacancies require day care)**

| <u>Age</u> | <u>Either Sex</u> | <u>Boys</u> | <u>Girls</u> |
|------------|-------------------|-------------|--------------|
| 0-5 | 2 | | |
| 0-10 | 4 | 1 | |
| 0-14 | 3 | | 4 |
| 2-6 | 8 | 1 | |
| 2-9 | 3 | | |
| 4-8 | | 4 | 2 |
| 5-13 | 2 | 3 | 4 |

Of the combined number of 86 homes:

41 have only 1 vacancy
30 have 2 vacancies
15 have more than 2 vacancies

While these are the concrete variables that can be noted in hard numbers, other considerations in making a foster care match are not so tangible. Some of those limitations include: requesting an "easy child only;" having a licensed capacity for more children than they would ever be willing to take; stating an acceptance of taking ages 0-18 but preferring a sub age group within that range; refusing children with a sex abuse history.

If should further be noted that the number of vacancies does not reflect the current status of referrals made to individual foster homes (e.g. a foster home may show 3 vacancies but may have already had a pre-placement on a sibling pair with a placement planned, reducing their real vacancy number to 1).

HENNEPIN COUNTY PAYROLL/PERSONNEL

DEPT 6300: COMMUNITY SERVICES

| | | <----- R A C E -----> | | | | | |
|---------------------------------|-----------------------------------|-----------------------|-------|-------|-------|-------|-------|
| | | <-A-> | <-B-> | <-H-> | <-I-> | <-W-> | TOTAL |
| JOB CODE | JOB TITLE | SEX | _____ | _____ | _____ | _____ | _____ |
| UNIT 2961: HSB CHILD PROTECTION | | | | | | | |
| 050 | CASE AIDE | F | | | | 11 | 11 |
| 050 | CASE AIDE | M | | 1 | | 2 | 3 |
| 157 | CLERK STENOGRAPHER | F | | | | 1 | 1 |
| 158 | CLERK TYPIST, INTERMEDIATE | F | | | | 10 | 10 |
| 158 | CLERK TYPIST, INTERMEDIATE | M | | | | 2 | 2 |
| 259 | CLERK STENOGRAPHER, SENIOR | F | | | | 1 | 1 |
| 260 | CLERK TYPIST, SENIOR | F | | | | 1 | 1 |
| 295 | COMMUNITY SERVICES DIVISIONS MAN | M | | | | 1 | 1 |
| 297 | COMMUNITY SERVICES PROGRAM MAN | F | | | | 2 | 2 |
| 297 | COMMUNITY SERVICES PROGRAM MAN | M | | | | 2 | 2 |
| 298 | SOCIAL WORK UNIT SUPERVISOR | F | | | | 8 | 8 |
| 298 | SOCIAL WORK UNIT SUPERVISOR | M | | 1 | | 8 | 9 |
| 314 | TELEPHONE OPERATOR - RECEPTIONIST | F | | | | 1 | 1 |
| 364 | CLERICAL SUPERVISOR, SENIOR | F | | | | 1 | 1 |
| 365 | CLERICAL SUPERVISOR, PRINCIPAL | F | | | | 1 | 1 |
| 434 | SOCIAL WORKER, PRINCIPAL | F | 1 | 5 | 1 | 84 | 91 |
| 434 | SOCIAL WORKER, PRINCIPAL | M | | 2 | | 35 | 37 |
| | | * | 1 | 9 | 1 | | 171 |
| | | | | | | | 182 |

HENNEPIN COUNTY PAYROLL/PERSONNEL

DEPT 6300: COMMUNITY SERVICES

| | | <----- R A C E -----> | | | | | | |
|------------------------------------|----------------------------------|-----------------------|-------|-------|-------|-------|-------|----|
| | | <-A-> | <-B-> | <-H-> | <-I-> | <-W-> | TOTAL | |
| JOB CODE | JOB TITLE | SEX | _____ | _____ | _____ | _____ | _____ | |
| UNIT 2959: HSB COMMUNITY RESOURCES | | | | | | | | |
| 050 | CASE AIDE | F | | | | 11 | 11 | |
| 156 | CLERK, INTERMEDIATE | F | | 1 | | 1 | 2 | |
| 158 | CLERK TYPIST, INTERMEDIATE | F | | | 1 | 4 | 5 | |
| 158 | CLERK TYPIST, INTERMEDIATE | M | | 1 | | 1 | 2 | |
| 259 | CLERK STENOGRAPHER, SENIOR | F | | | | 1 | 1 | |
| 260 | CLERK TYPIST, SENIOR | F | | | | 1 | 1 | |
| 287 | SOCIAL WORKER, SENIOR | F | | 2 | | 28 | 30 | |
| 287 | SOCIAL WORKER, SENIOR | M | | 1 | 1 | 10 | 13 | |
| 297 | COMMUNITY SERVICES PROGRAM MAN | F | | | | 1 | 1 | |
| 298 | SOCIAL WORK UNIT SUPERVISOR | F | | | | 4 | 4 | |
| 298 | SOCIAL WORK UNIT SUPERVISOR | M | | 1 | | 3 | 4 | |
| 328 | VOLUNTEERS, SENIOR COORDINATOR | F | | | | 1 | 1 | |
| 328 | VOLUNTEERS, SENIOR COORDINATOR | M | | | | 1 | 1 | |
| 340 | VOLUNTEERS, COORDINATOR OF | F | | | | 1 | 1 | |
| 340 | VOLUNTEERS, COORDINATOR OF | M | | | | 1 | 1 | |
| 364 | CLERICAL SUPERVISOR, SENIOR | F | | | | 1 | 1 | |
| 365 | CLERICAL SUPERVISOR, PRINCIPAL | F | | | | 1 | 1 | |
| 417 | SPECIAL PROGRAMS COUNSELOR | F | | 1 | 3 | 1 | 5 | |
| 417 | SPECIAL PROGRAMS COUNSELOR | M | | 1 | 1 | 0 | 2 | |
| 568 | COMMUNITY RESOURCES MANAGER | M | | | | 1 | 1 | |
| 598 | PROGRAM ANALYST, SENIOR | F | | | | 1 | 1 | |
| 607 | ADMINISTRATIVE ASSISTANT, SENIOR | F | | | | 1 | 1 | |
| | | * | _____ | _____ | _____ | _____ | _____ | |
| | | | | 8 | 1 | 6 | 75 | 90 |

HENNEPIN COUNTY PAYROLL/PERSONNEL

DEPT 6300: COMMUNITY SERVICES

| | | <----- R A C E -----> | | | | | | |
|-------------------------------|---------------------------------|-----------------------|-------|-------|-------|-------|-------|-------|
| JOB CODE | JOB TITLE | SEX | <-A-> | <-B-> | <-H-> | <-I-> | <-W-> | TOTAL |
| <hr/> | | | | | | | | |
| UNIT 2955: HSB FAMILY SERVICE | | | | | | | | |
| 050 | CASE AIDE | F | | 1 | | | 5 | 6 |
| 073 | CLERICAL SERVICES MANAGER | F | | | | | 1 | 1 |
| 158 | CLERK TYPIST, INTERMEDIATE | F | | 1 | | | 11 | 12 |
| 260 | CLERK TYPIST, SENIOR | F | | | | | 1 | 1 |
| 287 | SOCIAL WORKER, SENIOR | F | | 4 | 1 | 1 | 47 | 53 |
| 287 | SOCIAL WORKER, SENIOR | M | | 1 | | | 11 | 12 |
| 295 | COMMUNITY SERVICES DIVISION MAN | F | | | | | 1 | 1 |
| 297 | COMMUNITY SERVICES PROGRAM MAN | F | | | | | 2 | 2 |
| 297 | COMMUNITY SERVICES PROGRAM MAN | M | | | | | 1 | 1 |
| 298 | SOCIAL WORK UNIT SUPERVISOR | F | | 1 | | | 5 | 6 |
| 298 | SOCIAL WORK UNIT SUPERVISOR | M | | | | | 2 | 2 |
| 434 | SOCIAL WORKER, PRINCIPAL | F | | | | | 6 | 6 |
| 434 | SOCIAL WORKER, PRINCIPAL | M | | 1 | | | 4 | 5 |
| 580 | CLERK/MESSENGER, MAIL | F | | | | | 1 | 1 |
| 598 | PROGRAM ANALYST, SENIOR | F | | | | | 1 | 1 |
| | | | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| | | | * | 9 | 1 | 1 | 99 | 110 |

HENNEPIN COUNTY PAYROLL/PERSONNEL

DEPT 6300: COMMUNITY SERVICES

| | | <----- R A C E -----> | | | | | |
|---------------------------------------|---------------------------------|-----------------------|-------|-------|-------|-------|-------|
| | | <-A-> | <-B-> | <-H-> | <-I-> | <-W-> | TOTAL |
| JOB CODE | JOB TITLE | SEX | _____ | _____ | _____ | _____ | _____ |
| UNIT 1401: DEVELOPMENTAL DISABILITIES | | | | | | | |
| 050 | CASE AIDE | F | | | | 3 | 3 |
| 050 | CASE AIDE | M | | | | 2 | 2 |
| 158 | CLERK TYPIST, INTERMEDIATE | F | | | | 4 | 4 |
| 171 | VIDEO DISPLAY TERMINAL OPERATOR | F | | 1 | | 0 | 1 |
| 260 | CLERK TYPIST, SENIOR | F | | | | 1 | 1 |
| 287 | SOCIAL WORKER, SENIOR | F | 3 | | 1 | 44 | 48 |
| 287 | SOCIAL WORKER, SENIOR | M | | | | 14 | 14 |
| 296 | SOCIAL WORKER | F | | | | 5 | 5 |
| 296 | SOCIAL WORKER | M | | | | 2 | 2 |
| 297 | COMMUNITY SERVICES PROGRAM MAN | F | | | | 2 | 2 |
| 298 | SOCIAL WORK UNIT SUPERVISOR | F | | 1 | | 5 | 6 |
| 298 | SOCIAL WORK UNIT SUPERVISOR | M | | | | 3 | 3 |
| 364 | CLERICAL SUPERVISOR, SENIOR | F | | | | 1 | 1 |
| 573 | MENTAL RETARDATION DIVISION MAN | M | | | | 1 | 1 |
| 598 | PROGRAM ANALYST, SENIOR | F | | | | 1 | 1 |
| 598 | PROGRAM ANALYST, SENIOR | M | | | | 2 | 2 |
| | | * | 3 | 2 | 1 | 0 | 90 |
| | | | | | | | 96 |

MEMORANDUM

DATE: March 8, 1991

TO: The African American Children and Family Survival Committee, Bill Edwards and Community Services Attorneys

FROM: Bill Neiman

SUBJECT: STRATEGIES AND DEMANDS

The "Strategies and Demands" primarily involves issues to be resolved by the State Legislature, the Hennepin County Board of Commissioners, or the Bureau of Social Services; however, the Hennepin County Attorney's Office plays a role in the implementation of the various statutes establishing cultural preference. This role includes:

1. A commitment to follow state law based on the statutory language and the legislative intent.
2. Initiation and support of programs emphasizing in-home services rather than out-of-home placement.
3. Establishing as "priority cases" those adoption matters involving challenges to cultural preferences.
4. Ongoing attendance at these meetings.

As for the future, this office respectfully suggests that the Committee consider the role of private agencies in the placement and adoption process.

Finally, the question of "compliance" has been raised. In response, "compliance," is a matter of law, requires a two step analysis. First, is the placement consistent with statutory preferences? Secondly, if not, is there a factual basis which justifies the choice of a "lower" preference? Until both questions are answered, no legally sound conclusions regarding "compliance" can be reached.

MEMORANDUM

DATE: January 10, 1991
TO: African American Children and Family Survival Committee
FROM: Bill Neiman
RE: MINN. STAT. 259.255 AND 259.28, SUBD. 2

These statutes are designed to protect the heritage or background of children in adoptive placements. Other states have similar laws designed to give consideration to a child's heritage in adoptive placements. Similar laws and related policies have been previously challenged in court; in researching the cases at both a state and federal level, the courts have remained consistent in their ultimate holdings. In summary, if racial or ethnic criteria in placing children for adoption are not the **controlling** factor (but are only a **consideration**) will be no violation of Equal Protection.

In broad summary:

1. The statutes include a "racial classification," thereby raising 14th Amendment, Equal Protection concerns.

a. Regents of the University of California v. Bakke,

438 U.S. 265, 290-91, 98 S.Ct. 2733, 2748, 57 L.Ed.2d 750 (1978). Over the years, the Supreme Court has held that a statute which on its face takes race into account is constitutionally suspect and must receive "strict scrutiny."

b. Carlson v. County of Hennepin, 428 N.W.2d 453 (Minn. App. 1988). "The Respondents take a narrower view of their actions; they attempted to place a black child in a black adoptive home in compliance with an unchallenged state regulation; it was not clearly established nor is it now that this would violate appellant's right to equal protection.

2. No court which has addressed the question of which Equal Protection standard to apply has settled on less than "strict scrutiny;" this means that no court has found cultural heritage statutes to be remedial, a "righting of past wrongs" (classically segregation). Such remedial legislation is characteristic affirmative action plans.

a. Bakke, 438 U.S. at 305, 98 S.Ct. 2756. "Strict scrutiny" dictates that racial classifications will be held constitutional only if shown to advance a "compelling" governmental interest, and if the particular use of race is "necessary" to accomplish that purpose.

b. Petition of R.M.G., 454 A 2d 776 (D.C. App. 1982) applying strict scrutiny to the adoption statute which takes race into account.

3. No appellate court which has reviewed a statute or practice which treated race as the controlling factor has survived challenge.

a. Compos v. McKeithen, 341 F. Supp. 264 (E.D. La. 1972), a race exclusive statute was the basis of one agency's denial of a white couple's opportunity to adopt a black child and of a second agency's denying an interracial couple an opportunity to adopt **any** child.

b. McLaughlin v. Pernsley, 693 F. Supp. 318 (E.D. Pa. 1988); City's decision to remove black child from the care of white foster parents and place him in long-term foster care with black foster parents solely on the basis of race violated equal protection rights of the child and the white foster parents.

4. No appellate court has rejected a statute or practice which only considers race as a "factor."

a. Drummond v. Fulton County, 563 F. 2d 1200 (1977). "In view of the difficulties inherent in interracial adoption, the consideration of race as a relevant factor in adoption is not unconstitutional."

b. Petition of D.I.S., 494 2d 1316 (D.C. App. 1985); despite over two years in a good white foster home (**with bonding**), the child would suffer trauma in adolescence searching for her identity and the grandmother would have a greater ability to foster the child's sense of her Guyanese-Latino heritage."

c. Petition of R.M.G. and E.M.G., 454 A.2d 776 (D.C. App. 1982); in summary, an inherently suspect, indeed presumptively invalid, racial classification in the adoption statute, is in a constitutional sense, necessary to advance a compelling governmental interest, the best interest of the child. It thus survives strict scrutiny.



MONITORING OF HENNEPIN COUNTY

COMPLIANCE WITH

LAWS RESPECTING CULTURAL HERITAGE

JANUARY 1991

CHILDREN'S SERVICES DIVISION AND

COUNTY MONITORING AND POLICY

COORDINATION DIVISION

MINNESOTA DEPARTMENT OF HUMAN SERVICES



STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3839

January 24, 1991

Mr. Kevin Kenney
Associate County Administrator
Hennepin County Bureau of Social Services
A-1005 Government Center
300 South Sixth Street
Minneapolis, Minnesota 55487

Dear Mr. Kenney:

The Department of Human Services recently conducted a review of Hennepin County policies and practices regarding the placement of children of color in foster care. I have attached, for your review, a report summarizing the results of the desk review of Hennepin County policies and procedures and the case record review conducted November 19-21, 1990 and January 8, 1991. I would like to thank you and your staff for your cooperation in this review process and your interest in improving services.

The attached report contains findings and recommendations regarding both policies and practices. "Actions Required" on page 18 identifies areas of noncompliance with law or rule and identifies actions required of the county to improve compliance. A corrective action plan addressing these areas is due within 30 days of receipt of this letter. In addition to the required corrective actions, the Department has identified a number of areas in which county services could be improved. Specific recommendations are included for each of these areas. We request that you respond to the recommendations in your corrective action plan.



AN EQUAL OPPORTUNITY EMPLOYER

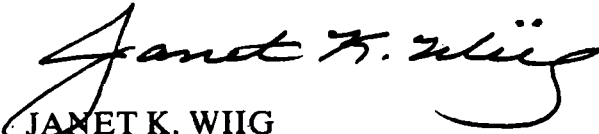
Mr. Kevin Kenney

Page 2

January 24, 1991

Once again, thank you for your cooperation in this review process and for the efforts that have already been made to improve services. In the process of conducting this review, both agencies have learned a great deal about the placement of children of color in foster care. We plan to use this knowledge in our efforts to improve services throughout the state.

Sincerely,

A handwritten signature in cursive script, reading "Janet K. Wiig". The signature is written in dark ink and is positioned above the printed name.

JANET K. WIIG

Assistant Commissioner

Family and Children's Programs

Attachments

EXECUTIVE SUMMARY

This report is a summary of the Minnesota Department of Human Services monitoring of Hennepin County Community Services compliance with the Minority Child Heritage Protection Act (Laws of 1983, Chapter 278), The Minority Family Preservation Act (M.S. 257.072), the American Indian Family Preservation Act (M.S. 257.35), and the Indian Child Welfare Act, Public Law 95-608 requirements.

The Commissioner of the Department of Human Services is charged with the responsibility of monitoring child placing agency compliance with the laws respecting cultural heritage. Focus on Hennepin County for this particular monitoring effort was in response to a request of the Commissioner made by the Council on Black Minnesotans.

The monitoring activity and this report yield as much direction to the State in its development of training and technical assistance as it does direction to the county in its activities.

A disproportionate number of Minnesota's African-American and American Indian children are placed in child foster family homes. On June 30, 1989, 452 African-American children and 211 American Indian children were in child foster family homes through Hennepin County; these numbers represent 37 percent and 17 percent respectively of the children in child foster family placement on that date. Children of color represent approximately 10 percent of the total child population in Hennepin County. However, they account for nearly 60 percent of the children in out-of-home placement.

In reviewing this report it should be noted that Hennepin County Community Services has initiated a number of activities which have resulted in improved service delivery. These activities include: 1) the establishment of positions to focus on the recruiting of adoptive and foster parents of color; 2) implementation of a Minority Advocates Unit; and 3) cultural sensitivity training for all staff.

The monitoring was developed to specifically address Hennepin County's compliance with the placement preference requirements contained in the laws which respect cultural heritage.

Monitoring activities address the following areas:

1. Review of policy and procedure regarding laws which respect cultural heritage.
2. Review of training strategies regarding laws which respect cultural heritage.
3. Review of child foster care resources for African-American, American Indian and other minority children.

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4. Review of a sample of cases, in which African-American, American Indian and other children of color are in caucasian foster family homes, for compliance with the order of placement preference.

The sample of cases reviewed was drawn only from children in different race foster homes to target the review to the cases in which allegations of noncompliance have been raised. Normally a sample would have drawn from a list of all children of color in foster care.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

- County manuals include appropriate references to laws respecting cultural heritage, but procedures for operationalizing the policy, including quality control points, need to be developed.
- Attention must be focused on the point of entry into care.
- State and county should develop procedures, including checklists and case plans, to ensure compliance.
- Increased efforts should be placed on relative searches when a child must be removed from the child's parents.
- Training efforts need to be focused on the importance of ethnic or cultural heritage for children.
- "Best interests" of the child should be implemented in terms of the importance of community or ethnic identity.
- Administrative rules regarding child placement should be amended to include the requirements of these laws.
- Priority should be placed on strengthening implementation of the policy and provision of comprehensive training.
- Ongoing monitoring of compliance should be incorporated into the states monitoring activities in children's programs.

INTRODUCTION

This report is a summary of the Minnesota Department of Human Services monitoring of Hennepin County Community Services compliance with the Minority Child Heritage Protection Act (Laws of 1983, Chapter 278), the Minority Family Preservation Act (M.S. 257.072), the American Indian Family Preservation Act (M.S. 257.35), and the Indian Child Welfare Act, Public Law 95-608.

The Commissioner of the Department of Human Services is charged with the responsibility to monitor child placing agency compliance with a number of laws respecting cultural heritage. The focus on Hennepin County for this particular monitoring effort was in response to a request of the Commissioner made by the Council on Black Minnesotans. The Council called attention to the fact of the Commissioner's statutory responsibility for monitoring and the particular needs in Hennepin County at the present time. Despite this focus on Hennepin as the first county to undergo such a formal monitoring review in relation to these laws respecting cultural heritage, informal reports from other counties suggest that Hennepin is not the only county with problems or issues to be addressed.

This monitoring activity represents a departure from usual practice in the Department. It is usual for the Department to first provide training and technical assistance and then, after counties have had the opportunity to institute new practices, follow up with the corresponding monitoring. It should be noted that the monitoring activity and this report yield as much direction to the state in its development of training and technical assistance as it does direction to the county in its activities.

Prior to the state-initiated monitoring, Hennepin County had already taken significant action to correct policies and practices which act as barriers to effective implementation of laws which respect cultural heritage. The Hennepin County Board of Commissioners established the Out-of-Home Placement of African-American Children's Committee and directed it to prepare and present a review of current concerns and recommendations for action. The Department of Human Services, at Hennepin County's invitation, participated in committee meetings. Hennepin County Community Services is engaged in a process with representatives of the Council on Black Minnesotans and the African-American community to review issues and concerns to improve services for African-American children and their families.

While the subject of this report relates to placement practices, it is critical to remind readers of the importance of family preservation. The Minnesota Department of Human Services and Hennepin County Community Services must continue efforts to enhance services which strengthen families and reduce the need for out-of-home placement.

BACKGROUND

A disproportionate number of Minnesota's African-American and American Indian children are placed in child foster family homes. On June 30, 1989 there were 1,440 children of color in foster family homes. This represents 34 percent of the total 4,293 children in care. Children of color represent approximately 5 percent of the total child population in Minnesota.

In Hennepin County there were 452 African-American children and 211 American Indian children in child foster family homes on June 30, 1989. These numbers represent 37 percent and 17 percent respectively of the total children in child foster family placement on that date. While children of color represent only 10 percent of the total child population in Hennepin County, they represent almost 60 percent of the children in out-of-home placement. The increase in foster care resources for African-American children did not keep pace with the increase in the number of children entering the placement system. The significant increase of children entering out-of-home placement strained the capability of the foster care system and shelter care. Hennepin County experienced an increase in the number of children entering shelter care between 1986 (2452) and 1989 (3900). African-American children represent 28 percent (1986) and 46 percent (1989) respectively of the children entering shelter care. The number of children in shelter care increased from 130 per month in January 1987 to over 330 per month in October 1989.

ISSUE

Representatives of the Council on Black Minnesotans and the African-American community have expressed concerns that Hennepin County Community Services personnel are not in compliance with the Minnesota Minority Child Heritage Protection Act requirements. The Act requires each child placing agency to develop and follow procedures to implement the order of preference prescribed by M.S. 260.181, subdivision 3.

The Act and the Department of Human Services Social Services Manual (XV-6330) provide the following direction:

The local agency shall give preference, in the absence of good cause to the contrary, to the following order of placement preference:

- (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available;
- (b) a family with the same racial or ethnic heritage as the child, or, if that is not feasible;
- (c) a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage.
If the child's genetic parent or parents explicitly request that the preference described in clause (a) or clauses (a) and (b) not be followed, the authorized child placing agency shall honor that request consistent with the best interests of the child.

The Indian Child Welfare Act, Public Law 95-608, Section 105 and the Minnesota Indian Family Preservation Act (M.S. 257.35) direct activities regarding placement of American Indian children in foster family homes. Order of placement preference as required by federal law is as follows:

Preference must be given, absent good cause to the contrary, to placement in the following order:

- (a) A member of the American Indian child's extended family;
- (b) A foster home, licensed, approved or specified by the American Indian child's tribe;
- (c) An American Indian foster home licensed or approved by an authorized non-Indian licensing authority;
- (d) An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the child's needs.

Community representatives and members of the Out-of-Home Placement Committee report that Hennepin County personnel are not making adequate efforts to locate relatives and enlist their cooperation. As a result, an increasing number of African-American and American Indian children are entering foster family homes. Committee members also report that African-American children are placed with caucasian foster parents when there are reported vacancies in foster family homes with African-American foster parents.

HENNEPIN COUNTY RESPONSE TO ISSUE:

While it is clear there are significant issues requiring review, it should be noted that Hennepin County Community Services has initiated a number of activities which have resulted in improved service delivery. The county has established staff positions to focus on recruitment of adoptive and foster parents of color. A Minority Advocates Unit was also established. In addition, the county has established mandatory cultural sensitivity training sessions. The county efforts reflect a willingness to improve the delivery of services.

Hennepin County Community Services personnel have initiated internal mechanisms to monitor, evaluate activities and remove barriers to meet the requirements of the laws which respect cultural heritage. A committee is reviewing the case plan for 105 African-American children currently placed in different race foster family homes. Additional staff resources have been made available to facilitate relative searches for these children.

MONITORING PROJECT

The County Monitoring and Policy Coordination Division and the Children's Services Division of the Department of Human Services developed case review protocols for reviewing compliance. Protocols were shared with the Council on Black Minnesotans, the Council on Asian Pacific Minnesotans, the Minnesota Indian Affairs Council, the Spanish Speaking Affairs Council, and Hennepin County for review and comment.

The Community Social Services Act, Chapter 256E, establishes the legal authority for the Department of Human Services to conduct monitoring activities to determine county compliance with laws which respect cultural heritage. Minnesota Statutes 256E.05, subdivision 5, describes the corrective action procedure. The law requires the state to notify the county of the statute, rule, or federal law with which the county has not complied. The county may demonstrate compliance or develop a corrective action plan to address the problem. Upon request from the county, the Department will provide technical assistance to develop the plan. The county then has 90 days to implement a corrective action plan which must be approved by the Department of Human Services. If the county fails to demonstrate compliance or fails to implement the corrective action plan, the Department may initiate a process to fine the county.

PROCESS

The Department performed the following activities:

1. Review of policy and procedure regarding laws which respect cultural heritage.
2. Review of training efforts regarding laws which respect cultural heritage.
3. Review of child foster care resources for African-American, American Indian and other children of color.
4. Review of a sample of cases in which African-American, American Indian and other children of color are placed in caucasian foster family homes.

FINDINGS AND RECOMMENDATIONS

POLICY AND PROCEDURE:

The Department reviewed the following county documents:

1. "Adoption Services and Reunification/Permanency Handbook." (Family Services Division.)
2. "Decision Point Policies, Hennepin County CPS." (Child Protection Division, August 1990.)
3. Policy Proposal Regarding Ethnic Considerations in Placement to Foster Care. (September 1990.)
4. Role of the Minority Advocates Staff. (September 1990.)
5. Relevant policies from the Community Services Department's "Policy Manual" related to child placement and foster care.
6. "Laws Supporting Advocacy" developed by Hennepin County staff.

FINDING

- **Appropriate references to the Minority Heritage Act, the Minority Family Preservation Act, the Indian Family Preservation Act and the Indian Child Welfare Act requirements were cited in selected policy manuals. However, the county manuals do not include procedures for operationalizing these policies.**

Up to this point, there has been no direction by the State nor has the county required documentation of efforts to comply with the policy. There does not appear to be any provision for this effort to be formally reviewed by a supervisor or oversight committee. In addition, county staff have not adequately documented this activity in the case records.

FINDING

- **Efforts to develop and implement procedures and oversight capabilities to ensure compliance with requirements are being initiated by county personnel.**

Simultaneous to this effort, Hennepin County is conducting its own review of all cases involving African-American children in different race foster family homes.

FINDING

- **While efforts continue to review the appropriateness and alternative placement options of African-American children in different race foster family homes, attention must also focus on the point of entry to care.**

Each time a child is moved to another placement, adherence to the placement preference requirements should be documented and reviewed. It is not clear what monitoring efforts are in place to ensure that children entering the foster family home system are placed in accordance with the order of placement preference. When children of color are placed in different race foster family homes, there should be a timely review of such placements.

FINDING

- **A Minority Advocates Unit was established by Hennepin County to provide a range of services for African-American and American Indian children and their families. This unique service provides Hennepin County Community Services with an opportunity to determine how policy, procedure and practice impact children and families.**

Minority advocates are successful in identifying and locating relatives in cases where initially there was limited or no family involvement. While circumstances may change, it appears that in some cases initial activity does not include an adequate search for or reference to relatives.

Information from the unit provides the county with an opportunity for oversight capability to assist with the development of policy, clarification of procedures and identification of training needs.

FINDING

- The requirements of the laws which respect cultural heritage and the provision of culturally appropriate services are not clearly embedded in the quality control points of the foster care system.

The Department of Human Services has not yet incorporated requirements of these laws in the administrative rules regarding child placement and provision of children's services. The individual case supervision process should ensure implementation and provide a point of quality control at the service level.

RECOMMENDATIONS:

The Department recommends that Hennepin County Community Services:

1. Initiate a review process for American Indian children and other children of color currently placed in different race homes.
2. Develop procedures to assist staff to locate relatives.
3. Work with the Department to develop a Placement Preference Compliance Check List for documentation of efforts to comply with the requirements of the laws in each placement.
4. Develop and implement policy and procedures for staff to follow at major decision points in the placement process. Efforts should focus on the preplacement screening process, the periodic review process, case plan development and supervision of such activities. Adequate record keeping should document these activities.
5. Develop and maintain a system for tracking children of color in out-of-home placement to facilitate oversight activities to ensure compliance with the Minority Heritage Act, the Minority Family Preservation Act, the Indian Family Preservation Act, and the Indian Child Welfare Act.
6. Maintain and consider expansion of the Minority Advocates Program. A formal reporting mechanism should be implemented to communicate information to county personnel which will impact policy, procedure, and training development.
7. Implement a study of children of color currently in placement with same race foster parents to review efforts to place these children with relatives.
8. Develop and implement an appropriate transition process when children are moved from different race foster family homes to foster family homes of the same race. The transition process should consider services to the child, the child's parents, and the foster families.

TRAINING:

The Department of Human Services reviewed documentation of training activities provided to enhance culturally appropriate services and practices. Information on training efforts for social service staff and foster parents was provided.

FINDING

- **Hennepin County Community Services information reflects a significant investment in the development and implementation of a multi-cultural training strategy.**

In 1988, mandatory training sessions on multi-cultural issues were provided for all staff. More than fifty training sessions were offered to provide staff with a range of opportunities to improve understanding and practice.

It appears, however, that there has not been formal training offered on the order of placement preference or on practice issues in locating and working with relatives of children of color.

FINDING

- **Hennepin County Community Services provides training opportunities to foster parents on the laws which respect cultural heritage.**

The Foster Parent Guide contains descriptions of the Minority Heritage Act and the Indian Child Welfare Act requirements. Further, it contains information on cultural differences. A review of selected articles in the newsletter for Hennepin County foster parents demonstrates continued support for group activities for African-American and American Indian foster parents.

RECOMMENDATION:

The Department recommends that Hennepin County Community Services provides training on the implementation of the laws, policies and procedures which respect cultural heritage. This training should include an understanding of the order of placement preference, "good cause," and practice implications in conducting an effective search for relatives.

CHILD FOSTER CARE RESOURCES:

The Department of Human Services requested information on the number of available licensed foster family providers in an effort to determine if African-American, American Indian or other minority foster families were underutilized. There had been allegations that African-American children are placed in caucasian foster family homes when vacancies exist in African-American foster family homes.

FINDING

- **There are 177 licensed African-American foster family homes in Hennepin County.**

Each foster family home has a licensed capacity which reflects the number of children who can be placed in their home. On October 17, 1990 Hennepin County reported a total of 610 licensed foster family homes. Of this total, 177 are African-American homes (30 percent) and 40 are American Indian homes (7 percent). On the same date, there were 112 foster family home licensing applications pending. Of the applications pending, 48 were African-American and 11 were American Indian. At this time, data is not available to determine the capacity of the total foster family home system.

FINDING

- **Vacancies do not equal actual placement resources available.**

It appears that 105 African-American children are placed in different race foster family homes at a time when approximately 144 vacancies are reported. This information appears to support the observation that African-American children were not placed in same race foster family homes as required by the order of placement preference in the Minority Heritage Act. Additional analysis is needed to determine the extent of this problem. The results of the internal county review are not yet available but are expected to yield additional information.

There are many reasons why a foster family home may restrict the number of children to less than their licensed capacity: 1) a family may be interested only in a particular age group or sex of children; 2) a family may choose to only accept children who do not have special needs; while others may limit their care to only those children with significant special needs; and 3) a family may choose to not accept any children but yet maintain their licensed status. This phenomenon is a fluid and complex one which requires another study to develop reliable parameters for setting expectations about utilization rates.

FINDING

- **There has been a reduction in the number of children placed in different race foster family homes during a period when the number of children entering care increased. This information requires further study and monitoring.**

On December 31, 1989, 548 African-American children were in foster family home placement with Hennepin County and of this total, 144 (26 percent) were identified as residing in different race foster family homes. On June 30, 1990, 607 African-American children were in foster family homes and of this total, 133 (22 percent) were identified as residing in different race homes. A survey of African-American children in different race foster family homes conducted in October 1990 reports 105 African-American children in different race foster family homes.

Over the last six months, Department staff made a number of efforts to contact and discuss allegations of underutilization by the county with African-American and American Indian foster family parents. There remains a perception, however, that some workers may not be culturally sensitive, knowledgeable and/or comfortable working with African-American, American Indian families or other minority groups. These discussions yielded no conclusive information to support this assertion.

FINDING

- **Hennepin County Community Services is supporting efforts to recruit new foster family applicants from communities of color.**

Material for review by the Department included: 1) relevant sections of the 1990-1991 Community Social Services Act Plan; 2) an August 1990 permanency planning report; 3) information on minority recruitment; and 4) a copy of an article published in Child Welfare (March 1988). The designation of specific staff to recruit foster and adoptive home resources for children of color indicates that the county is committed to expanding the availability of same race foster homes.

Hennepin County Community Services has increased the number of African-American foster family homes from 123 in November 1987 to 183 in November 1990. This represents a 67 percent increase in foster homes.

FINDING

- **Hennepin County Community Services has improved their data collection and information system to enhance the quality, accuracy and completeness of information gathered to monitor the use of the out-of-home placements of children.**

These recent changes will improve the ability to monitor future program activities. Future federal requirements to implement a child specific information system will also enhance data collection efforts.

FINDING

- **At present, there is not sufficient information to review foster family home resources or utilization rates for American Indian or other minority populations.**

On December 31, 1989, 255 American Indian children were in foster family home placement with Hennepin County and 46 (18 percent) of these children were identified as residing in different race foster family homes. On June 30, 1990, there were a reported 290 American Indian children in foster family homes and 71 (24 percent) of these children were identified as residing in different race homes. A survey of children in different race foster family homes conducted in October 1990 reports 35 American Indian children placed in different race foster family homes. This data reflects a reduction in the number of children placed in different race foster family homes, but further study is needed.

Current activity has not focused on the placement issues of Asian or Hispanic children. On June 30, 1990, 53 Asian children were in foster family homes and 27 (51 percent) of these children were in different race homes. Many of the Asian children are refugees with no family members in the United States. On June 30, 1990, 20 Hispanic children were in foster family homes and 12 (60 percent) were in different race foster family homes.

RECOMMENDATIONS:

The Department recommends that Hennepin County Community Services:

1. Conduct a review of American Indian children placed in different race foster family homes to determine compliance with the requirements of the Indian Child Welfare Act.
2. Initiate a review of Hispanic and Asian children in different race foster family homes to determine compliance with the requirements of the minority heritage order of placement preference.
3. Prioritize the processing of foster family home licensing applications in an effort to expedite the availability of foster families of color.
4. Facilitate access and encourage participation in training and recruitment strategies to increase the number of foster parents of color who can care for children of color with special needs.

CASE RECORD REVIEW

The agency case records were the primary source of information for this review. If the record did not contain documentation concerning placement preference practices, a follow-up questionnaire was sent to the social worker to obtain additional information. Any information in the record, regardless of form or source, which explained the social worker's efforts to follow the appropriate placement preference procedures was accepted as documentation of efforts made.

Two separate review instruments were developed to conduct record reviews. Both instruments addressed the level of performance in following appropriate placement preference practices as delineated in the laws, rules and policies governing all foster care placements. In addition, one instrument addressed the relevant provisions of the Indian Child Welfare Act. The other instrument was developed to determine the level of performance in following appropriate placement practices governed by the Minority Child Heritage Protection Act. (Refer to Appendices A and B for copies of the review instruments.) For the actual onsite review, computerized forms were developed to allow for easy tabulation of the findings.

The review instruments were developed to answer the following questions:

1. Has the agency documented the steps taken to follow the placement preference procedures for a specific child prior to the child's most recent placement?
2. Was "good cause" sufficiently documented when each specific placement preference was not selected?
3. What ongoing efforts were made to follow the placement preference order?

The questions in the review addressed both compliance and practice issues.

On November 10, 1990 a pre-test was conducted at Hennepin County to test the practicality of the instrument. Ten Hennepin County records were reviewed in this pre-test. As a result of the pre-test, a final set of instruments was developed and used for the actual onsite review which took place on November 19, 20 and 21, 1990 and January 8, 1991.

When the reviewer, during the on-site review, determined that sufficient documentation did not exist in the case record for any one of the requirements reviewed, a follow-up questionnaire was sent to the assigned social worker with a copy of the completed review form. The follow-up questionnaire contained open ended questions designed to identify efforts made but not documented in the case record. The questionnaires were used to identify differences between actual practice and what had been recorded and to give credit to county staff for all undocumented efforts made.

The completed questionnaires were returned to the original reviewer. When it appeared that an area of concern was sufficiently addressed, changes were made in the original review forms to give credit for efforts identified by the social worker.

(Appendices C and D contain copies of follow-up questionnaires used.)

MINORITY CHILD HERITAGE PROTECTION REQUIREMENTS REVIEW

The purpose of this part of the review was to determine the level of performance in following appropriate placement practices governed by the Minority Heritage Preservation Act. This instrument was used to review the case records of all African-American and other children of color in the sample with the exception of American Indian children. The cases of American Indian children were reviewed using the Indian Child Welfare Preference Requirements Protocol.

SAMPLE

The records reviewed are not representative of all African-American and other children of color in foster care, only of the 17 percent who are in different race homes.

At the time of this review, 695 African-American and other children of color were identified as placed in foster care in Hennepin County. Of that number, 158 children (23 percent) were identified by Hennepin County as placed in different race foster homes. A sample of 49 cases of African-American and other children of color were randomly drawn for review. Of the sample, 12 (24 percent) of the 49 cases were determined to be in same-race foster homes or placed with relatives, leaving a sample of 37 children for the case record review.

The inaccuracy of the children identified indicates that the actual number of African-American and other foster children of color in different race foster homes is smaller than originally indicated. Assuming that this sample is representative of all African-American and other children of color currently identified as placed in different race foster homes, the actual number of African-American and other children of color in different race foster homes would be approximately 115 (17 percent), 6 percent less than originally indicated.

RESULTS

The data results of this part of the review are contained in Appendices E and F of this report.

In Appendix E, "Report #1" refers to information gathered onsite from the case records. "Report #2" is the same information with the addition of information provided by the workers on the follow-up questionnaires.

PLACEMENT PREFERENCE

PLACEMENT WITH RELATIVES

This section of the review addresses efforts to comply with the requirement that when placing a child, first preference shall be given to placement with a relative when a relative is available and such a placement will not be detrimental to a child.

All information presented in this section is based on both the onsite review and the responses to the follow-up questionnaires.

FINDING

- Overall, the difference between the efforts recorded in the case records and the efforts explained in the follow-up questionnaires was not great. The average number of cases in which any specific effort was made but not recorded was 5 (13 percent).

The efforts most likely made but not documented concerned information about relatives. In 9 (28 percent) of the cases reviewed, information about maternal relatives was gathered but not recorded. The corresponding figure regarding paternal relatives was 11 (31 percent). Lack of documentation in this area is of particular concern because this information affects any future placement of the child.

When the two items regarding relatives are eliminated from the analysis, the average difference between efforts made and efforts recorded was 10 percent.

FINDING

- The average compliance level for all items based on the written case records was 39 percent. This percentage increased to 52 percent after consideration was given to the information provided in the follow-up questionnaires. Of concern are the 48 percent of cases in which the specific effort was not either made or recorded.

FINDING

- The levels of compliance with placement preference requirements indicate that efforts to place children with their relatives were not consistently made for the cases reviewed.

In 18 (55 percent) of the total cases reviewed, efforts were made to gather information about the child's heritage from the parents. In 65 percent of the total cases, the parents were consulted concerning family members who might provide care for the child. In 66 percent of the total cases, relatives were contacted. Additionally, family members were offered services or training to assist them in accepting a child for placement in 7 (30 percent) of the cases.

FINDING

- Based on the difference between requests and involvement, there appear to be an insufficient number of minority advocates to respond to all requests for their involvement.

Hennepin County has initiated a policy which requires that the social worker request an advocate and that one be involved in the placement of a child of color in a different race home. A minority advocate was requested in 68 percent of the cases reviewed, but in only 38 percent was a minority advocate involved in the placement decision.

PLACEMENT IN SAME RACE HOME

The Minority Child Heritage Protection Act specifies that second in the order of preference is placement with someone who is of the same racial or ethnic heritage as the child. This section of the review addresses efforts to comply with this provision.

All information presented in this section is based on both the onsite review and the responses to the follow-up questionnaires.

FINDING

- There does not appear to be a uniform way in which efforts to find a like race home are recorded or referenced in the case file.

Efforts to place children in same race homes is the responsibility of the agency's Placement Resources Unit and recorded in files maintained in that unit. Case records and follow-up questionnaires indicate in only 18 (56 percent) of the cases reviewed was the Placement Resources Unit contacted. While the Department was informed that this does not reflect actual practice, current case recording methods do not demonstrate Hennepin County's compliance with the second preference identified in the Minority Heritage Family Protection Act.

ADHERENCE TO HENNEPIN COUNTY POLICY ON PLACEMENT PREFERENCE

FINDING

- The level of adherence with specific county policies in this review suggests that the county does not have a method for assuring that county policy is consistently implemented.

The items are identified on the review instrument, Appendix A. Adherence to the policies ranged from 62 percent (18 cases) concerning requests for a minority advocate to 23 percent (7 cases) for actual minority advocate involvement.

DOCUMENTATION OF GOOD CAUSE TO NOT FOLLOW PLACEMENT PREFERENCE

This portion of the protocol examined whether there was good cause recorded for not using one of the preferred placements and whether there was documentation to support that decision.

The reviewers looked for both a reason the child was not placed with a relative and a reason the child was not placed in a same race foster home. The acceptable reasons for not placing a child with a relative were: 1) inability to locate relatives; 2) inability or unwillingness of a relative to care for the child; and 3) placement with relatives was not considered in the best interests of the child. The acceptable reasons for not placing a child in a like race foster home were unavailability of like race foster homes or special needs of the child which could not be met in a like race home.

FINDING

- Fourteen of the 37 children (38 percent) were placed in different race foster homes because it was the most appropriate option apparently available to the county at the time of placement.

Of the cases reviewed, in nine cases good cause was not substantiated, and in eight cases good cause was demonstrated for not placing with either relatives or a same race foster home. Additionally, there were six cases where the parent(s) requested that the child not be placed with either a relative or same race foster home and information in the case record documented that these requests were in the best interests of the children.

For ten of the remaining cases, placement with relatives was eliminated but same race foster care was not documented as having been fully explored. (Determination of good cause was not possible because of the dual system of recordkeeping for information about foster homes.) In four other cases, same race foster care was shown to be unavailable but placement with relatives did not appear to have been fully explored.

- "Best interest of the child" is not consistently considered in complying with parental requests for placement in a different race home.

In ten cases the reason given for placement in a different race home was parental request found to be in the best interest of the child. In only seven was there information provided supporting the placement as being in the best interest of the child. This was the reason least frequently supported by information in the record or questionnaire.

ONGOING EFFORTS TO FOLLOW PLACEMENT PREFERENCE

FINDING

- The case records and questionnaires indicate that ongoing efforts to place the child with a relative or like race foster home occurred in 40 percent (14 of 35) of the cases.

This finding indicates a lack of compliance with Minnesota Statutes 257.071, subdivision 2, which requires that the appropriateness of the placement be reviewed every six months. The law however, does not clearly require the agency to continue ongoing efforts.

Some ongoing efforts may have been initiated as a result of the internal review now taking place in Hennepin County Community Services. In three cases, the information about ongoing efforts was not contained in the written case record, but showed up in the follow-up questionnaires.

AMERICAN INDIAN FAMILY PRESERVATION REQUIREMENTS REVIEW

The purpose of this part of the review was to determine the level of performance in following appropriate placement practices governed by the Federal Indian Child Welfare Act and the Minnesota Indian Family Preservation Act. This instrument was used to review the case records of American Indian children in non-Indian foster homes. The cases of American Indian children were reviewed using the Indian Child Welfare Requirements Protocol.

SAMPLE

The records reviewed are not representative of all American Indian children in foster care, only of the approximately 10 percent who are in different race homes.

In October 1990, 294 American Indian children were identified as placed in foster care in Hennepin County. Of that number, 35 (12 percent) were identified on a list provided by Hennepin County as placed in different race homes. A sample of 15 cases was randomly drawn from this list for review. Of this sample, 3 cases (20 percent) were deleted from this review because the children were determined to be placed in either American Indian foster care or with a non-Indian relative. Additionally, two cases were unavailable because they were being used in court. Ten cases were left for review.

The inaccuracy of the list indicates that the actual number of American Indian foster children in non-Indian foster homes is smaller than originally indicated by the Hennepin County data. Assuming this sample is representative of the entire list of American Indian children currently identified as placed in different race foster homes, the actual number of American Indian children in different race foster homes would be approximately 29 (10 percent) of the American Indian children in foster care.

RESULTS

The results of this part of the review are contained in Appendix F. In Appendix F, "Report #1" refers to information gathered onsite from the case records. "Report #2" is the same information with the addition of the information provided by the workers on the follow-up questionnaires.

Because only ten cases were reviewed and because some items do not apply to each case, the results of the American Indian review cannot be as detailed as the Minority Heritage Review. The findings are similar.

PLACEMENT PREFERENCE

PLACEMENT WITH RELATIVES

The Indian Child Welfare Act, Public Law 95-608, Title I - Child Custody Proceedings, Section 105, (e). and Minnesota Statutes 260.181, subdivision 3, the Minority Child Heritage Protection Act, specify that in placing an American Indian child, first preference will be given to placement with a relative when one is available and such a placement will not be detrimental to the child. This section of the review addressed efforts to comply with this provision of law.

All information presented in this section is based on both the on-site review and the responses to the follow-up questionnaires.

FINDING

- The difference between the efforts recorded in the case records and the efforts explained in the follow-up questionnaires was lower in these case records than those previously discussed. The likelihood that any specific effort was made but not recorded was seven percent or less than one case.

Again, the efforts most likely made but not documented concerned gathering information about relatives. In two of the cases reviewed, information about maternal relatives was gathered but not recorded. The other area where efforts were made and not documented was contact with the social service agency of the child's tribe. For 13 of the items reviewed, there was no additional information contained in the follow-up questionnaires.

FINDING

- There was a clear lack of documentation of diligent efforts in the case records reviewed, however, lack of consistent effort to meet the placement preference requirements is of greater concern.

The average performance level for all items based on the written case records was 21 percent. This percentage increased to 28 percent after consideration was given to the information provided in the follow-up questionnaires. Lack of consistent effort to meet the placement preference requirements is again a greater concern than lack of documentation of efforts made.

FINDING

- The levels of compliance with placement preference items indicate that efforts to place American Indian children with their relatives were approximately the same as for other children of color.

There were two significant differences however, in only five of nine cases (55 percent) was information gathered about paternal relatives and no American Indian families were offered services or training to assist them in accepting a child for placement.

FINDING

- Based on the difference between requests and involvement, it appears that there are insufficient minority advocates to respond to all requests.

An American Indian advocate was requested in 50 percent of the cases reviewed, but in only 30 percent was there an advocate involved in the placement decision. This is a lower referral rate than for other children of color.

PLACEMENT IN AN AMERICAN INDIAN FOSTER HOME

This section of the review addressed efforts to comply with those provisions of the law addressing the three Indian placement preferences related to placement in foster care.

The Minnesota Indian Family Preservation Act specifies that second in order of preference is placement in a foster home of the same tribe as the child; third is placement in an Indian foster home approved by an authorized non-Indian licensing authority; and, fourth is placement in an institution approved by an Indian organization. Because this review only examined the cases of Indian children in family foster care, the fourth preference was not applicable.

FINDING

- Information supporting Hennepin County's compliance with these requirements did not appear in the records reviewed because the efforts made by the placement resources unit are not recorded or referenced in the child's case record.

This information is necessary and should be readily available to the worker because the worker will be consulting with the tribe concerning placement prevention resources, relative placement and other case planning issues.

PLACEMENT USING A DIFFERENT TRIBAL ORDER OF PLACEMENT PREFERENCE

The Minnesota Indian Family Preservation Act specifies that if the tribe requests a different order of preference than the one in law the tribe's order shall be followed.

FINDING

- **Hennepin County does not appear to consistently consult with tribes concerning order of preference in placing American Indian children.**

In only one of five cases did the record show that a request had been made to the tribe for information regarding order of placement preference. This may be caused by the worker's familiarity with the order of placement preference used most frequently by each Minnesota tribe. However, because the tribe may prescribe a different order depending on the specifics of a child's situation, it is important to consult with the appropriate tribe each time an American Indian child is placed in foster care.

DOCUMENTATION OF GOOD CAUSE TO NOT FOLLOW PLACEMENT PREFERENCE

This portion of the protocol was used to examine whether there was good cause recorded for not using one of the preferred placements and whether there was documentation to support that decision.

The reviewers looked for both the reason the child was not placed with a relative and the reason the child was not placed in an American Indian foster home. The acceptable reasons for not placing a child with a relative were: 1) inability to locate relatives after diligent efforts had been made; 2) inability or unwillingness of relatives to care for the child; and 3) placement with relatives was not considered in the best interests of the child due to the potential for harm. The acceptable reasons for not placing a child in an American Indian foster home were unavailability of American Indian foster homes after diligent efforts had been made to locate one or special needs of the child which could not be met in an American Indian home and for which county services could not make care possible.

FINDING

- **For two of the ten children, placement in different race foster homes was the most appropriate option available to the county at the time of placement.**

In one case, good cause was demonstrated for not placing with either relatives or a like race foster home. Additionally, there was one case where the child (over age 12), as permitted by Federal Indian Child Welfare regulation, requested placement with a specific different race foster home.

In four cases, good cause was not substantiated. In three cases, placement with relatives was apparently eliminated but like race foster care was not fully explored. In one case, American Indian foster care was shown to be unavailable but placement with relatives did not appear to have been fully explored.

ONGOING EFFORTS TO FOLLOW PLACEMENT PREFERENCE

FINDING

- The case records and questionnaires indicate that ongoing efforts to place the child with a relative or American Indian foster home occurred in 30 percent (3 of 10) of the cases.

This finding is similar to that of the Minority Heritage Review. For one case, the information about ongoing efforts was not contained in the written case record, but was presented in the follow-up questionnaires.

CORRECTIVE ACTIONS

Hennepin County Community Services must develop a written plan to be submitted within 30 days of the receipt of this report. The plan must describe the steps to be taken to ensure documentation of compliance with placement preference order for children of color. Documentation procedures must be developed within the context of the 427 case review requirements. At a minimum, the agency must submit a plan for meeting the requirements of and documenting compliance with:

1. Minnesota Rules, part 9560.0660, subpart 4. - A.(4); Minnesota Statutes 257.071, subdivision 1a, the minority placement preference order, and the Indian Child Welfare Act, Section 105(e) as they pertain to placement plans. This must include a plan for coordinating, referencing, or duplicating relevant information contained in separate files.
2. Federal Public Law 96-272, Section 427., Protection 10, (the continuing necessity for and appropriateness of the placement) and Protection 11, (the extent of compliance with the case plan) as they pertain to periodic and administrative review of placements.

The written plan must also identify the individuals and positions responsible for implementing the plan and the date by which the plan will be implemented.

A case record review of all children of color in foster care placement will be conducted within 12 months of the date of implementation to determine compliance with the agency's plan and compliance to the requirements cited.

RECOMMENDATIONS

The Department recommends that Hennepin County Community Services:

1. Participate in the revision of placement plan, plan update, and plan review forms to assure documentation of compliance with the above cited laws and rules.
2. Participate in the development of a procedural checklist for use by workers at the time of a new placement or change in placement which will insure all appropriate steps are exhausted in following the placement preference order; make the checklist a part of case records; and require periodic reviews of the checklist by the supervisor.

3. Train each worker and supervisor with responsibility for children of color in placement to carry out the agency's revised documentation and procedural requirements.
4. Implement a policy of "best interests of the child" in terms of the importance of community or ethnic identity to the child.
5. Require approval by a program manager for any placement of a child in a different race home because of "best interests" after review and comment by the minority advocate.
6. Require documentation in the case record of the following county policies concerning placement of children of color:
 - a. To request an advocate in every case in which it appears that a child of color may need to be placed in out-of-home care.
 - b. To establish a committee composed of social worker, supervisor, and program manager.
 - c. To verify that a minority advocate has been requested and that placement with a relative has been explored.
7. Hennepin County Community Services develop a plan to monitor compliance with documentation requirements.
8. The following changes as recommended by Hennepin County Community Services as outlined in the October 1990 paper, "The Minority Family Heritage Act in Hennepin County" should be implemented:
 - a. Social worker must use one of the same race homes offered by the Resource Unit.
 - b. Policy definition of what constitutes a "good cause" exception to the order of preference, and any exception should be approved at the program manager level after review and comment by the minority advocates.
 - c. When a placement must be made in a foster home of a different race the child(ren) so placed will automatically be placed on a waiting list for the next available appropriate same race foster home.

CURRENT ACTIVITIES

Hennepin County Community Services is implementing a number of activities to improve their efforts to comply with the laws which respect cultural heritage.

The Department of Human Services supports the following activities.

1. Review of cases in which African-American children are placed in different race foster family homes when the intent is to place African-American children in same race homes and none have been available.
2. A Multi-Cultural Work Group charged with the responsibility to identify options for removing barriers to effective implementation of services for children and families of color.
3. Training on multi-cultural issues. Evaluate impact of the training.
4. Study of utilization rates of foster family homes of color and compare such rates with caucasian foster family homes.
5. Forward the findings of the internal committee reviewing the 105 African-American children in different race homes to the Department of Human Services for review. Initiate corrective action as needed.
6. Relative searches for the African-American children in different race foster family homes with the assistance of the Minority Advocates Unit.
7. Improvement of efforts to ensure early identification of each child's race and heritage.
8. Implementation of the county recommendation that best interests of the child be defined in terms of the importance of community or ethnic identity.
9. Implementation of the county recommendation that any placement in a different race home be approved at the program manager level.

RECOMMENDATIONS FOR MINNESOTA DEPARTMENT OF HUMAN SERVICES

The Minnesota Department of Human Services has identified the following recommendations in an effort to improve county monitoring and technical assistance activities in relation to compliance with the laws which respect cultural heritage.

POLICY:

The Children's Services Division should incorporate the requirements of the laws which respect cultural heritage into policies, rules and procedures developed to guide activity in child placing agencies.

1. The child placement rules should be modified to include the requirements of the laws which respect cultural heritage.
2. The foster care plan, the pre-placement screening process and the periodic review should be reviewed and modified as needed.
3. Model forms should be developed to provide the public and private child placing agencies with a tool to track compliance with the requirements of the laws which respect cultural heritage for each out-of-home placement.
4. An information bulletin should be released to the public and private child placing agencies in order to restate the requirements in the laws which respect cultural heritage.

TRAINING:

Training on the importance of the Minority Child Heritage Protection Act, the Indian Family Preservation Heritage Act and the Indian Child Welfare Act should be provided on a statewide basis.

1. Training should be coordinated with and/or integrated into other department training, including:
 - a. P.L. 96-272, foster care (Rule 204) and family based services;
 - b. child protection services rule;
 - c. children's mental health services;
 - d. Independent Living Skills training for adolescents program;

2. Specific training on the placement preference requirements should be targeted to those counties with a disproportionate number of children of color in out-of-home placement. A priority order should be established.

MONITORING:

Monitoring of the requirements should be incorporated into the ongoing reviews of out-of-home placements conducted by the County Monitoring and Policy Coordination Division.

1. Monitoring protocols should be reviewed to ensure appropriate utilization.
2. Monitoring personnel should receive training on the laws which respect cultural heritage.
3. Initial monitoring on the requirements should be targeted to those counties with a disproportionate number of children of color in out-of-home placement.

APPENDIX A

MINORITY HERITAGE PRESERVATION REQUIREMENTS PROTOCOL

M. S. 257.071 - foster case placement
[TO BE COMPLETED FOR MINORITY NON-INDIAN CHILDREN IN FOSTER CARE]

Date of Review ___/___/___ Review period - ___/___/___ - 09/30/90

Child's name: _____ Race: B SEA H O Case #: _____

Date/Current Placement: ___/___/___ Foster Home/Race: W B I SEA H O

Worker _____ Reviewer _____

| SECTION I. MINORITY PLACEMENT PREFERENCE: | YES | NO | N/A |
|---|-----|----|-----|
|---|-----|----|-----|

Type of placement:

- | | | | |
|---|-------|-------|--|
| 1. INITIAL PLACEMENT (The placement following the removal of a child from his or her home.) | _____ | _____ | |
|---|-------|-------|--|

| | | | |
|------------------------|-------|-------|--|
| 2. CHANGE IN PLACEMENT | _____ | _____ | |
|------------------------|-------|-------|--|

A. In finding a placement for the child or in making a change in placement, is there documentation of the following diligent steps were taken:

1. In placing the child with the child's relatives:
[M. S. 257.071 and 260.181]

| | | | |
|---|-------|-------|-------|
| a. Verbal or written confirmation of child's heritage was requested from either parents, the child or persons familiar with family. [Practice related to "due consideration" 257.071 Subd. 1a and "shall give preference" SSM XV - 6330] | _____ | _____ | _____ |
|---|-------|-------|-------|

- | | | | |
|--|-------|-------|-------|
| b. The child's parents were consulted concerning family members that might provide care for the child. [Practice issue as above under A.1.a.] | _____ | _____ | _____ |
|--|-------|-------|-------|

| | YES | NO | N/A |
|---|-------|-------|-------|
| c. Information was gathered about: | _____ | _____ | _____ |
| i. maternal relatives | _____ | _____ | _____ |
| ii. paternal relative (including non-adjudicated father's family) [Practice issue as above under A.1.a.] | _____ | _____ | _____ |
| d. Family members who were recommended by parents were contacted concerning care of the child. [Practice issue as above in A.1.a.] | | | |
| i. by mail | _____ | _____ | _____ |
| ii. by phone | _____ | _____ | _____ |
| e. Hennepin Co. Minority advocate was requested. [Hennepin County Policy] | _____ | _____ | _____ |
| f. The Hennepin Co. minority advocate was involved in the placement of the child. [Hennepin County Policy] | _____ | _____ | _____ |
| g. Minority agencies working with the child's family were contacted. [Practice issue define above under A.1.a.] | _____ | _____ | _____ |
| h. Concrete and supportive services, training or education were offered to assist family members in accepting placement of the child. [Practice issue defined above under A.1.a.] | _____ | _____ | _____ |
| i. The Hennepin county placement committee was convened to approve placement and verified that a minority advocate was requested and that placement with relatives had been explored. [Hennepin County Policy] | _____ | _____ | _____ |
| 2. In placing the child in a foster home of person(s) or family of same-race or ethnic background: [M.S. 257-071 and SSM XV - 6330] | | | |
| a. The Hennepin County Placement Resources Unit was contacted and list of same-race foster homes was requested. [Hennepin County Policy] | _____ | _____ | _____ |

| | YES | NO | N/A |
|--|-------|-------|-------|
| b. Request(s) were made to other community placing agencies for other minority foster homes. [Practice issue as defined above in A.1.a.] | _____ | _____ | _____ |
| c. The worker contacted all-like race foster homes on list provided and documented reason for non-acceptance of like-race foster home.[Practice issues as above] | _____ | _____ | _____ |
| f. Concrete and supportive services, training or education was offered to allow child to be placed in same-race foster homes. [Practice issues as above] | _____ | _____ | _____ |
| 3. In placing the child with foster parents who are knowledgeable and appreciative of a child's race or ethnic background: | | | |
| a. No like-race home was available. [Hennepin County Policy] | _____ | _____ | _____ |
| b. The child's parent(s) agreed to the use of a different race foster home. [Hennepin County Policy] | _____ | _____ | _____ |
| B. Good cause for Placement in an non-like race foster home. SSM XV - 6330 | | | |
| 1. Does the record identify at least one of the "good causes" from the list below in #2. | _____ | _____ | |
| 2. If yes, which of the following reason(s) are given for placement in an non-like race foster home? | | | |
| a. The child's relative(s) could not be located, (in spite of diligent efforts). | _____ | | |
| b. The child's relatives(s) were unwilling to provide care. | _____ | | |
| c. The child's family was unable to care for the child due to conditions/factors that could not be alleviated by services, training or education. | _____ | | |

YES NO N/A

- d. Placement with relatives was not in the best interest of the child due to a preponderance of evidence that such a placement would put the child at risk of serious emotional or physical harm. _____
- e. Placement with the extended family was not in the best interests of the child due to other reasons. _____
- f. A placement in a foster home with person or family of same-race or ethnic was not available after active efforts were made to locate a same-race home. _____
- g. The child's critical mental and/or physical health/medical and educational needs made it necessary not to use a non-like race foster home/facility and these conditions could not be alleviated by the availability of county services and training. _____
- h. The child's genetic parent(s) requested that the child be placed with either a relative or non-like race foster home and this was in child's best interest. _____
3. For each "good cause" reason that the record gives as a reason for the placement of the child in a non-like race foster home, enter Y if there is sufficient documentation that supports the effort made and enter N if there is insufficient documentation of effort.
- a. The child's relative(s) could not be located, (in spite of diligent efforts). _____
- b. The child's relatives(s) were unwilling to provide care. _____
- c. The child's family were unable to care for the child due to conditions/factors that could not be alleviated by services, training or education. _____
- d. Placement with relatives was not in the best interest of the child due to a preponderance of evidence that such a placement would put the child at risk of serious emotional or physical harm. _____

| | YES | NO | N/A |
|---|-------|-------|-----|
| e. Placement with the extended family was not in the best interest of the child due to other reasons. | _____ | _____ | |
| f. A placement in a foster home with person or family of same-race or ethnic was not available after active efforts were made to locate a same-race home. | _____ | _____ | |
| g. The child's critical mental and/or physical health/medical and educational needs made it necessary not to use a non-like race foster home/facility and these conditions could not be alleviated by the availability of county services and training. | _____ | _____ | |
| h. The child's genetic parent(s) requested that the child be placed with either a relative or a non-like race foster home and this was in child's best interest. | _____ | _____ | |

Strike <F4> and for each item in B.3. where N is entered, identify the specific reasons why documentation is not sufficient and what information is needed.

SECTION II. REVIEW OF FOSTER CARE PLACEMENT

1. Since the child last placement, did the agency document in administrative or court reviews the specific efforts made to place child in same race foster home or document good cause as to why the child remain in a non-like race foster home for the review period.

| Review Date | | | | |
|-------------|-------|-------|-------|-------|
| ___/___/___ | ---- | _____ | _____ | _____ |
| ___/___/___ | ----- | _____ | _____ | _____ |
| ___/___/___ | ----- | _____ | _____ | _____ |
| ___/___/___ | ----- | _____ | _____ | _____ |

2. Since the child's last placement is there documentation that ongoing active efforts were being made to change placement to relatives or like-race foster home?

YES

NO

N/A

APPENDIX B

INDIAN CHILD WELFARE REQUIREMENTS
PROTOCOL

Date of Review ____/____/____

Review Period ____/____/____ - 09/30/90

Child's name: _____

Case #: _____

Date of Current Placement: ____/____/____

Foster Home/Race: W B I SEA H O

Worker _____

Reviewer _____

SECTION I. INDIAN PLACEMENT PREFERENCE

| | YES | NO | N/A |
|---|-------|-------|-------|
| Type of placement: | | | |
| 1. INITIAL PLACEMENT (The placement following the removal of the child from his/her home.) | _____ | _____ | |
| 2. CHANGE IN PLACEMENT | _____ | _____ | |
| A. Is a current Hennepin County Community Service Department Record of Compliance to the Indian Child Welfare Act (HC 13382) in the case record? | _____ | _____ | |
| B. In finding a placement for the child or in making a change in placement, is there documentation of the following diligent steps were taken: | | | |
| 1. In placing the child in the child's extended family: [Federal Statute, Section 105 (b) (i)] | | | |
| a. Efforts were made to gather information from either the parents, the child or persons familiar with family about all the tribes with whom the child | _____ | _____ | _____ |

may have eligibility . [Practice related to diligent efforts]

| | YES | NO | N/A |
|---|-------|-------|-------|
| b. The child's parents or Indian custodian were consulted concerning extended family member(s) that might provide care for the child. [Practice related to diligent efforts] | _____ | _____ | _____ |
| c. Information was gathered about: [SSM - XIII - 3512] | | | |
| i. maternal relatives | _____ | _____ | _____ |
| ii. paternal relatives, (including non-adjudicated father's side). | _____ | _____ | _____ |
| d. Extended family members who were recommended by parents were contacted concerning care of the child: [SSM XIII - 3533] | | | |
| i. by mail | _____ | _____ | _____ |
| ii. by phone | _____ | _____ | _____ |
| e. The tribal social services was consulted as to the whereabouts of and appropriateness of a placement with extended family members. [SSM XIII-3611] | _____ | _____ | _____ |
| f. Hennepin Co. Indian Advocate was requested. (FORM - HC13385) | _____ | _____ | _____ |
| g. The Hennepin Indian advocate was involved in the placement of the child. [Hennepin Policy] | _____ | _____ | _____ |
| h. An Indian Social Services Agency working with the child's family was contacted. [SSM XIII - 3611] | _____ | _____ | _____ |
| i. Concrete or supportive services, training or education were offered to assist extended family members in accepting placement of the child. [Practice related to "diligent efforts.]. | _____ | _____ | _____ |
| j. The Hennepin County placement committee was convened to approve placement and verified that a minority advocate was requested and | _____ | _____ | _____ |

that placement with relatives has been explored.
[Hennepin County Policy]

YES NO N/A

2. In placing the child in a foster home licensed,
approved or specified by the child's tribe.

[Federal Law Section 105 (b) (ii)]

- a. Request for foster homes was sent
by mail to all tribes for whom the
child is eligible for membership.

[SSM XIII - 3523 and 3531]

- b. Phone calls were made to
tribal social services requesting
recommendations for Indian foster homes.

[Practice related to diligent efforts.]

- c. Approval from the child's tribal social
services was requested to use Indian foster
homes of different tribes.

SSM XIII - 3573 or 3574 and 3611]

- d. Concrete and supportive services were
offered to allow child to be placed in
either foster home of tribe or foster home
of different tribe. [Practice related to
"diligent efforts"]

3. In placing the child in an Indian foster home
licensed or approved by an authorized
non-Indian licensing authority.

- a. The Hennepin Placement Resources Unit
was contacted and a list of same tribe
foster homes was requested.

[Hennepin County Policy]

- b. A request was made to other community
placing agencies for a list of same-tribe
foster homes

[SSM XIII - 3611]

- c. The Placement Resources Unit was contacted
and a list of "other tribe" foster home
was requested. [Hennepin County Policy]

- d. A request was made to other community
placing agencies for "other tribe"
foster home.

[SSM XII - 3611]

| | YES | NO | N/A |
|---|-------|-------|-------|
| e. Worker contacted all Indian foster homes on the list(s) provided and documented the reason(s) for non-acceptance of Indian foster homes. [Practice related to "diligent efforts"] | _____ | _____ | _____ |
| f. Concrete or supportive services training or education were offered in the consideration of the use of these foster homes. [Practice related to "diligent efforts"] | _____ | _____ | _____ |
| 4. In placing a child in an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's need. | | | |
| a. Request with Placement Resource Unit for institution where appropriate program existed. [Hennepin County Policy] | _____ | _____ | _____ |
| b. Request to tribe which has appropriate program. [SSM XIII - 3611] | _____ | _____ | _____ |
| c. Request to other community placement agencies for "other tribe" institutions. [SSM XIII - 33611] | _____ | _____ | _____ |
| 5. In placing a child using a different Tribal order of placement preference. | | | |
| a. Request made to tribe for information regarding order of placement preference. [SSM XIII - 3613] | _____ | _____ | _____ |
| b. Offer made to tribe of any concrete or supportive services to facilitate placement with relative or tribal foster home [Practice related to "diligent efforts"] | _____ | _____ | _____ |
| C. Good Cause for Placement in Non-Indian foster home. Section 105 (b) and SSM XIII - 3611 | | | |
| 1. Does the record identify at least one of the "good causes" from the list below in #2. | _____ | _____ | |

YES NO N/A

2.If yes, which of the following reason(s) are given as "good cause" for the placement in an non-Indian foster home?

- a. The child's extended family could not be located in spite of diligent efforts. _____
- b. The child's extended family was not willing to provide care. _____
- c. The child's extended family was unable to provide care due to limitations/factors/conditions which could not be alleviated by county services, training or education. _____
- d. Placement with the extended family was not in the best interest of the child. because it would put child at risk of serious emotional or physical harm. _____
- e. Placement with the extended family was not in best interests of the child due to other reasons. _____
- f. A foster home licensed, approved and specified by the child's tribe was not available. _____
- g. An Indian foster home licensed or approved by an authorized non-Indian licensing authority was not available. _____
- h. The child's critical mental or physical health/medical/education needs made it necessary to place the child in a non-Indian foster home and these conditions could not be alleviated by the availability of county services and training. _____
- i. An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's need was not available. _____

YES NO N/A

j. The child who is over age 12 and expresses a strong desire for a specific non-Indian foster home.

3. For each "good cause" reason that the record gives as a reason for the placement of the in a non-Indian foster home, enter Y if there is sufficient documentation that support the effort made and enter N if there is insufficient documentation of effort:

a. The child's extended family could not be located in spite of diligent efforts.

b. The child's extended family were not not willing to provide care, or

c. The child's extended family was unable to provide care due to limitations/factors/conditions which could not be alleviated by county services, training or education.

d. Placement with the extended family was not in the best interest of the child. because it would put child at risk of serious emotional or physical harm.

e. Placement with the extended family was not in best interest of the child due to other reasons.

f. A foster home licensed, approved and specified by the child's tribe was not available.

g. An Indian foster home licensed or approved by an authorized non-Indian licensing authority was not available.

h. The child's critical mental or physical health/medical/education needs made it necessary to place the child in a non-Indian foster home and these conditions could not be alleviated by the availability of county services and training.

YES NO N/A

i. An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's need was not available..

j. The child who is over age 12 and expresses a strong desire for a specific non-Indian foster home.

For each "good cause" where N is entered, the reviewer is to identify under <F4> the specific reason why documentation is not sufficient and what information is needed to establish sufficient documentation.

SECTION II. REVIEW OF FOSTER CARE PLACEMENT

1. Since the child's last placement, did the agency document in administrative or court reviews the specific efforts made to place child in an Indian foster home or document good cause as to why the child remain in a non-Indian foster home for the review period.

Review Date

___/___/___ ----

___/___/___ -----

___/___/___ -----

___/___/___ -----

2. Since the child's last placement, is there documentation that ongoing active efforts were being made to change placement to relatives or like tribe foster home?
Indian Child Welfare Act, Section 105 (b)

APPENDIX C

INDIAN CHILD WELFARE PLACEMENT PREFERENCE REQUIREMENTS
FOLLOW UP QUESTIONNAIRE

DRAFT
11/08/90

DRAFT
11/08/90

PLEASE COMPLETE ONLY PARTS OF THIS QUESTIONNAIRE THAT HAVE BEEN CHECKED.

IN COMPLETING THIS QUESTIONNAIRE YOU NEED NOT REPEAT ANYTHING WHICH ALREADY
IS RECORDED IN THE CASE RECORD. IF WE HAVE MISSED SOMETHING, SIMPLY SO NOTE
AND LET US KNOW WHERE IN THE FILE IT CAN BE FOUND.

Child's name: _____ Case #: _____

Date/Current Placement: ____/____/____ Foster Home/Race: W AA I SEA H O

AUTHORITY: Indian Child Welfare Act., Public Law 95-608, Section 105
Minority Heritage Preservation Requirements - M.S. 260.181

____ A. In finding this placement for the child, what efforts were made:
[Include past efforts when relevant to present placement activity.]

____ 1. To place the child in the child's paternal and maternal
extended families:

____ a. What was the "good cause" for not using this option.

____ 2. To place the child in a foster home licensed, approved or specified by the child's tribe.

____ a. What was the "good cause" for not using this option.

____ 3. To place the child in an Indian foster home licensed or approved by an authorized non-Indian licensing authority.

____ a. What was the "good cause" for not using this option.

____ 4. To place a child in an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the child's needs.

____ a. What was the "good cause" for not using this option.

____ 5. To place a child using an order of placement preference prescribed by the child's tribe.

____ a. What was the "good cause" for not using this option.

____ B. Since the child's last placement what have been the efforts/steps taken to place the child in extended family or Indian foster home.

____ E. If there have been no efforts, what is the reason?

Social Worker

____/____/____
Date completed

APPENDIX D

**MINORITY HERITAGE PLACEMENT PREFERENCE REQUIREMENTS
FOLLOW UP QUESTIONNAIRE**

PLEASE COMPLETE ONLY PARTS OF THIS QUESTIONNAIRE THAT HAVE BEEN CHECKED.

IN COMPLETING THIS QUESTIONNAIRE YOU NEED NOT REPEAT ANYTHING WHICH ALREADY IS RECORDED IN THE CASE RECORD. IF WE HAVE MISSED SOMETHING, SIMPLY SO NOTE AND LET US KNOW WHERE IN THE FILE IT CAN BE FOUND.

Child's name: _____ Race: AA SEA H O Case #: _____

Date of entry into current foster home ____/____/____

Foster Home/Race: W B I SEA H O

____ A. In finding this placement for the child, what efforts were made:

[Include past efforts if relevant to the current placement.]

____ 1. To place the child with the child's maternal and paternal relatives?

____ a. What was the "good cause" for not using this option.

____ 2. To place the child with person or family of like race or ethnic background?

____ a. What was the "good cause" for not using this option.

____ 3. To place the child in a foster home that is knowledgeable and appreciative the child's cultural and ethnic background.

____ a. What was the "good cause" for not using this option.

____ B. What efforts have been made since this last placement to place the child in a same-race foster home or with relatives?

____ 1. If no efforts were made, why not?

Social worker

____/____/____
Date completed

APPENDIX E

Report: MINORITY HERITAGE-PRESERVATION REQUIREMENTS

Data Results

County: Hennepin

Date : 12/17/90

(Edited from
Questionnaire.REPORT 1

YES NO N/A

REPORT 2

YES NO N/A

SECTION I. MINORITY PLACEMENT PREFERENCE:

Is this a: INITIAL PLACEMENT (A placement following the
removal of a child from his or her home.)

20 18 0

19 18 0

CHANGE IN PLACEMENT

18 20 0

18 19 0

A. In finding a placement for the child or in making a change in
placement, is there documentation of the following diligent
efforts/steps were taken:

1. In placing the child with the child's relatives:

(M. S. 257.071 and 260.181)

a. Verbal or written confirmation of child heritage from
either parents, child or persons familiar with family.
[Practice related to "due consideration" 257.071 Subd. 1a
and "shall give preference" SSM XV - 6330]

16 18 4

18 15 4

b. The child's parents were consulted concerning family
members that might provide care for the child.
[Practice issue as above under A.1.a.)

18 18 2

22 12 3

c. Information was gathered about:

i. maternal relatives

18 17 3

27 7 3

ii. paternal relative (including non-adjudicated
father's family) [Practice issue as above under A.1.a.)

10 22 6

21 8 8

MINORITY HERITAGE PRESERVATION REQUIREMENTS

SUMMARY REPORT

PAGE 2

(Edited from
Questionnaire

REPORT 1

YES NO N/A

REPORT 2

YES NO N/A

| | | | | | |
|---|----|----|----|----|-------|
| d. Family members who were recommended by parents were contacted concerning care of the child. | | | | | |
| i. by mail | 11 | 14 | 13 | 11 | 12 14 |
| ii. by phone [Practice issue as above in A.1.a.] | 6 | 17 | 15 | 7 | 15 15 |
| e. Minority advocate assistance was requested. [Hennepin County Policy] | 17 | 17 | 4 | 18 | 14 5 |
| f. The county agency's minority advocate was involved in the placement of the child. [Hennepin County Policy] | 6 | 27 | 5 | 7 | 23 7 |
| g. Minority agencies working with the child's family were contacted. [Practice issue define above under A.1.a.] | 18 | 15 | 5 | 19 | 12 6 |
| h. Concrete and supportive services, training or education was offered to assist family members in accepting placement of the child. [Practice issue defined above under A.1.a.] | 8 | 18 | 12 | 7 | 16 14 |
| i. The Hennepin county placement committee was convened to approve placement, verified that a minority advocate was requested and that placement with relatives had been explored. [Hennepin County Policy] | 10 | 26 | 2 | 14 | 20 3 |
| 2. In placing the child in a foster home of person(s) or family of like race or ethnic background: [M.S. 257-071 and SSM XV -6330] | | | | | |
| a. The Hennepin County Placement Resources Unit was contacted and list of like-race foster homes was requested. [Hennepin County Policy] | 8 | 24 | 6 | 18 | 14 5 |
| b. Request was made to other foster care agencies for potential minority foster homes. [Practice issue as defined above in A.1.a.] | 6 | 26 | 6 | 13 | 17 7 |
| c. Worker contacted all-like race foster homes on list provided and documented reason for non-acceptance of like-race foster home. [Practice issues as above] | 1 | 26 | 11 | 3 | 21 13 |
| d. Concrete and supportive services, training or education was offered to assist potential like race foster homes in accepting placement of the child. [Practice issues as above] | 0 | 27 | 11 | 0 | 22 15 |

MINORITY HERITAGE PRESERVATION REQUIREMENTS

SUMMARY REPORT

PAGE 3

REPORT 1
YES NO N/A

Edited from
REPORT 2 Questionnaires
YES NO N/A

| | | | | | |
|--|----|----|----|----|------|
| 3. In placing the child with foster parents who are knowledgeable and appreciative of a child race or ethnic background: | | | | | |
| a. No like-race home was available. [Hennepin County Policy] | 7 | 24 | 7 | 14 | 17 6 |
| b. Parent(s) agreed to the use of different race foster home. [Hennepin County Policy] | 9 | 22 | 7 | 13 | 18 6 |
| 8. Good cause for Placement in an non-like race foster home. [SSM XV - 6330] | | | | | |
| 1. Does the record contain at least one "good cause" rationale listed below under #2 as to why the child was placed in a non-like race foster home and/or not with the extended family or a like-race foster home? | 27 | 11 | 0 | 32 | 5 0 |
| 2. If yes, which of the following reason(s) are given for placement in an non-like race foster home and/or not with relatives? | | | | | |
| a. The child's relative(s) could not be located, (in spite of diligent efforts). | 4 | 2 | 21 | 4 | 0 28 |
| b. The child's relatives(s) were unwilling to provide care. | 3 | 0 | 24 | 4 | 0 28 |
| c. The child's family were unable to care for the child due to conditions/factors that could not be alleviated by services, training or education. | 10 | 0 | 17 | 12 | 0 20 |
| d. Placement with relatives was not in the best interest of the child due to a preponderance of evidence that such a placement would put the child at risk of serious emotional or physical harm. | 6 | 1 | 20 | 7 | 0 25 |
| e. Placement with the extended family was not in the best interest of the child due to other reasons. | 4 | 1 | 22 | 7 | 0 25 |
| f. A placement in a foster home with person or family of like-race or ethnic was not available after active efforts were made to locate a like-race home. | 6 | 1 | 20 | 11 | 0 21 |

MINORITY HERITAGE PRESERVATION REQUIREMENTS

SUMMARY REPORT

PAGE 4

(Edited from

REPORT 1

YES NO N/A

REPORT 2 Questionnaire

YES NO N/A

| | | | | | | |
|---|----|---|----|----|---|----|
| g. The child's critical mental and/or physical health/medical and educational needs made it necessary not to use a non-like race foster home/facility and these conditions could not be alleviated by the availability of county services and training. | 11 | 0 | 16 | 12 | 0 | 20 |
| h. The child's genetic parent(s) requested that the child not be placed with either relative or like race/like heritage persons and this was in child's best interest. | 5 | 0 | 22 | 10 | 0 | 22 |
| 3. For each "good cause" reason that the record gives as a reason for the placement of the child in a non-like race foster home, enter Y if there is sufficient documentation that supports the effort made and enter N if there is insufficient documentation of effort. | | | | | | |
| a. The child's relative(s) could not be located, (in spite of diligent efforts). | 1 | 3 | 34 | 3 | 1 | 33 |
| b. The child's relatives(s) were unwilling to provide care. | 1 | 2 | 35 | 3 | 1 | 33 |
| c. The child's family were unable to care for the child due to conditions/factors that could not be alleviated by services, training or education. | 8 | 2 | 28 | 10 | 2 | 25 |
| d. Placement with relatives was not in the best interest of the child due to a preponderance of evidence that such a placement would put the child at risk of serious emotional or physical harm. | 6 | 0 | 32 | 7 | 0 | 30 |
| e. Placement with the extended family was not in the best interest of the child due to other reasons. | 2 | 2 | 34 | 5 | 2 | 30 |
| f. A placement in a foster home with person or family of like-race or ethnic was not available after active efforts were made to locate a like-race home. | 4 | 2 | 32 | 9 | 2 | 26 |
| g. The child's critical mental and/or physical health/medical and educational needs made it necessary not to use a non-like race foster home/facility and these conditions could not be alleviated by the availability of county services and training. | 6 | 5 | 27 | 10 | 2 | 25 |
| h. The child's genetic parent(s) requested that the child not be placed with either relative or like race/like heritage persons and this was in child's best interest. | 4 | 1 | 33 | 7 | 3 | 27 |

REPORT 1
YES NO N/A

(Edited from
REPORT 2 Questionnaires)
YES NO N/A

SECTION II. REVIEW OF FOSTER CARE PLACEMENT

1. Since the child last placement, did the agency document in administrative or court reviews the specific efforts made to place child in same race foster home or document good cause as to why the child remain in a non-like race foster home for the review period.

| | | | | | |
|---|----|----|----|----|----|
| 5 | 24 | 9 | 10 | 18 | 9 |
| 3 | 21 | 14 | 7 | 16 | 14 |
| 3 | 14 | 21 | 6 | 10 | 21 |
| 1 | 8 | 29 | 5 | 4 | 28 |

2. Since the child's last placement is there documentation that ongoing active efforts were being made to change placement to relatives or like-race foster home?

| | | | | | |
|----|----|---|----|----|---|
| 11 | 24 | 3 | 14 | 21 | 2 |
|----|----|---|----|----|---|

APPENDIX F

Report: INDIAN CHILD WELFARE REQUIREMENTS
 County: Hennepin
 Date : 01/15/91

Data Results

REPORT 1

YES NO N/A

REPORT 2

YES NO N/A

SECTION 1. INDIAN PLACEMENT PREFERENCE

AUTHORITY: Indian Child Welfare Act., Public Law 95-608, Section 105
 Minority Heritage Preservation Requirements - M.S. 260.181

Is this a: INITIAL PLACEMENT (a placement following the removal of
 the child from his/her home)

5 6 0

5 5 0

CHANGE IN PLACEMENT

6 5 0

5 5 0

A. Is a current Hennepin County Community Service Department Record
 of Compliance to the Indian Child Welfare Act (HC 13382) in the
 case record?

3 8 0

3 7 0

B. In finding a placement for the child or in making a change in
 placement, is there documentation of the following diligent
 efforts/steps were taken:

1. In placing the child in the Indian child's extended family:
 [Federal Statute - Section 105 (b) (i)]

a. Efforts were made to gather information about all the tribes
 with whom the child may have eligibility from either the
 parents, the child or persons familiar with family.
 [Practice related to diligent efforts]

8 3 0

7 3 0

b. The child's parents or Indian custodian were consulted
 concerning extended family member(s) that might provide care
 for the child. [Practice related to diligent efforts]

5 5 1

6 3 1

c. Information was gathered about:

i. maternal relatives, and

5 5 1

7 2 1

ii. paternal relatives, (including non-adjudicated fathers
 side). [SSM - XIII - 3512]

4 7 0

5 4 1

APPENDIX F

REPORT 1

YES NO N/A

REPORT 2

YES NO N/A

| | | | | | | | | | |
|--|---|----|---|--|--|---|---|---|--|
| d. Extended family members who were recommended by parents were contacted concerning care of the child: [SSM XIII - 3533] | | | | | | | | | |
| i. by mail | 3 | 4 | 4 | | | 3 | 4 | 3 | |
| ii. by phone | 4 | 3 | 4 | | | 4 | 3 | 3 | |
| e. The tribal social services was consulted as to the whereabouts and appropriateness of extended family members. [SSM XIII-3611] | 3 | 7 | 1 | | | 3 | 7 | 0 | |
| f. Agency Indian Advocate was requested. (HC13385) | 5 | 6 | 0 | | | 5 | 5 | 0 | |
| g. The agency Indian advocate was involved in the placement of the child. [Hennepin Policy] | 3 | 8 | 0 | | | 3 | 7 | 0 | |
| h. Urban Indian Social Services working,with client family was contacted. [SSM XIII - 3611] | 5 | 6 | 0 | | | 5 | 5 | 0 | |
| i. Concrete or supportive services, training or education were offered to assist extended family members in accepting placement of the child. [Practice related to "diligent efforts.]" | 0 | 8 | 3 | | | 0 | 7 | 3 | |
| j. The Hennepin County placement committee was convened to approve placement and verified that a minority advocate was requested and that placement with relatives has been explored. [Hennepin County Policy] | 1 | 8 | 2 | | | 1 | 8 | 1 | |
| 2. In placing the child in a foster home licensed, approved or specified by the Indian's child's tribe [Federal Law Section 105 (b) (ii)] | | | | | | | | | |
| a. Request for foster homes was sent by mail to all tribes for whom the child is eligible for membership. [SSM XIII - 3523 and 3531] | 3 | 8 | 0 | | | 3 | 6 | 1 | |
| b. Phone calls were made to tribal social services requesting recommendation for Indian foster home. [Practice related to diligent efforts.] | 2 | 9 | 0 | | | 3 | 6 | 1 | |
| c. Approval from child's tribal social services was requested to use Indian foster homes of different tribes. [SSM XIII - 3573 or 3574 and 3611] | 1 | 10 | 0 | | | 2 | 7 | 1 | |
| d. Concrete and supportive services were offered to allow child to be placed in either foster home of tribe or foster home of different tribe. [Practice related to "diligent efforts"] | 0 | 11 | 0 | | | 0 | 8 | 2 | |

| REPORT 1 | | | REPORT 2 | | |
|----------|----|-----|----------|----|-----|
| YES | NO | N/A | YES | NO | N/A |

| | | | | | | |
|--|---|----|----|---|---|----|
| 3. In placing the child in an Indian foster home licensed or approved by an authorized non-Indian licensing authority. | | | | | | |
| a. The Hennepin Placement Resources Unit was contacted and a list of same tribe foster homes was requested. [Hennepin County Policy] | 3 | 7 | 1 | 2 | 7 | 1 |
| b. Request to other community placing agencies [SSM XIII -3611] | 1 | 10 | 0 | 2 | 7 | 1 |
| c. The Placement Resources Unit was contacted and a list of "other tribe" foster home was requested. [Hennepin County Policy] | 1 | 10 | 0 | 2 | 7 | 1 |
| d. Request to other community placing agencies for "other tribe" foster home. [SSM XII - 3611] | 1 | 10 | 0 | 2 | 7 | 1 |
| e. Worker contacted all like race foster homes on list(s) provided and documented reason(s) for non-acceptance of Indian foster homes. [Practice related to "diligent efforts"] | 1 | 9 | 1 | 2 | 6 | 2 |
| f. Concrete or supportive services training or education was offered in the consideration of the use of these foster homes. [Practice related to "diligent efforts"] | 0 | 10 | 1 | 0 | 7 | 3 |
| 4. In placing a child in an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's need. | | | | | | |
| a. Request with Placement Resource Unit for institution where appropriate program existed. [Hennepin County Policy] | 0 | 0 | 11 | 0 | 0 | 10 |
| b. Request to tribe which has appropriate program. [SSM XIII -3611] | 0 | 0 | 11 | 0 | 0 | 10 |
| c. Request to other community placement agencies for "other tribe" institutions. [SSM XIII - 33611] | 0 | 1 | 10 | 0 | 1 | 9 |
| 5. In placing a child using a different Tribal order of placement preference. | | | | | | |
| a. Request made to tribe for information regarding order of placement preference. [SSM XIII - 3613] | 1 | 6 | 4 | 1 | 4 | 5 |
| b. Offer made to tribe of any concrete or supportive services to facilitate placement with relative or tribal foster home [Practice related to "diligent efforts"] | 0 | 7 | 4 | 0 | 5 | 5 |

REPORT 1
YES NO N/A

REPORT 2
YES NO N/A

C. Good Cause for Placement in Non-Indian foster home.

(Good Cause = reason and efforts made.)

Section 105 (b) and SSM XIII - 3611

| | | | | | | |
|--|---|---|---|----|---|----|
| 1. Does the record identify at least one of the "good causes" listed below under #2 as the reason that the child was placed in a non-Indian foster home and not with the extended family and/or an Indian foster home? | 9 | 2 | 0 | 10 | 0 | 0 |
| 2. Which of the good cause listed below apply in this case? | | | | | | |
| a. The child's extended family could not be located in spite of diligent efforts. | 3 | 0 | 6 | 2 | 0 | 8 |
| b. The child's extended family were not willing to provide care, or | 3 | 0 | 6 | 3 | 0 | 7 |
| c. The child's extended family was unable to provide care due to limitations/factors/conditions which could not be alleviated by county services, training or education. | 0 | 0 | 9 | 0 | 0 | 10 |
| d. Placement with the extended family was not in the best interest of the child. because it would put child at risk of serious emotional or physical harm. | 1 | 0 | 8 | 2 | 0 | 8 |
| e. Placement with the extend family was not in best interest of the child due to other reasons. | 1 | 0 | 8 | 2 | 0 | 8 |
| f. A foster home licensed, approved specified by the Indian's child's tribe was not available. | 1 | 0 | 8 | 0 | 0 | 10 |
| g. An Indian foster home licensed or approved by an authorized non-Indian licensing authority was not available. | 1 | 1 | 7 | 0 | 1 | 9 |
| h. The child's critical mental or physical health/medical/ education needs made it necessary not to place the child in an Indian foster home and these conditions could not be alleviated by the availability of county services and training. | 5 | 0 | 4 | 5 | 0 | 5 |
| i. An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's need was not available. | 0 | 0 | 9 | 0 | 0 | 10 |
| j. The child, over age 12, expresses a strong desire for a specific non-Indian foster home. | 0 | 0 | 9 | 1 | 0 | 9 |

APPENDIX F

| | REPORT 1 | | | REPORT 2 | | |
|--|----------|----|-----|----------|----|-----|
| | YES | NO | N/A | YES | NO | N/A |
| 3. Which of the good cause identified above as applying in this case have sufficient documentation of effort made | | | | | | |
| a. The child's extended family could not be located in spite of diligent efforts. | 0 | 3 | 8 | 0 | 2 | 8 |
| b. The child's extended family were not willing to provide care, or | 2 | 1 | 8 | 3 | 0 | 7 |
| c. The child's extended family was unable to provide care due to limitations/ factors/conditions which could not be alleviated by county services, training or education. | 0 | 0 | 11 | 0 | 0 | 10 |
| d. Placement with the extended family was not in the best interest of the child. because it would put child at risk of serious emotional or physical harm. | 0 | 1 | 10 | 1 | 1 | 8 |
| e. Placement with the extend family was not in best interest of the child due to other reasons. | 0 | 1 | 10 | 0 | 0 | 10 |
| f. A foster home licensed, approved specified by the Indian's child's tribe was not available. | 0 | 1 | 10 | 0 | 0 | 10 |
| g. An Indian foster home licensed or approved by an authorized non-Indian licensing authority was not available. | 1 | 0 | 10 | 0 | 0 | 10 |
| h. The child's critical mental or physical health/medical/ education needs made it necessary not to place the child in an Indian foster home and these conditions could not be alleviated by the availability of county services and training. | 0 | 5 | 6 | 2 | 3 | 5 |
| i. An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's need was not available. | 0 | 0 | 11 | 0 | 0 | 10 |
| j. The child, over age 12, expresses a strong desire for a specific non-Indian foster home. | 0 | 0 | 11 | 1 | 0 | 9 |

REPORT 1

YES NO N/A

REPORT 2

YES NO N/A

SECTION 11. REVIEW OF FOSTER CARE PLACEMENT

1. Since the child's last placement, did the agency document in administrative or court reviews the specific efforts made to place child in same race foster home or document good cause as to why the child remain in a non-like race foster home for the review period.

0 5 6
1 2 8
0 2 9
0 1 10

0 4 6
1 2 7
0 2 8
0 1 9

2. Since the child last placement, is there documentation that ongoing active efforts were being made to change placement to relatives or like tribe foster home? Indian Child Welfare Act, Section 105 (b)

2 9 0

3 7 0

INDEX TO HENNEPIN COUNTY RESPONSE TO DEPARTMENT OF HUMAN SERVICES REPORT

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**RESPONSE TO THE JANUARY 1991 DHS REPORT ENTITLED:
MONITORING OF HENNEPIN COUNTY COMPLIANCE WITH
LAWS RESPECTING CULTURAL HERITAGE**

INTRODUCTION

resp: The Hennepin County Community Services Department wants to emphasize our commitment to family preservation as a first priority for all families and toward that end we will be reviewing all policy and procedures in the Community Services Department to ensure that barriers to this objective are eliminated. The Community Services Department is eager to work with DHS in development or refinement of any mechanisms or policies to maximize our compliance with state and federal regulations regarding permanency of out-of-home placements for children.

SECTION A: POLICY AND PROCEDURE (PAGE 6)

I. APPROPRIATE REFERENCES TO MINORITY HERITAGE ACT, (PAGE 6)

resp: While the Community Services Department policy has clearly stated that relatives must be considered as a first option, there has not been a procedure or process explicitly identified to document efforts in this area. Presently, supervisory oversight is done through case consultation and narrative review. In addition, all placement requests are reviewed by a committee including the Social Worker, Supervisor and Program Manager with Program Manager sign-off made on all placement requests as assurance that policies and procedures have been followed.

We will be expanding procedural and record keeping guidelines to include staff efforts to locate relatives and reasons when they are not being used as a placement option.

II. EFFORTS TO DEVELOP AND IMPLEMENT PROCEDURES ... (PAGE 7)

resp: The plan is to continue the oversight efforts and implement the increased documentation indicated in I immediately above. A review of American Indian children in non-same race foster placements is underway. The entire sample of American Indian children will be reviewed in the same case-by-case manner as conducted for the African American children. Placement requests are being further scrutinized in a formal placement review process which has been in existence since October 1989 to assure placement requests include following the preference guidelines set forth in the various pieces of minority heritage legislation.

III. WHILE EFFORTS CONTINUE TO REVIEW THE APPROPRIATENESS ... (PAGE 7)

resp: Any new placement or any move of a child from one out of home placement to another, is reviewed in the process indicated in number I above. Prior to any child of color being placed in a different race foster home there will be Program Manager review of compliance with policy and documentation before approval.

IV. A MINORITY ADVOCATES UNIT WAS ESTABLISHED BY ... (PAGE 7)

We appreciate the recognition of the importance of this unit and of the need for its expansion. We must, at the same time, note that it is neither statute or regulatory required, nor are state funds available for this service

V. THE REQUIREMENTS OF THE LAWS WHICH RESPECT(PAGE 8)

resp: While DHS has not provided counties with administrative rules concerning the provision of culturally appropriate services, nor has there been assistance in developing appropriate mechanisms for documentation of county efforts to assure culturally appropriate services to children in placement, we have increased our placement database oversight capability to include collection of data to accommodate DHS child reporting regulations for children in placement. Additionally, we continue to use the Placement Administrative Review form, the Out of Home Placement Plan form and the Revised Placement Plan form, all of which have been approved by DHS to document county quality assurance concerning placement of children. We believe we have complied with the intent of the minority legislation even though the rules and documentation assistance indicated above have not been available for county implementation.

SECTION A: POLICY AND PROCEDURE RECOMMENDATIONS (PAGE 8)

resp:

1. The Community Service Department convened a task force to review the case plans of American Indian Children and other children of color in foster placements of cultural heritage other than American Indian. This review uses the sample derived when the sample of African American children was selected and implements the commitment made at that time to review all such placements
2. A relative search team has been hired to provide assistance in the search for relatives of the children in the special review sample.
3. We will work with DHS and other counties surveyed in developing appropriate check lists
4. Efforts are underway to develop and implement policies and procedures regarding all of these activities.
5. Enhancements have been made to the placement database to accommodate all DHS child reporting requirements. All time reporting codes have been changed to reflect DHS BRASS codes. Staff are routinely surveyed to maintain accuracy in the placement database to include the racial identity of the foster parents.

6. *Expansion of the Minority Advocate program will be considered as part of the budget process for 1992 but state fiscal restrictions hold little hope for the expansion desired. Two additional African American advocates were added to the unit in January 1991 bringing the total unit complement to one Unit Supervisor and ten advocate staff. Program information statistical indicators are being developed that will provide an informational base for management team decisions. It must be emphasized that the minority advocate program is neither statutory nor regulatory required, nor are state funds available for this service.*
7. *While specific efforts are underway to review placements of children of color, all children in placement are subject to a placement review when any placement change is requested or at the initial placement request. Additionally, the semi-annual placement Administrative Review process which involves a meeting of the parent, child's advocate, where appropriate, the Social Worker, the Supervisor and an outside reviewer, institutionalizes a procedure for addressing appropriateness of placement and compliance with relevant minority legislation. The annual Disposition Hearing also involves a gathering of parent, attorneys, Social Worker, advocates and other relevant individuals who review the appropriateness of the placement.*
8. *The Community Service Department recognizes that good placement practice includes a placement transition process. African American therapists in the community have been identified who can help the children and parents of children who are moved. It is a part of foster parent training provided by the Community Resources program to help the foster parents understand the children's needs during the time of movement, as well as, address concerns the foster parents may have around a child's transition.*

SECTION B: TRAINING (PAGE 9)

I. HENNEPIN COUNTY COMMUNITY SERVICES INFORMATION (PAGE 9)

resp: Additional training regarding placement preference and relative search policies and procedures will be offered to Community Services Department staff upon state promulgation of implementation procedures and policy, and a training curriculum for such. We would welcome your initiation for our active participation in the development of this material. Staff training covering current Community Services Department efforts in meeting service needs of minority communities is continuing including in-service course information on the Indian Child Welfare Act, the Minnesota Indian Family Preservation Act and the Minority Heritage Act

II. HENNEPIN COUNTY COMMUNITY SERVICES PROVIDES(PAGE 9)

resp: Specific training regarding placement preference and cultural heritage policies and procedures will be offered to foster parents staff. We believe that state wide policies and procedures, and training curriculum is necessary to assure statewide consistency. We would welcome our participation in development of this material.

SECTION B: TRAINING RECOMMENDATION (PAGE 9)

resp: Training regarding placement preference and relative search policies and procedures will be offered to Community Services Department staff. Here also, We believe that statewide policies and procedures, and the development of a training curriculum to reflect those policies and procedures is necessary to assure statewide consistency. We would welcome your participation in the development of this material.

SECTION C: CHILD FOSTER CARE RESOURCES (PAGE 10)

resp: Of the 105 children identified in October of 1990, 80 were placed 10 months to 10 years before that date. The 144 vacancies were as of October 1990 and reflected a great deal of effort by both private agencies and Hennepin county in recruiting more African American foster homes during 1990. (we had 148 African American foster homes in January 1990 and 177 by October 1990.) Also, by October 1990, we began to see the effects of the many new family preservation services and relative searches that were intensified during 1989 and early 1990. When these 80 children were placed, we were using African American foster homes for back up shelter as well as for foster home referrals for African American children and we were in a gridlock situation in terms of vacancies. For example, Hennepin County experienced an increase in the number of children entering shelter care between 1986 (2452) and 1990 (3900). African American children represented 28% (1986) and 46% (1989) of the children entering shelter care. The number of children entering shelter care increased from 130 per month in January 1987 to over 330 per month in October 1989. Foster home requests for December to May of 1989 were 120-138 per month as compared to the current 70-90. Therefore, when these children entered the placement system these African American foster homes were not available.

I. 177 LICENSED AA-FOSTER HOMES (PAGE 10)

resp: We now have 185 African American foster homes and 55 African American foster parent applications pending. Foster care capacity fluctuates daily as children move in and out of the system and foster families periodically take time off.

II. VACANCIES DO NOT EQUAL RESOURCES AVAILABLE (PAGE 10)

resp: Many of the 105 African American children were placed in non-same race foster homes when the space available in African American foster homes was being used to handle the enormous growth in children entering the shelter care system. The time period from 1987 to 1989 saw a huge gain in the number of shelter beds needed. 46% of children using shelter in 1989 were African American. At this same time, the need for foster placement of African American children continued and many African American foster homes were being used for shelter backup needs. We believe the order of preference in referring homes was followed. There were not enough homes, however, due to the reasons expressed in this paragraph.

III. REDUCTION IN NUMBER OF CHILDREN PLACED (PAGE 11)

From the last months of 1989 to the present, there has been and continues to be, an ardent effort to increase placements with relatives, as indicated by the chart below. This chart refers to the current foster placement situation in Child Protection Services.

| | Foster Home Plcmts | Relative Plcmts | Percentage of Relative Plcmts to Foster Home Plcmts |
|---------------|--------------------------|--------------------|---|
| January 1989 | 753 | 28 | 3.7 |
| December 1989 | 933 | 63 | 6.7 |
| January 1990 | 922 | 78 | 8.4 |
| December 1990 | 890 | 113 | 12.7 |
| January 1991 | 885 | 115 | 13 |

There has been over a 300% increase in relative placements during the 24 months covered in the chart above. It is not surprising to the Community Services Department that the number of non-same race placements has declined even though there has been an increase of almost 18% in the number of foster home placements over this same time period.

IV. RECRUITMENT OF FOSTER FAMILIES FROM COMMUNITIES OF COLOR
(PAGE 11)

resp: We have had a specialized African American foster home recruiter since 1978 and have specifically recruited homes in this community since then. In 1984 we were able to hire staff that were African American to specifically work with and license African American foster families and this support and cultural sensitivity continued to help us increase the number of African American foster homes. We continue these efforts.

V. IMPROVE DATA COLLECTION AND ENHANCE QUALITY, ACCURACY OF INFORMATION (PAGE 11)

resp: Changes to the client tracking information database is ongoing by the Community Services Department in our effort to accommodate all DHS child reporting regulations and requirements for children in placement. Routinely, race and tribal enrollment status is checked with Community Service Department staff to assure accurate data collection for American Indian children. The foster parent database has been updated so that 92% of all foster parents' racial identity is listed. It is now part of the licensing procedure for a new foster home and the yearly re-licensing for an existing foster home to determine the racial make-up of the foster home and enter the information into electronic file. All time reporting codes have been changed to reflect DHS BRASS codes. Modifications to the placement tracking system are currently underway to accommodate the federal placement information regulations which begin in October 1991.

VI. FOSTER PLACEMENT RESOURCE USE BY OTHER MINORITIES (PAGE 12)

resp: While we have recruited heavily and have culturally sensitive staff to work with both American Indian foster homes and African American foster homes, we recognize the need to increase our efforts to recruit homes in the Asian and Hispanic communities.

SECTION C: CHILD FOSTER CARE RESOURCES RECOMMENDATIONS

(PAGE 12)

resp:

1. The Community Service Department has convened a task force to review the case plans of American Indian children. All American Indian children in placement as of 3-1-91 will be reviewed with special attention given to those children found to be in non-same race foster homes.
2. The Community Service Department will convene a task force to review the case plans of Hispanic and Asian children. The most recent survey conducted in October 1990 indicates there are only Hispanic children in placement with Asian children at or near that number.
3. There are presently 185 licensed African American foster homes which is a 25% increase over January of 1990. There are an additional 55 applications being processed. All minority foster home applications are expedited as the high increase rate for African American homes in 1990 indicates.
4. We agree and continue to recruit and will emphasize training in this area including encouraging existing licensed homes to accept special needs children and access appropriate training.

SECTION D: PLACEMENT WITH RELATIVES (PAGE 15)

resp: Until now, documentation concerning information about relatives has not been required. We will change record keeping requirements to include the information on relatives. While we recognize the need for this documentation, a standard for acceptable level of effort has not been determined and we look to DHS to assist in clarifying the compliance levels of reasonable efforts in this area. We have been using the Placement Plan form, the Revised Placement Plan form and the Administrative Review of Out of Home Placement form which have all been approved by DHS to document placement related case activity. None of these forms contains a request for information concerning relative search.

I. OVERALL, THE DIFFERENCE BETWEEN THE EFFORTS RECORDED...
(PAGE 15)

resp: In the follow-up questionnaires we were not able to determine efforts, since the original Social Worker either was no longer available or due to the long time lapse since the original placement. Some of the children have been in placement for 8, 10 or more years and minority legislation was not in effect for all children at that time.

II. THE AVERAGE COMPLIANCE LEVEL FOR ALL ITEMS ...(PAGE 15)

resp: Since documentation has not been required, we cannot be sure that the missing data on 48% of the cases reviewed by DHS means the effort was not done or if it really means 48% could not be determined. The original placing worker was not available for some of the cases reviewed and there would be no way of determining compliance on those cases.

III. THE LEVEL OF COMPLIANCE WITH PLACEMENT PREFERENCE
(PAGE 16)

resp: Since documentation was not required, since some of the placements were made before all parts of the minority legislation was in effect and since a number of the social workers originally making the placement are no longer available to us, any statements on the sample would be guesses at best. We recognize the need to comply with the various minority laws. We believe that statewide policies and procedures and a training curriculum to specify the rules around placement of minority children is necessary and support any DHS effort to promulgate the needed policies, procedures and training.

IV. BASED ON THE DIFFERENCE BETWEEN REQUESTS AND ..(PAGE 16)

resp: The Community Services Department believes in the goals of and hence has an unequivocal commitment to the Indian Child Welfare Act and the Minority Heritage Act for the provision of services to American Indian and African American clients. The African American and American Indian Advocates are an essential resource for case planning whenever a child of color is at risk for out of home placement. It is the policy of the Community Services Department that all social workers responsible for African American or American Indian children at risk for placement to request involvement of a minority advocate. A written request is made in these cases indicating compliance with this policy. Not all requests can be met, however; because of the limited funds available for this non-mandated service, increases in the Advocate Program has been made in 1991 bringing the number of Advocates up to ten.

SECTION E: PLACEMENT IN SAME RACE HOME (PAGE 16)

I. THERE DOES NOT APPEAR TO BE A UNIFORM (PAGE 16)

resp: This finding is not accurate. Virtually all placement requests for foster homes come through the placement resources unit because we control access to family foster homes both public and private. Social Workers in direct services (Family Services and Child Protection Services) often do not keep a copy of the placement request in the child's record nor is it required. The placement unit retains the placement request for one year. This is an area for the DHS to set criteria for future monitoring concerning what documentation we should keep and where. It must be emphasized that multiple case filing of forms no longer useful is much less productive than would be electronic documentation.

SECTION F: ADHERENCE TO HC POLICY ON PLACEMENT PREFERENCE
(PAGE 17)

I. THE LEVEL OF ADHERENCE WITH SPECIFIC COUNTY ...
(PAGE 17)

resp: There appears to be a misunderstanding on the part of DHS concerning Community Services Department placement request procedures. All placements must and do go through Community Resources. We believe we are in 100% compliance with this Community Services Department policy. We will now require all requests for placement of children of color be reviewed and signed-off by a minority advocate before any placement resources are identified or a notation will be made if there is a lack of staff availability. We note that many of the placements reviewed by DHS were made prior to the Hennepin County initiation of the being any African American advocate program.

SECTION G: DOCUMENTATION OF GOOD CAUSE TO NOT FOLLOW PLACEMENT PREFERENCE (PAGE 17)

I. FOURTEEN OF THE 37 CHILDREN (38 PERCENT) ... (PAGE 17)

resp: Without the raw data, it is difficult to respond to specifics. It does appear, however, that this is another area in which past record keeping was not sufficient.

II. "BEST INTEREST OF THE CHILD" IS NOT (PAGE 18)

resp: The best interest of the child currently includes consideration of cultural appropriateness of the placement. Consideration is also given to the wishes of both parents. Documentation and training regarding what constitutes best interest of the child are necessary to assure consistent statewide interpretation of this standard and we will implement DHS policy, procedure and training curriculum on this.

SECTION H: ONGOING EFFORTS TO PLACE WITH RELATIVES

(PAGE 18)

I. THE CASE RECORDS AND QUESTIONNAIRES INDICATE (PAGE 18)

resp: We will explicitly review the cultural appropriateness of all placements as part of the overall review during the administrative review process which occurs every 6 months.

It must be restated that we are currently using the Out of Home Administrative Review form which is approved by DHS. This form does not include documentation concerning cultural appropriateness of placement nor any other prompting for information regarding relative search. We believed that use of this form constituted compliance with the DHS rules regarding placement of children since this form has been a major part of DHS audits around placement-related case activity.

AMERICAN INDIAN FAMILY PRESERVATION REQUIREMENTS (PAGE 19)

resp: We have identified, previously, the development of implementation guidelines, enhanced record keeping capabilities, specific training regarding the requirements of federal and state law, oversight procedures and need for a clear definition of diligent efforts and these issues are also relevant to the placement of American Indian children.

SECTION I: PLACEMENT WITH RELATIVES (PAGE 20)

I. THE DIFFERENCE BETWEEN THE EFFORTS RECORDED (PAGE 20)

resp: We believe that since documentation of efforts was not required and since a number of the social workers are no longer available for verbal confirmation of efforts, it is difficult to determine absolute compliance numbers. Given the difficulties just mentioned, your review of our records does indicate a 70% compliance with gathering information about American Indian relatives.

II. THERE IS A CLEAR LACK OF DOCUMENTATION (PAGE 20)

resp: We recognize the need for compliance with the Indian Child Welfare Act and other legislation relevant to minority children in placement. We will be reviewing case plans of all American Indian children in non-same race homes, we will be explicitly emphasizing relative placement and placement preference issues during the placement Administrative Review process and we would welcome your participation in the development of policies, procedures and training curriculum to assure state wide consistency in these areas.

III. THE LEVELS OF COMPLIANCE WITH PLACEMENT PREFERENCE ... (PAGE 21)

resp: There are a number of support services available to American Indian licensed foster homes. The monthly foster parent newsletter, "ESSENTIALS", provides all foster families with a schedule of placement related courses. There is the American Indian Foster Parent Support Group which meets periodically to discuss issues specific to American Indian children in placement and the needs of the American Indian foster home. While these support services are geared to licensed homes, we are looking to expand this effort to unlicensed relatives because it is becoming a growing placement resource for many children in the community.

Where special medical training is needed before a child can be placed either with a relative or a licensed home, there is always a close working relationship with medical resources, the family, the foster family or relative and the social worker to make sure that the appropriate training is obtained.

IV. BASED ON THE DIFFERENCE BETWEEN REQUESTS FOR (PAGE 21)

resp: There is a recognition that we do not have enough Minority Advocates for the need. There was a recent increase in the Minority Advocate Program staff to ten full time unit members. Additionally, three temporary staff were hired to handle relative search needs for the African American children in non-same race foster homes. Additional advocate staff will be considered in the 1992 budget. While we believe in the need for this program, funds are not available to staff the program to meet all the need nor is the Minority Advocate Program required by state regulations.

SECTION J: PLACEMENT IN AN AMERICAN INDIAN FOSTER HOME (PAGE 21)

I. INFORMATION SUPPORTING HENNEPIN COUNTY'S ... (PAGE 21)

resp: We welcome working with DHS in the development of an appropriate state wide placement check list specific to the American Indian child to include compliance with the placement preference guidelines indicated in the Minnesota Indian Family Preservation Act.

SECTION K: PLACEMENT USING A DIFFERENT TRIBAL ORDER OF PLACEMENT PREFERENCE (PAGE 21)

I. HENNEPIN COUNTY DOES NOT APPEAR TO CONSISTENTLY (PAGE 22)

resp: There may be some confusion by staff in the process of tribal involvement. Participation of the advocate may have been perceived as satisfying the requirement of tribal involvement. This will be clarified in policy material and supervision. The placement review process for new placements and children moving from one placement to another will also include checking to assure tribal involvement has been addressed.

SECTION L: DOCUMENTATION OF GOOD CAUSE TO NOT FOLLOW PLACEMENT PREFERENCE (PAGE 22)

I. FOR TWO OF TEN CHILDREN, PLACEMENT IN (PAGE 22)

resp: Clarification in the area of good cause will be included in forthcoming staff training as well as development of guidelines for adequate record keeping.

SECTION M: ONGOING EFFORTS TO FOLLOW PLACEMENT PREFERENCE
(PAGE 23)

I. THE CASE RECORDS AND QUESTIONNAIRES INDICATE ... (PAGE 23)

resp: The Administrative Review of placement conducted every 6 months will include an examination of relative placement possibilities. The task force reviewing American Indian children in non-same race foster homes will be convened immediately with attention given to complying with placement preference guidelines. New placements are reviewed by program managers and supervisors to assure placement preference and same-race foster care is addressed appropriately.

CORRECTIVE ACTIONS

RECOMMENDATIONS (PAGE 24 and PAGE 25)

resp:

1. *We welcome the opportunity to participate in the state revisions of placement plan, plan update, and plan review forms. (PAGE 24)*
2. *We welcome the opportunity to participate in the development of a statewide procedural checklist which will be a part of case records. We would then require periodic review of checklist by the Supervisor. (PAGE 24)*
3. *While we will be making a number of documentation changes to reflect efforts made to comply with minority heritage compliance laws, we continue to look to DHS to promulgate policy and procedure guidelines and a training curriculum reflecting such. We welcome the opportunity to participate with you in the development of these policies and procedures. (PAGE 25)*
4. *The Community Services Department clearly recognizes the importance of supporting a child's heritage and is committed to incorporating that recognition into the policies and procedures when children must be separated from their family. (PAGE 25)*
5. *This has been an informal practice which will now be established as a formal process with supporting documentation in the case record. (PAGE 25)*
6. *(PAGE 25)*

A copy of advocate referral form will be in the record

B copy of the placement review notes will be in the record

C request for advocate will be verified by A immediately above and the placement with relatives will be documented by B immediately above and by the placement checklist yet to be developed by DHS with Community Services Department collaboration

7. *We are currently performing monthly Quality Assurance and 427 reviews which can incorporate the compliance with documentation requirements. (PAGE 25)*

8. *We continue to support the recommendations of the October 1990 paper regarding the implementation of the Minority Family Heritage Act in Hennepin County. The foster home resource coordinator is tracking all placements now and routinely place the name of any child on a waiting list to continue to look for appropriate foster home referrals if the child is not initially placed in a same race foster home. (PAGE 25)*



State of Minnesota
Department of Human Services

Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155

RECEIVED

MAY 21 1991

BUREAU OF
SOCIAL SERVICES

May 17, 1991

Mr. Kevin P. Kenney
Associate County Administrator
Hennepin County Bureau of Social Services
A-2303 Government Center
Minneapolis, Minnesota 55487

Dear Mr. Kenney:

This letter is in response to the Hennepin County Corrective Action Plan of March 6, 1991. We appreciate the timely response to the findings in the report, "Monitoring of Hennepin County Compliance with Laws Respecting Cultural Heritage," conducted by the Children's Services Division and County Monitoring and Policy Coordination Division personnel.

On April 19, 1991, we discussed additions necessary to the Corrective Action Plan with Mr. Weber. In reviewing the plan, we found the county responsive to correcting identified problems and concerns. However, some items necessary to insure implementation were not included. Mr. Weber agreed to provide us with: 1) the name of the individuals and positions responsible for implementing the policy, procedure or documentation required; and, 2) the date of implementation of plan items; identification of any documentation required.

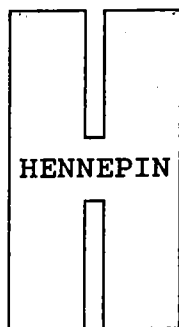
The specific areas requiring the above information include:

- 1) placement plans;
- 2) placement in same race foster homes; and
- 3) periodic reviews.

Upon receipt of the above information, the Corrective Action Plan submitted by Hennepin County is approved. We look forward to working with your staff and with members of the community to improve services.

Sincerely,

JANET K. WIIG
Assistant Commissioner
Family and Children's Programs



COMMUNITY SERVICES DEPARTMENT
EXECUTIVE OFFICE
A-1005 Government Center
Minneapolis, Minnesota 55487-0105

June 21, 1991

Janet K. Wiig
Director of Children Service Division
Family and Children's Programs
MINNESOTA DEPARTMENT OF HUMAN SERVICES
444 Lafayette Road
St. Paul, Minnesota 55155-3839

Dear Ms. Wiig:

We are submitting the following information you requested in your correspondence of May 17, 1991. Hennepin County Community Services has agreed to provide you with some information as to what efforts the County will be making in order to ensure implementation of the steps which the County indicated it would be taking in the near future. These were some recommended actions which the County needed to undertake pursuant to your report, "Monitoring of Hennepin County Compliance with Laws Respecting Cultural Heritage."

Specifically, you were requesting the following information:

- 1) The name of the individuals and positions responsible for implementing the policy, procedure or documentation required; and
- 2) The date of implementation of plan item; identification of any documentation required.

The specific areas requiring the above information includes:

- 1) placement plans;
- 2) placement in same race foster homes; and
- 3) periodic reviews.

Before responding to the specific information requested, it may be useful for you to know what some of our efforts relative to this issue have been in the past recent months. I am attaching for your information and for some background information a memo sent out by Mr. Wayne Takeshita, on April 11, 1991, "SERVICES TO FAMILIES AND CHILDREN." Mr. Takeshita has been assigned major responsibility for project management and oversight of the various task/issues listed in the memo which will be undertaken by various groups of individuals primarily within the County's family and children's programs.

As is noted in the memo, among some of the desired outcomes will be: a) to design and develop a service system for families and children which will not only benefit the recipient of our services but one which will benefit our entire community...; and b) to ensure that Hennepin County will be in better compliance surrounding the out of home placement of children, particularly, children from our ethnic communities.

At the present time, we are looking to the project having estimated six months overall time period. Obviously, some of the tasks/issues listed can be accomplished in a shorter time period, while some others will take some additional time. Additionally, there have been some task/issues which are perceived to be of relatively high priority and which will be getting immediate attention. Many are the same issues referenced in your request, for example, Implementation of legislation, ICWA and the Family Heritage Act; Case/placement plans; Documentation of efforts and critical activities completed; and Child placement review mechanisms.

What follows is the specific information you are requesting:

1) Case/placement plans

Individual Responsible:

Jim Christiansen, Program Manager, Child Protection Division.

Assigned Tasks:

Will be undertaking a review of how case/placement are developed, revised, monitored and reviewed. How plans are written, e.g., who should be included, what should be included, what documentation is necessary, etc. What will be the respective roles of the various individuals involved with the child's plan, e.g., the family, child, foster parents, the social worker, other agencies, etc.

Timelines:

By mid-July, 1991, an initial draft of this particular task group's activities will be completed. The group will be identifying recommended revisions in policies; identify training needs, i.e., how to translate policies into practice and review other activities related to case/placement plans. By the end of the year, it is expected that all affected staff will be trained and knowledgeable about the revisions/changes in this area.

2) Placement in same race foster homes:

Individual(s) Responsible:

Richard Merwin, Program Manager, Child Protection Division

Karen Wahlund, Program Manager, Child Protection Division

Suzanne Douglas, Program Manager, Community Resources Division; and

Margaret Lonergan, Program Manager, Family Services Division

Assigned Tasks:

Each of the above Program Managers have been assigned lead responsibility for different but related task/issues groups having to do with placement of children in same race homes. The laws and rules will be reviewed by Mr. Merwin's task group; Kinship care/Relative care by Ms. Wahlund's group; Referral of placement resources by Ms. Douglas' group; and the area of recruitment, both foster and adoptive homes will be reviewed by Ms. Lonergan's task group. Obviously, many of the issues to be reviewed by these groups will be inter-related and many of the task will require some coordinated activity and involvement.

Timelines:

Each task/issues group will be undertaking a review of our current policies, procedures and practices and make recommendations for revisions and/or changes in such. It is anticipated that changes which can be made in our policies or procedures without doing a major revision will be made during the process, e.g., referrals for placements (S. Douglas' group) and other changes will be made as they are recommended. Each task group will prepare a draft report by mid-July, 1991 which will indicate the initial activities undertaken and provide some tentative ideas as to the changes or action steps they may be recommending. Each group will be requested to keep in mind the necessary and important training needs which we will need to provide in order to accomplish the proposed changes. It is expected that by the end of September, 1991, each group will have outlined a specific plan to implement the changes recommended by their respective groups, e.g., revise/rewrite policy, develop a training curriculum, develop the accompanying structural/organization changes, etc.

3) Periodic Reviews:

Individual(s) Responsible:

Lou Kaluza, Principal Social Worker, Child Protection Division

Judy Hadler, Program Manager, Child Protection Division

Jim Christiansen, Program Manager, Child Protection Division

Assigned Tasks:

Each of the assigned task/issues groups, led by the individuals listed above will be reviewing the various issues having to do with the placement decision, document of reasonable efforts prior to the placement and placement plans. Reviews of our current policies and practices will be done with an eye toward looking at revising/changing those policies and procedures which will ensure that all activities having to do with the placement of children are explicitly and clearly documented in the child/family's file. As with the other assigned task/issues groups, these groups will also be looking at the training needs related to the issues indicated.

Timelines:

The timelines will be the same as was for the other groups above, i.e., initial report around mid-July, 1991 which would indicate the respective group's tentative directions and plans.

By the end of September, 1991, hopefully a final report will be completed by these groups which will state the specifics activities which they will be undertaking and implementing.

As you can see, we are attempting to accomplish a major undertaking. The Community Services Department continues to be steadfast in their commitment to place children, when necessary, in appropriate settings. We recognize the importance of supporting a child's heritage and are committed to incorporating that recognition into our policies and everyday practice. Hennepin County is making and will look toward making a number of changes to reflect our efforts to better comply with minority heritage compliance laws. At the same time, we will continue to look to DHS and its leadership to promulgate policy and procedure guidelines and a training curriculum to reflect such. Hennepin County also looks forward to working closely with DHS staff and with members of the community to improve services to our families and children. As I indicated earlier, Mr. Takeshita will be the Department's lead person in this area for the next few months. If you have any questions or need any clarification regarding any of the information above, please feel free to contact him directly. He can be reached at 348-3553.

We hope that this information meets the requirements of your request. It is our understanding that with this submission of information to you, Hennepin County's Corrective Action plan is approved.

Sincerely,

MICHAEL W. WEBER, Director
Community Services Department

cc: Kevin Kenney
Wayne Takeshita
Ray Ahrens
Carol Ogren

Attachment

HENNEPIN COUNTY COMMUNITY SERVICES DEPARTMENT

SERVICES FOR FAMILIES AND CHILDREN

I. Issues before Department

Family Preservation Project

Review of 105 African American placements

Review of American Indian placements

DHS audit of non-same race foster placements

CSD response to DHS audit

**Reports to CPS Legislative Commission by four Councils
representing communities of color**

II. Intent

Assure implementation of all recommendations

Assure that implementation is internally consistent

**Assure that information is available on interrelated
components of implementation**

Assure adherence to timelines

III. Management

Single person in charge

Tracking system

Sharing of information--All drafts to be signed by

**at least two managers; then reviewed by project manager and MWW;
revised and circulated to all managers; signed off and implemented**

IV. Components

Policy development

Implementation procedures

Communication of policy/procedures to staff

Monitoring procedures, including information system

Training--curriculum development and training sessions

V. Program Elements

Policy regarding importance of preserving family

Implementation of legislation

Indian Child Welfare Act

Family Heritage Act

Resource directory

Kinship care

- Definition of family, relative**
- Training on importance of relative placement**
- Relative search**
- Use of Interstate Compact**

Adequacy of relatives

- Licensing standards/waivers**
- Payment for relative care, foster care**
 - Length of relative payment at foster rate**
 - Private foster agencies**

Referral for placement--4163

- Prerequisites**
- Policies for placements to be referred**
- Decision on selection of placement to be used**

Minority Advocates

- Referrals for, responses to referrals**
- Role of**

Decision making to place, terminate

- Access to non-placement alternatives**
 - Information**
 - Pooled funding**
 - Decision procedures**
- Placement as a risk factor**
- Incentive to place**
 - Safety of child; single staff responsibility**
 - CPS workload formula**
 - Organizational structure**
- Evaluation of placements**
 - Aftercare contacts**
 - Assessing client outcomes**

Case/placement plans

- Assessments**
 - Strengths/problem issues**
- Objectives**
- Roles--family, CSD, foster parents, other agencies**

Police interaction

- Emergency holds**
- Risk investigations**

Rule 5 placements

- Initial evaluations**
- Participation in student data reporting system**
- Length of stay, transitions**

Documentation of efforts

- Critical activities**

Public information--handbooks, brochures

Recruitment of foster/adoptive families

Role of foster families

- Team participation**

Family Preservation geographic team



STATE OF MINNESOTA
COUNCIL ON BLACK MINNESOTANS

Wright Building • Suite 426
2233 University Avenue • St. Paul, MN 55114 • (612) 642-0811

REPORT TO SOCIAL SERVICE SUBCOMMITTEE

HENNEPIN COUNTY

November 1, 1990/November 2, 1990

Disproportionate numbers of African American children are without permanent homes. In 1989, of the 3,690 children admitted to shelter, 1,750 children were African American children. There are many reasons for children in foster care. However, these are problems which, if appropriately addressed through preventive services, do not have to lead to children being removed from their families, and children do not have to be placed in foster homes and become exposed to the trauma they are subjected to.

The Minority Heritage Child Protection Act of 1983 and 1988, [see Attachment C], would prevent the level of out-of-home placement of African American children that we are presently seeing. After overwhelming evidence that the Minority Heritage Child Protection Act has been ignored by the Hennepin County Welfare Department [and hence, in clear violation of the existing state law], and African American children have unlawfully been placed in White foster homes without exploration of relative placement, extended family search and African American foster homes.

This negligence led to the "Take Back Our Children Rally," sponsored by the African American Children and Family Survival Committee on August 15, 1990 to help save our children. Placement of African American children outside of African American homes threaten to destroy a generation of children.

REPORT-HENNEPIN COUNTY BOARD OF COMMISSIONERS - 11/90 - p. 2

At that time the African American Children and Family Survival Committee revealed:

1. African American children were removed from their homes inappropriately.
2. Numerous African American children were in White homes.
3. Relatives were unaware that they can become foster parents and adoptive parents with financial assistance.
4. There were more than enough African American foster homes to meet the needs of African American children, yet African American homes remained vacant.

On August 23, 1990 the African American Children and Family Survival Committee presented a series of demands, with strategies to achieve those demands, to the Hennepin County Board of Commissioners. The Board of Commissioners established a committee to examine out-of-home placement of African American children. [See Demands and Strategies, Attachment A.] The County Board, subsequently on September 18, 1990, passed a "resolution" forming a task force to address those demands. [See Attachment B.] There have been three meetings.

REPORT-HENNEPIN COUNTY BOARD OF COMMISSIONERS - 11/90 - p. 3

The three meetings held consisted of the following exchange of information and requests:

On October 5, 1990, the African American Children and Family Survival Committee requested statistical data on the number of African American children in White foster homes. The need for a relative search unit was confirmed.

On October 19, 1990, the committee was presented with statistical data: 105 African American children are currently living in White foster homes. A subcommittee was formed to establish a specific work plan for the purpose of undertaking an immediate review of the 105 African American children in non-same race out-of-home placements.

On October 26, 1990, the subcommittee presented guidelines for the case-by-case reviews, established a work plan on how to review activity which included prioritizing the movement of the 105 African American children into racially congruent settings. The report indicates that there are clearly enough homes, 145 licensed African American homes with vacancies for all African American children. This does not include possible relative placements.

To date, there has not been a system established to monitor the Minority Heritage Child Protection Act. Children of African descent have not been moved from White foster homes.

The need for additional African American advocates, the need for a relative search unit, the use of like heritage therapists, and the use of like heritage guardian ad litems was unanimously agreed upon by the committee.

The African American Children and Family Survival Committee recommends that these positions be achieved through the use of thirteen proposed new staff positions, and recommend that 7 of those positions be used for African American advocates and the remaining to comprise the relative search unit.

It is time to address the best interest of our children and not accept a cosmetic approach for a significant deficiency in the placement of children. African American children have been and continue to be victims of abuse when decisions affecting their future continues to be made, and activated by culturally insensitive public service employees. The sheer magnitude of the crisis threatens to destroy a generation of children.

In the final analysis, it should not be so difficult to get you the Hennepin County Board of Commissioners to do what is so obviously right and sensible for our African American children.

ATTACHMENT - BUDGET PROPOSAL

RELATIVE SEARCH TEAM

| | |
|------------------------------|------------|
| 8 Workers @ \$38,000 | \$ 304,000 |
| 1 Unit Supervisor @ \$40,000 | 40,000 |

AFRICAN AMERICAN ADVOCATES

| | |
|-------------------------|---------|
| 7 Workers @ \$25,000 | 175,000 |
| 1 Supervisor @ \$40,000 | 40,000 |

GUARDIAN AD LITEMS

| | |
|----------------------------------|----------------|
| Training Cost | 15,000 |
| 20 Guardian Ad Litems @ \$20,000 | <u>400,000</u> |

TOTAL PROPOSED BUDGET **\$ 974,000**

**THE AFRICAN AMERICAN COMMUNITY REPORT TO THE HENNEPIN COUNTY
BOARD OF COUNTY COMMISSIONERS**

In October 1990, the Hennepin County Board of County Commissioners appointed a Task Force to address the overall demand presented by the African American Community on the **Out-of-Home Placement** of African American children--

Within thirty days a system must be developed to effectively monitor the "Minority Heritage Child Protection Act". This committee will evaluate that system and all recommendations from this committee must be followed, PRIOR to implementation of the new system.

Further, there were eight other demands which flowed from this major expectation--

1. **All African American children who are presently placed with white foster families must be removed immediately and placed with African American foster families.**
2. **All African American children in the future must be placed with African American foster/ adoptive families.**
3. **Siblings will not be separated when removed from their families.**
4. **Siblings who are separated in foster homes must be reunited into one African American home.**
5. **Relatives must be explored as the FIRST placement resource. This includes relatives in the State of Minnesota, as well as those that live in other states/countries.**
6. **Relatives must be used BEFORE utilizing the foster care system.**
7. **The county's policy of basing placement of children into foster homes where one parent has to be in the home MUST BE CHANGED so that the policy reflects the needs of the child as the basis of placement, NOT the circumstances of the foster family.**

- 8. All activity regarding ANY "orphanages" MUST BE STOPPED IMMEDIATELY. Any further discussion MUST include members of this Committee.**

Methods were attached which addressed the State Statute -The Minority Heritage and Child Protection Act and Federal Statutes (PL 96-272). All methods, called Strategies, are culturally appropriate and will satisfy the offended African American community at large--

- 1. The counties must hire African American staff in proportion to the number of African American children served. Staff includes, not only Child Protection Workers, but Supervisors, Program Managers and Division Managers as well.**

Further, the counties must hire 10 African American Advocates IMMEDIATELY.

- 2. Child Protection Workers must be screened as closely as potential foster care parents are BEFORE being placed on their jobs.**
- 3. Counties must provide training immediately to judges and Social Workers in the entire system that work with communities of color. Those training programs should be developed with communities of color, i.e., Council on Black Minnesotans.**
- 4. Arrangements for THERAPY will be with African American Professionals.**
- 5. To facilitate the MOVE to African American families, white foster parents will receive therapy so as not to sabotage the move.**
- 6. African American children, who are being REUNITED with their siblings MUST receive therapy (around reunification and grief, and how to function again as a family) with African American therapists.**
- 7. All RTC's will be reviewed by this Committee which will determine which RTC's are inappropriate resources. Those inappropriate RTC's will no longer be used for African American children from Hennepin County.**
- 8. There needs to be a UNIT created for the purpose of doing "relative searches."**

This Task Force has met regularly since its beginning and to date no system has been developed or put in place to monitor this important legislation.

March 1991, the Commissioner of the Department of Human Services for the State of Minnesota, issued a report in direct response to the efforts of the Hennepin County Task Force on the **Out-of-Home Placement** of African American children. The report was sent to the Bureau of Social Services of Hennepin County shortly after its publication, it was also shared with the Task Force members. The following is a response from the African American Community on the salient points made by the Commissioner's report, and Hennepin County's written response to that report, now a part of public record.

I. APPROPRIATE REFERENCES TO MINORITY HERITAGE ACT...

African American Community Response: While the county's stand would, on the surface, appear to be sufficient to meet this demand, the African American community represented by the African American Family and Children Survival Committee does not share this view. The effort is only a bandaid approach to a serious violation of culture. We propose that in addition to the county's stated process that there be put into place a panel which would review the placement decision. That panel should be composed of: Child's Social Worker and Social Work Unit Supervisor, African American Advocate, an African American Foster Parent, Hennepin County Social Service Program Manager, and a member of the Relative Search Unit.

In addition, the Community Services Department's response to expand the procedural and record keeping guidelines is not specific to alleviate the on-going problems of placement. We recommend a specific unit of permanent full-time personnel who are trained in the importance of kinship relations particularly with families of color. When relatives are not a viable placement option then the decision **not** to place with relatives should be reviewed by the above panel.

II. EFFORTS TO DEVELOP AND IMPLEMENT PROCEDURES...

African American Community Response: The African American Family and Children Survival Committee understands that the formal procedure that has been in existence since October, 1989 was developed for the express purpose of documenting compliance with Federal Law 96-272. The intent was not to monitor or ensure that the Minority Acts were followed, and as a result African American children were and are still being placed in disproportionate numbers in non-relative and non-same race homes. We recommend that in addition to the Administrative Review Process, placement requests and placement reviews be reviewed by the previously outlined panel.

III. WHILE EFFORTS CONTINUE TO REVIEW THE APPROPRIATENESS...

African American Community Response: The African American Family and Children Survival Committee points out that each move that occurs to an African American child is a potential move into a relative's home. As a result, the panel previously identified will help to ensure that the **birthright** of African American children is protected.

IV. A MINORITY ADVOCATES UNIT WAS ESTABLISHED...

African American Community Response: Although there is neither statute nor regulatory requirement for the Minority Advocate Unit or state funds to support this service, it is critical to Hennepin County and its agents to fully utilize the Advocates Unit. The African American community sees this Unit as the County's last chance to follow the most appropriate avenue available to resolve differences between family and agency. The fact that a disproportionate number of African American children are being placed **out-of-home, out-of-family and out-of-community/culture** underscores the existence of a discriminatory activity toward African American children and the African American community.

V. THE REQUIREMENTS OF LAW...

African American Community - Response: The African American community acknowledges that neither Hennepin County's Community Services Department nor the State of Minnesota's Department of Human Services can critique the provision of culturally appropriate services as outlined by the Law. To do so would require a level of cultural competence that neither agency has achieved.

As a result, the African American Family and Childrens Survival Committee maintains that the county **MUST** hire African American staff in proportion to the number of African American children served. The intent of the legislation is to assure that all reasonable efforts be made to provide children of color with every opportunity to remain within their birth family and culture. Since the county has vigorously voiced a shortage of funds for the purpose of achieving the level of competence necessary to protect the birthright of African American children, we agree to the following actions as acceptable compromises--

- 1. The relative search team that Hennepin County's CSD has temporarily found funds to put in place be made permanent and two more positions be added to that unit.**
- 2. The panel previously mentioned should be put in place immediately so that culturally sensitive activities can occur for African American children.**
- 3. That training be provided to Social Workers at Hennepin County's CSD on identifying support services, and implementing support within a case plan. This should be no less than ten hours of training during this calendar year and all years following.**
- 4. That Foster Parents licensed through Hennepin County and the private agencies that Hennepin County contracts with should receive training on the Minority Heritage Act on a mandatory basis. The county should also inform each agency on its policy of complying with the LAW.**
- 5. The county will work cooperatively with all African American agencies and organizations who have a mission to recruit African American Adoptive and Foster homes.**

SECTION A: POLICY and PROCEDURE RECOMMENDATIONS

Item 1. African American Community Response: Hennepin County's CSD did not convene a Task Force to review the case plan of American Indian children and other children of color. The committee that was appointed reviewed the circumstances surrounding placements of American Indian children who remain in **out-of-culture** placements. No other children of color are scheduled for any review at all.

Items 3 and 4. African American Community Response: There is currently no policy or procedure in place to even begin to address these issues..

Item 5. African American Community Response: There is currently no policy or procedure in place to assure the compliance with the Minority Laws. The explanation of datelines has nothing to do with compliance with the Law.

ALL OTHER ITEMS. African American Community Response: Our earlier responses recognizes and addresses these concerns.

SECTION B

While the African American Community is mindful of training to move the county towards a higher level of cultural competence, this does not address the need to change attitudes, values and practices.

To achieve training which leads to new attitudes, values and practice it is imperative that community defined standards be sought, utilized and operationalized.

SECTION C: CHILD FOSTER CARE RESOURCES

In 1983, the Minority Heritage and Child Protection Act was passed. This act required that a system be developed and put into place to identify, recruit, train and utilize Minority foster family homes. The years between 1983 and 1989 were not well used by Hennepin County to accomplish the goal. They did not utilize the homes which were licensed. Within this six year period aggressive placement actions on the part of Hennepin County within the African American community could have resulted in **no** African American children being placed in foster homes **out-of-race, and out-of-culture**. It would have also minimized the number of African American children being placed **out-of-family**.

Through community activity we have surmised that Hennepin County repeatedly used Family Alternatives, PATHS, Wilder Foundation, Human Service Associates, and Volunteers of America for placement purposes. Recently, our data supports the widely held contention that Family Alternatives, Wilder and PATHS have been the worst offenders in the denial of our children's birthright to be placed within their cultural community and family.

Further, that it is standard practice to place African American children out of culture and community, and this practice is actively supported by Hennepin County CSD.

SECTION D: PLACEMENT WITH RELATIVES

In 1983 the Minnesota Minority Child Welfare and Heritage Act was passed. This act required, among other things, the exploration and placing of a relatives first placement preference. Hennepin County failed to follow the **law**. The State DHS failed to monitor and require Hennepin County to follow the **law**: and because of this non-compliance with the law, the African American community requires redress. We question the basis for the documentation of good cause to not follow placement preference. **White children are not placed out of their race for any CAUSE!** Therefore, there is no good documented cause to place African American children out-of-race. Federal legislation and State Common Law always required and supported the use of relatives in placement of children.

SUMMARY

The African American Community in Hennepin County does not absolve its agents-- Hennepin County Community Services Department, **and** State of Minnesota Department of Human Services -- of their responsibility to devise procedures that protect the birthright of African American children to remain in their cultural community and family. **Regardless of social trend.** We expect our rights to be vigorously protected by these agents. Further, we expect that elected officials will respond positively to the needs of African American Constituents when those constituents approach with a reasonable plan.

Corrective Measures Expected By The African American Community

Hennepin County and the Department of Human Services (State of Minnesota) have a responsibility to follow initially State Common Law with respect to placing African American children with relatives and then subsequently, the Minority Heritage Child Welfare Act after 1983. Hennepin County has continued to fail to comply with this law as well.

That both agents have failed to follow established practice, speaks to the lack of meaningful progress in righting a very serious wrong done to our African American community.

We are concerned and alarmed about the condition of children whose circumstance excludes them from the corrective actions we now seek. Those young people who carry a myriad of mental diagnoses and dysfunctional behaviors. Those who are in our prison system, homeless, and unadoptable.

We will continue to explore and work cooperatively with Hennepin County Community Services Department and State of Minnesota Department of Human Services on solutions to these problems as well.

**African American Children
and Family Survival Committee**

August, 1991

August, 1991

Board of Hennepin County Commissioners
A-2400 Government Center
Minneapolis, Minnesota 55487

Dear Commissioner:

The African American Children and Family Survival Committee appeared before the Social Services Committee of the Hennepin County Board of Commissioners on August 23, 1990, and presented a series of demands with strategies to respond to those demands.

Since October 5, 1990, regular meetings with the Task Force appointed [Hennepin County employees], and invitees [Survival Committee and other interested parties] have been held to review the placement of African American children in Hennepin County, to present recommendations on the out-of-home placements and to consider data provided by the Department of Human Services.

The African American Children and Family Survival Committee, and the Council on Black Minnesotans [also members of the Survival Committee], identified evidence that Hennepin County was not complying with the Minority Heritage Child Protection Act of 1983 and 1988. African American children continued to be unlawfully placed in Euro-American foster homes, there was inadequate exploration of relative placement and African American foster homes remained vacant.

African American children, approximately 103, are not in same race households. Statistics state that there are 144 vacancies in African American homes for African American foster children.

On November 2, 1990, the African American Children and Family Survival Committee gave testimony to the Social Service Subcommittee in Hennepin County. This report gave an overview of the disproportionate number of African American children without permanent homes. Despite overwhelming data, a deficient response to the budget was approved:

- * The eight relative search workers and one unit supervisor were denied, a temporary relative search team [6 months] was granted to look for relatives of those African American children in non-same race homes only;

- * The request for seven African American Advocates and one supervisor was adjusted to two Advocates; and
- * The twenty Guardian Ad items were vetoed by the Subcommittee.

It is the duty of the Council on Black Minnesotans to:

- * Serve as a referral agency to assist African American people in securing access to state agencies and programs;
- * Serve as a liaison with federal government, local government units and private organizations on matters relating to the African American people of this state;
- * Perform or contract for the performance of studies designed to suggest solutions to problems of African American people in the areas of education, employment, human rights, health, housing, social welfare and other related areas;
- * Implement programs designed to solve problems of African American people when so authorized by other statute, rule or order; and,
- * Review data provided by the Commissioner of Human Services under Section 11, Subdivision 5, and present recommendations on the out-of-home placement rate for African American children.

The recommendations necessary in order to address the deficiency in the placement of African American children are:

- * Make reasonable effort to prevent out-of-home placements.
- * Restructuring of intake procedures to include exploration of relatives as the first placement source.

- * Flexible hours for staff to give approval to peace officers involved in placement procedures.
- * Recruitment and training of African American staff.
- * Extensive training for existing staff:
 - a. Cultural sensitivity
 - b. Laws as they relate to African American children in out-of-home placement
 - c. Case reviews
 - d. Case narratives
- * Compliance with **DEMANDS** originally presented to the Board of Hennepin County Commissioners.
- * There must be tools for consistency in cases. Manuals, pamphlets and other instruments must reflect the legal criteria for placement.
- * Disabled African American children must have same efforts for placement as other African American children.
- * Continue Task Force meetings until discrepancies in the Hennepin County Community Services Department's placement of African American children in compliance with the laws.
- * Perform relative search of all African American children in out-of-home placement.

Disproportionate numbers of African American children are without permanent homes. In 1989, of the 3,690 children admitted to shelters, 1750 were African American. There is a need for a case-by-case review for all children in placement. Without such a review, children will continue to have inappropriate placements and adoptions, instead of reunions with their families.

The monitoring tool designed by the Minnesota Department of Human Services to examine the cases for compliance with the Minority Heritage Child Protection Act was not beneficial at the time examinations were made. None of the cases reflected compliance with the law.

Last year, over 90 percent of individuals in the state prisons said they experienced out-of-home placements as a child. Over a third of the individuals who were homeless in May 1990, stated they lived in residences without a kinship bond.

"There is resistance, but not an unwillingness to change," a number of Euro-American social workers in the Community Services Department admitted during a seminar that the Council on Black Minnesotans co-facilitated in February 1991. Admissions of racism and a lack of information have created a discomfort at the County level. However, when the changes suggested in this document are enforced, workers will no longer be responsible for using their discretion in areas that are foreign to them; manuals will reflect specific rules, and cultural sensitivity will become second nature.

The media has and continues to negatively portray African Americans and other persons of African descent negatively, distorted and damaging. Many persons who are on the Hennepin County staff are comfortable with using the homes they are familiar with, and have not investigated placement in same race households. The atmosphere has reflected a myth that it is best to remove an African American child from his or her environment completely and sever ties with the community.

This type of decision is counterproductive, and positive placement in same race homes will effectively prevent the effects of systemic racism, and encourage positive growth.

Sincerely,

Lester R. Collins, MN CBM
Executive Director

LRC:llb

Enclosures

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August, 1991

IN SUMMARY:

The legislative statutes outlined in this summary clearly mandate placement guidelines for African American children in out-of-home placement. To date, there continues to be concern in the African American Community regarding the enforcement of the heritage preservation statutes.

The following information gives a detailed outline of these laws and explains why the Council on Black Minnesotans strongly recommend that all counties and the Department of Human Services immediately adhere to the following statutes:

Minn. Stat. SS257.071, 257.072, 259.28, 260.181, and 260.191

In 1983, the Minnesota Legislature enacted the Minority Heritage Child Protection Act (the "Act"), which has been codified under various chapters of the human services and juvenile treatment statutes. Generally speaking, the Act provides that "the child's best interests are met by giving due consideration of the child's race or ethnic heritage" in making adoption or foster care placements. Although well-credentialed social scientists can no doubt be found to articulate plausible denials of this premise, the quoted phrase may be taken as the central policy assumption underlying the Act. As such, the proposition is legally entitled to virtually conclusive deference as a legislative finding of fact. Consequently, the present pattern of nonenforcement will not likely be excused or defended with reference to any argument or evidence based upon an allegation to the contrary, to the effect that a child's best interests should be determined without regard to his or her race or ethnic heritage. For the same reason, it should not be necessary to offer affirmative proof of the Legislature's statement of policy in order to compel local enforcement of the Act.

Section 257.071, subdivision. 1a requires the "authorized child placing agency (defined at S257.065 to mean the local social service agency under the authority of the county welfare board, or any agency licensed by the state or federal government, to place children for foster care or adoption) to place children released by court order or by voluntary parental release in a "family foster home selected by following the preferences described in section 260.181, subdivision 3." Accordingly, it is primarily the responsibility of the authorized child placement agency" to make sure that the ethnic placement priorities of Section 260.181, subdivision 3 are observed.

Section 257.072, as originally enacted in 1983, requires each authorized child placing agency to "make special efforts" to recruit foster families from among the child's relatives or families of similar ethnic heritage. The statute is now designated S257.072, subdivision. 1, seven other subdivisions having been added in 1988.

Section 260.181, subdivision 3, meanwhile, is primarily addressed to the courts when making disposition of cases involving juveniles "in need of protection or services", and declares that "the policy of the state is to ensure that the best interests of the children are met by requiring due consideration of the child's minority race or minority ethnic heritage in foster care placements." The operative portion of S260.181, subdivision 3 requires:

The court, in transferring legal custody of any child or appointing a guardian for the child under the laws relating to juvenile courts, shall place the child, in the following order of preference, in the absence of good cause to the contrary, in the legal custody or guardianship of an individual who is (a) The child's relative, or if that would be detrimental to the child or a relative is not available, who (b) is of the same racial or ethnic heritage as the child, or if that is not possible, who (c) is knowledgeable and appreciative of the child's racial or ethnic heritage. The court may require the county welfare agency to continue efforts to find a guardian of the child's racial minority ethnic heritage when such a guardian is not immediately available.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

The same declaration of state policy and order of priorities that are set forth in S260.181, subdivision 3, together with the applicable exceptions, are set forth in identical terms in the statute governing adoption of minority children, S259.28, subdivision 2, and are similarly addressed to the courts. Finally, S260.191 specifies the particular contents of any court order making disposition of a child found by the court to be "in need of protection or services or neglected and in foster care". Section 260.191, subdivision 1a(c) requires that any court order for disposition "shall contain written findings of fact... and shall also set forth in writing the following information: * * * (c) in the case of a child of minority racial or minority ethnic heritage, how the court's disposition complies with the requirements of section 260.181, subdivision 3."

The core statutes -- SS257.071, 257.072, 259.28, 260.181 and 260.191 -- thus effectuate a legislative policy, in place since 1983, directing that meaningful attempts be made to place minority children into foster or adoptive homes of similar ethnic origin. The primary responsibility for doing so in any given case lies with the "authorized child placing agency" operating under the authority of the county welfare board, but important responsibility also lies with the courts, which must make written findings of fact showing how the requirements of S260.181 are met, or presumably showing good cause to the contrary" when the priorities of that statute are not satisfied.

Reporting and Monitoring Requirements

The 1988 Legislature passed a number of statutes requiring the maintenance of records and promulgation of rules designed to promote the implementation of the Act and to monitor the compliance of child service agencies, counties, and the state Human Service Commissioner with the heritage protection provisions discussed above.

Section 257.066 required the state Commissioner to amend certain administrative rules (parts 9545.0750-.0830, 9560.0010-.0180, and 9560.0500-0670) "to ensure that, as conditions of licensure, social services and child-placing agencies meet the requirements of section 257.072, subdivisions 7 and 8, and keep records in compliance with section 257.01 and 259.46." While the statutory deadline for revising such rules was December 31, 1989, it does not appear that such rules have yet been adopted.

Section 257.071, subdivision 7 required the state Commissioner to revise the administrative rules on foster care standards (parts 9545.0010-.0260) to require as a condition of licensure that foster care providers attend training on the importance of protecting cultural heritage, and to review and revise foster care rules to reflect sensitivity to cultural diversity and differing lifestyles.

Subdivision 7 (2) further provides that "the commissioner shall examine whether space and other requirements discriminate against single-parent, minority, or low-income families who may be able to provide quality foster care reflecting the values of their own respective cultures." The statutory deadline for completing this review and revision of the foster care rules was December 31, 1989, but it does not appear that these directives were carried out.

Section 257.072 was substantially revised in 1988 to add seven subdivisions addressed to the implementation and monitoring of the objectives stated in the 1983 Act. Subdivision 2 requires the state Commissioner to develop a "cost-effective campaign" to recruit minority adoptive and foster families, to require that agency staff involved in minority recruitment attend cultural sensitivity training, and to monitor the "recordkeeping, licensing, placement preference, recruitment, review, and reporting requirements" of the

1983 Act. Subdivision 3 requires the Commissioner to "designate a permanent professional staff position for a minority recruitment specialist" with certain advisory functions.

Subdivision 4, perhaps the most ambitious of the 1988 additions to 257.072, requires the state Commissioner, after seeking and considering the advice of the state minority constituent councils (including the Council on Black Minnesotans) to:

1. Review and revise the social services manual and practice guide to "reflect the scope and intent" of the 1983 Act;
2. Develop criteria for determining whether a prospective adoptive or foster family is "knowledgeable and appreciative" of a child's minority ethnic background, as provided under S260.181.
3. Develop a training curriculum to implement the 1983 Act and to promote cultural sensitivity among foster care and adoption professionals.
4. Develop a training curriculum to similar effect for adoptive and foster family members.
5. Develop and provide to agencies an "assessment tool" for evaluating prospective adoptive and foster families of minority children. [No specific deadline is imposed by the statute for the development and implementation of the measures described in subdivision 4.]

Subdivision 5 of 257.072 requires the state Commissioner to provide the semi-annual report required under S257.0725 to the various minority constituent councils (including the Council on Black Minnesotans), beginning December 1, 1989. The statute mentioned in this subdivision calls for the Commissioner to publish by June 1 and December 1 of each year reports collecting and summarizing data concerning children in out-of-home placement. Such reports as described in the statute would provide information showing, among other things, a given county's compliance with the placement priority provisions of S260.181, subdivision 3.

Subdivision 6 of S257.072 authorizes but does not require the Commissioner to convene an advisory task force on minority child welfare.

A critical important provision of S257.072 as amended in 1988 appears at subdivision 7, which imposes important duties upon authorized child-placing agencies to:

1. Develop and follow procedures for implementing the order of placement priorities set out in S260.181.
2. Have a written plan addressed to specific aspects of minority adoptive and foster family recruitment.
3. Have a written plan for training adoptive foster families of minority children.
4. "If located in an area with a significant minority population", have a written plan for employing minority social workers.
5. **Ensure** that adoption and foster care workers attend approved training regarding cultural diversity and "the needs of special needs children." Because subdivision 7 is addressed to authorized child-placing agencies, which generally operate under the supervision of the county welfare board, it seems reasonable to assume that the county has the initial and primary responsibility for ensuring that the authorized child-placing agencies carry out the duties specified. The final provision of S257.072, subdivision 8, simply requires authorizing child placing agencies to provide placement and demographic data to the state Commissioner four months prior to the date each semi-annual Commissioner's report is due.

Statutory Duties and Powers of the Commissioner

Chapter 256 of the Minnesota Statutes describes the functions of the state Department of Human Services and the specific powers and duties of the Human Services Commissioner. Among the duties assigned to the Commissioner are the functions enumerated in S256.01, subdivision 2(3), which provides that "the Commissioner of Human Services shall:"

Administer and supervise all child welfare activities; promote the enforcement of laws protecting handicapped, dependent, neglected and delinquent children. . . ; license and supervise child-caring and child-placing agencies and institutions.

Among the functions that the Commissioner "shall have the authority" to discharge are those mentioned in S256.01, subdivision 2(1)(b):

Monitor, on an ongoing basis, the performance of local agencies in the operation and administration of human services, enforce compliance with statutes, rules, federal laws, regulations, and policies governing welfare services and promote excellence of administration and program operation.

The state Commissioner also has the discretionary authority under S256.01, subdivision 2(17), to establish and enforce certain county reporting requirements on a monthly or quarterly basis, as the Commissioner might require. The subject and content of these reports is not spelled out in the statute, and it is not known whether the Commission has imposed county reporting requirements on minority foster care matters other than those mentioned in Chapter 271, as discussed above. If a county board makes repeated reports that are late, illegible, or not in the required format, however, the Commissioner may **WITHHOLD FUNDS** from the county in default.

Statutory Duties and Powers of the County

Chapter 393 of the Minnesota Statutes sets forth the duties and powers of "county welfare boards", the bodies mentioned in S257.065 under whose authority "authorized child placing agencies" conduct their operations. According to S393.01, subdivision 3, the county welfare board in Hennepin County is the County Board of Commissioners itself.

The specific powers and duties of the County Welfare Board are set forth in S393.07. The most important of these duties for present purposes are mentioned in subdivision 1, imposing a duty upon the County Welfare Board to "administer a program of social services and financial assistance to be known as the public child welfare program." S393.07, subdivision 1(a). The public child welfare program "shall be supervised by the commissioner of human services and administered by the county welfare board in accordance with law and with rules of the commissioner." Id. The stated purpose of the public child welfare program is to provide protection and financial assistance to children confronted with a variety of problems, including the absence of a parent or guardian or the need for foster care. S393.07, subdivision 1(b).

Subdivision 2 of 393.07 separately imposes upon county welfare boards the duty to "administer all forms of public welfare, both for children and adults, responsibility for which now or hereafter may be imposed on the commissioner of human services by law, including... child welfare services." The duties of the county welfare board are to be performed in accordance with the standards and rules of the Commissioner "to achieve the purposes intended by law." Further, subdivision 2 specifies that "the county welfare board shall supervise wards of the commissioner and, when so designated, act as agent . . . in the placement of the commissioner's wards in adoptive homes or in other foster care facilities."

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In view of the particular statutory scheme set forth above, it seems clear that both the state Commissioner of Human Services and the Hennepin County Board of Commissioners are charged with the responsibility to ensure that the legislative mandate expressed in the Minority Heritage Child Protection Act is carried out. Additionally, the courts themselves are responsible for making the written findings demonstrating compliance with the Act in each specific instance of a minority child disposition. As a result, a broad range of prospective defendants and forms of proceeding appears to be available in vindicating the various rights infringed by the present pattern of noncompliance with the Act.

Sincerely,

Lester R. Collins
Executive Director

LRC:llb