



# **Compliance Review System: Minnesota African American Family Preservation and Child Welfare Disproportionality Act**

Legislative Report

04/01/2026

---

Department of Children, Youth, and Families (DCYF)  
Child Safety and Permanency Administration  
444 Lafayette Road N  
St. Paul, MN 55155  
651-431-4660  
[dcyf.child.safety-permanency@state.mn.us](mailto:dcyf.child.safety-permanency@state.mn.us)  
[dcyf.mn.gov](http://dcyf.mn.gov)

As requested by Minnesota Statute 3.197: This report cost approximately \$34,123 to prepare, including staff time, printing and mailing expenses.

*Upon request, this material will be made available in an alternative format such as large print, Braille or audio recording. Printed on recycled paper.*

# Contents

- Executive Summary .....4
- Background.....4
- Summary of the proposed system to review compliance .....4
- Development process.....6
- Considerations.....7
- Conclusion .....7
- Enacting legislation.....9
- Introduction..... 10
- Proposed compliance review system ..... 11
- Overview..... 11
- Proposed process ..... 12
- Resources needed ..... 19
- Development process..... 22
- Engagement..... 22
- Themes ..... 22
- Existing compliance and performance management elements..... 23
- Conclusion ..... 30
- Appendix 1. Bill language ..... 31

# Executive Summary

## Background

In 2024, the Minnesota Legislature directed the then-commissioner of the Minnesota Department of Human Services to develop a process to review county social services agency compliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act (MAAFPCWDA) and support accountability of county agencies for MAAFPCWDA implementation.<sup>1</sup> That responsibility transferred to the Department of Children, Youth, and Families (department). This report makes recommendations for a compliance review process, recognizing that implementation will require legislative action and financial resources. The term “compliance” does not mean that county agencies have eliminated disproportionate overrepresentation of children within the scope of MAAFPCWDA. It means that a county agency has properly applied MAAFPCWDA requirements to applicable cases.

## Summary of the proposed system to review compliance

The department’s proposed system to review county agency compliance with MAAFPCWDA is summarized below.

**1. The county is selected for MAAFPCWDA compliance review.** Possible MAAFPCWDA noncompliance would be identified through the department’s existing child welfare compliance and performance management approaches and processes. These include:

- Child and Family Services Reviews (CFSR)
- Other MAAFPCWDA compliance and case review requirements, namely targeted case reviews that monitor child welfare outcomes of African American children, as well as reports received through the MAAFPCWDA child welfare compliance and feedback portal
- Ongoing quality assurance case reviews and requests for assistance across the administration
- Other compliance and performance management elements, such as a [safety science approach](#)<sup>2</sup> to compliance, guidance to counties on child welfare outcomes for county case reviews, and community accountability and transparency.

---

<sup>1</sup> [Laws 2024, chapter 117, section 19](#)

<sup>2</sup> Safety science is an interdisciplinary, evidence-based approach to understanding everyday work, performance outcomes, critical incidents and organizational culture within complex systems. In this approach, the focus is on how the system can be improved, rather than who can be blamed; it moves away from a culture of blame toward one of accountability. The aim of safety science is to foster an environment where individuals feel secure enough to openly address system challenges and

Staff would refer cases of possible MAAFPCWDA noncompliance identified through those existing processes to the department's MAAFPCWDA Compliance Team (Compliance Team). The Compliance Team would assess the systemic nature and severity of the compliance concern to determine whether a more in-depth compliance review of a county's adherence to MAAFPCWDA is needed. If the Compliance Team determines a MAAFPCWDA compliance review is needed, it would proceed to the next step. As of the date of this report, the department does not have a Compliance Team. Establishing a new Compliance Team would increase the department's operating costs and require additional resources.

**2. The Compliance Team pulls stratified samples of county cases to review.** If the department's Compliance Team determines that a compliance review is needed, it would contact the county agency to inform it of the compliance review. The team would pull two independent, stratified and randomized samples of cases to be reviewed from that county, based on categorical eligibility or eligibility due to disproportionate overrepresentation in the child welfare system. Each selected case would be checked against the department's other compliance and performance management approaches and processes to prevent multiple reviews. If a selected case was reviewed in another existing compliance system, that case would be eliminated, provided another case is available to be randomly selected to take its place. If no other cases are available to review, then the selected case would remain part of the case review.

**3. The Compliance Team reviews cases and determines compliance.** The Compliance Team would conduct a compliance review to assess caseworker practices and system-level measures focused on county compliance with MAAFPCWDA, such as ensuring all county agency staff and supervisors receive cultural competency training. The team would also interview county agency staff to understand the context of their systemic environment for implementing MAAFPCWDA, such as the presence or absence of community resources or court alignment with MAAFPCWDA. This context would inform the remediation planning process, based on the outcome of the compliance review.

The aggregated case review results would be documented on a compliance tool developed by the Compliance Team, once established. That compliance tool would also include systemic compliance measures and a systematic way to determine whether the county is in compliance. If a county is found to be in compliance with MAAFPCWDA, the county would be notified and the compliance review would end; no further monitoring or remediation plan would be needed.

**4. If noncompliant, the county develops a remediation plan.** If the compliance review process determines that a county is out of compliance with MAAFPCWDA, the county would have the opportunity to submit a reconsideration of noncompliance findings to the department. This would prompt a secondary review of the MAAFPCWDA compliance review findings using the compliance tool. If this secondary review determines that a

---

vulnerabilities without fear of retaliation. It strives to build a culture rooted in continuous learning and improvement; enhance staff engagement, morale and retention; and ultimately deliver better outcomes for children and families.

remediation plan is warranted, the county would have 30 days to develop one to correct the identified noncompliance. The department would encourage the county to invite its local child welfare system partners to assist with and support the development of the remediation plan. The department would provide ongoing technical assistance to the county and its identified partners throughout the remediation plan process.

**5. The department monitors and evaluates practice to support practice change and improve outcomes.** Once a county's remediation plan has been developed, the department would review and approve the plan. The county would then have 30 days to initiate implementation of the remediation plan, followed by 12 months to monitor and evaluate the plan with the department's support through technical assistance and consultation. After 12 months, the department would convene a meeting with the county and, if applicable, its local child welfare partners to reassess the remediation plan, assess its efficacy and make any necessary adjustments. The county would then have 30 days to implement any adjustments to the remediation plan, followed by another 12-month period to monitor and evaluate progress. At the end of the second 12-month period, the department would consult with its existing compliance teams to assess whether any additional noncompliance concerns arose with the county's remediation plan since the start of the second 12-month monitoring and evaluation period.

At this point, the compliance monitoring would go one of three ways:

- Ongoing, continuous loops of reassessment, adjustment and continued monitoring and evaluation of outcomes: If the county is still out of compliance with the remediation plan in place, the remediation plan would be reassessed, readjusted and continually monitored and evaluated for progress for another 12 months. This continuous quality improvement process would continue, with technical assistance and support from the department, until the county achieves compliance with the identified issue/s.
- Repeating the case review and remediation plan process for new noncompliance identified: If there were new noncompliance concerns that the remediation plan in place did not cover, the Compliance Team would pull a new randomized sample of cases and work through the case review and remediation plan process as previously described.
- Compliance achieved and noncompliance monitoring ended: If there were no further noncompliance concerns, the compliance monitoring would end and the county would be notified. No further compliance monitoring would be needed unless the existing compliance teams identify noncompliance concerns that require follow-up.

## Development process

To support consistency and reduce duplication of effort in developing the department's proposed compliance review system, department staff first mapped out all case and county compliance review requirements under MAAFPCWDA and conducted a high-level comparison of these requirements against similar department case review processes. The department identified several compliance and performance management systems that could serve as a foundation for the department's proposed compliance review system, such as CFSRs, targeted case reviews of African American children, and reports of MAAFPCWDA noncompliance. Department staff then interviewed internal case review staff to better understand nuances of their case reviews, including data

sources, case review tools, performance measures, outcomes and performance improvement plans. As required by [Laws 2024, chapter 117, section 19](#), department staff considered input and suggestions from the MAAFPCWDA Statewide Working Group and counties. Department staff also received information from the Minnesota County Attorneys Association (MCAA) and the Minnesota Association of County Social Service Administrators (MACSSA), which further informed this process.

## Considerations

In this report, the department has included feedback on elements of the department's proposed MAAFPCWDA compliance review system that were presented to the MAAFPCWDA Statewide Working Group and counties. Most of the feedback highlighted concerns about the lack of resources for county agencies to implement MAAFPCWDA, particularly regarding the case reviews each county is required to conduct under MAAFPCWDA.

The department's proposed system is designed to be supportive by providing ongoing technical assistance to counties and using a safety science and continuous quality improvement approach to address the root causes of county noncompliance and improve practice. The department's proposed compliance review system establishes an ongoing, continuous remediation plan that counties develop in partnership with their respective child welfare systemic partners.

New resources will be needed to implement the department's proposed MAAFPCWDA compliance review system. As with the need for county resources to conduct the county social services agency case reviews, the costs to the state will depend on legislative requirements, the complexity and volume of the reviews, and the need for staff to review cases. Counties will also have costs to develop and fulfill remediation plans. The proposed compliance review system outlined in this report reflects the department's initial steps toward developing a review system that supports counties in complying with MAAFPCWDA requirements. The department assumes changes will be necessary as MAAFPCWDA is implemented statewide. Should legislation be introduced to codify a MAAFPCWDA compliance review system, staffing and other resource needs will be determined through the formal fiscal note process.

The department's proposed compliance review system focuses solely on county social services agency compliance. The legislative mandate does not require compliance to be reviewed for other individuals and entities involved in Minnesota's child welfare system, such as the courts and law enforcement, nor does it assess short- and long-term child welfare outcomes for children and families. Because MAAFPCWDA does not apply to Tribal Nations, Tribal social service agencies are outside the scope of MAAFPCWDA compliance review requirements.

## Conclusion

The department's proposed system to review county compliance with MAAFPCWDA is presented as a set of concepts, with the goal of limiting the administrative burden on counties and the department to support the successful implementation of MAAFPCWDA and improve child welfare outcomes. This system focuses on supporting counties in achieving and maintaining MAAFPCWDA compliance. Applying safety science and

continuous quality improvement approaches will create and foster a new culture of accountability that includes learning and growth, resulting in improved child welfare outcomes.

## Enacting legislation

The enacting legislation that mandated this report is [Laws 2024, chapter 117, section 19](#).

### Sec. 19. **DIRECTION TO COMMISSIONER; COMPLIANCE SYSTEM REVIEW DEVELOPMENT.**

(a) By January 1, 2026, the commissioner of human services, in consultation with counties and the working group established under section 21, must develop a system to review county compliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act. The system may include but is not limited to the cases to be reviewed, the criteria to be reviewed to demonstrate compliance, the rate of noncompliance and the coordinating penalty, the program improvement plan, and training.

(b) By January 1, 2026, the commissioner of human services must provide a report to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare on the proposed compliance system review process and language to codify that process in statute.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

## Introduction

The 2024 Minnesota Legislature passed the Minnesota African American Family Preservation and Child Welfare Disproportionality Act (MAAFPCWDA). The purposes of MAAFPCWDA are to:<sup>3</sup>

- Protect the best interests of African American<sup>4</sup> and disproportionately represented<sup>5</sup> children
- Promote the stability and security of African American and disproportionately represented children and their families by establishing minimum standards to prevent the arbitrary and unnecessary removal of African American and disproportionately represented children from their families, and
- Improve permanency outcomes, including family reunification, for African American and disproportionately represented children.

One provision in MAAFPCWDA's enacting legislation directed the Department of Human Services to propose a compliance review system that assesses county compliance with MAAFPCWDA. This responsibility transferred to the Department of Children, Youth, and Families (department) on July 1, 2024, when the department was established. The department's proposed system to review county compliance aligns with the purposes of MAAFPCWDA, ensuring that counties keep children safe and families together, remove children from their families only when safety concerns reach the level of out-of-home placement and reunify families as soon as safety concerns are addressed. Because MAAFPCWDA does not apply to Tribal Nations, Tribal social service agencies are outside the scope of MAAFPCWDA compliance review requirements.

There are challenges in developing a compliance review system for a law that has not been fully implemented statewide. It is not possible to offer specific cost estimates for implementing a compliance system, though the department anticipates costs for both the state and local agencies. Costs for the state will depend entirely on the requirements in any proposed legislation establishing a compliance review system, as well as the complexity and volume of reviews. Counties may also have costs to develop and fulfill remediation plans. The proposed compliance review system outlined in this report reflects the department's initial recommendation to the legislature to enact a compliance review system that supports counties in working to improve outcomes for

---

<sup>3</sup> [Minnesota Statutes 260.62 \(a\)](#)

<sup>4</sup> [Minnesota Statutes 260.63, subd. 4](#), defines an African American child as a person under 18 years of age having origins in Africa, including a child of two or more races who has at least one parent with origins in Africa. Whether a child or parent has origins in Africa is based on self-identification or by a parent or guardian's report of the child's origins.

<sup>5</sup> [Minnesota Statutes 260.63, subd. 10](#), defines a disproportionately represented child as a person who is under the age of 18 and who is a member of a community whose race, culture, ethnicity, disability status or low-income socioeconomic status is disproportionately encountered, engaged or identified in the child welfare system as compared to the representation in the state's total child population, as determined on an annual basis by the commissioner. A child's race, culture or ethnicity is determined by the child's self-identification or by a parent or guardian's report of the child's race, culture or ethnicity.

children and families. The department assumes changes will be necessary over time, especially as MAAFPCWDA is implemented statewide. If legislation is introduced to codify a compliance review system, staffing and other resource needs will be determined through the formal fiscal note process.

The concepts in this final design were informed by feedback from the Minnesota Association of County Social Service Administrators (MACSSA), Minnesota County Attorneys Association (MCAA) and the MAAFPCWDA Statewide Working Group. This design balances administrative burden and county capacity with limited resources to determine compliance and support performance management to improve child welfare outcomes. Although this proposed compliance review system is presented as a full system, the ideas in this legislative report may be considered as concepts to allow for adjustments.

This legislative report first outlines the department's proposed compliance review system and resource considerations. The report then describes how the department developed its proposed system, including engagement and feedback received. Finally, the department has provided legislative language that reflects the proposed compliance review system as designed in this report.

## Proposed compliance review system

### Overview

The department's existing compliance and performance management systems serve as the foundation for its proposed compliance review system. The proposed compliance review system includes case reviews, remediation planning and monitoring to address systemic compliance concerns.

In consideration of the feedback and input the department received, the department's proposed compliance review system:

- Supports county agency partnership with other systems and entities that impact child welfare work
- Limits additional county agency workload requirements wherever possible
- Relies on existing community accountability structures.

The department also considered learnings from Indian Child Welfare Act (ICWA)/Minnesota Indian Family Preservation Act (MIFPA) compliance reviews, which have shown that focusing solely on compliance with the law does not ensure improved child welfare outcomes. Therefore, to achieve improved child welfare outcomes, the department's proposed compliance review system incorporates a culture of accountability, shifting from a traditional compliance mindset to a more expansive approach that ultimately impacts child welfare practice across Minnesota.

Embedding MAAFPCWDA compliance review elements into the department's existing compliance and performance management approaches and processes, rather than creating a separate, stand-alone compliance system, supports a culture of accountability. Frameworks that use a data-driven decision-making approach, such as [safety science](#) (used by the department and the Minnesota Department of Human Services) and [results-based accountability](#) (used by Minnesota Management and Budget), may also be applied to strengthen accountability.

## Proposed process

If the department's proposed compliance review system were implemented, a typical county compliance review would follow the process outlined below.

### 1. A county is selected for a MAAFPCWDA compliance review.

The department would select a county for a MAAFPCWDA compliance review when there is concern about a county's overall practice and adherence to MAAFPCWDA requirements. (See Figure 1 below.)

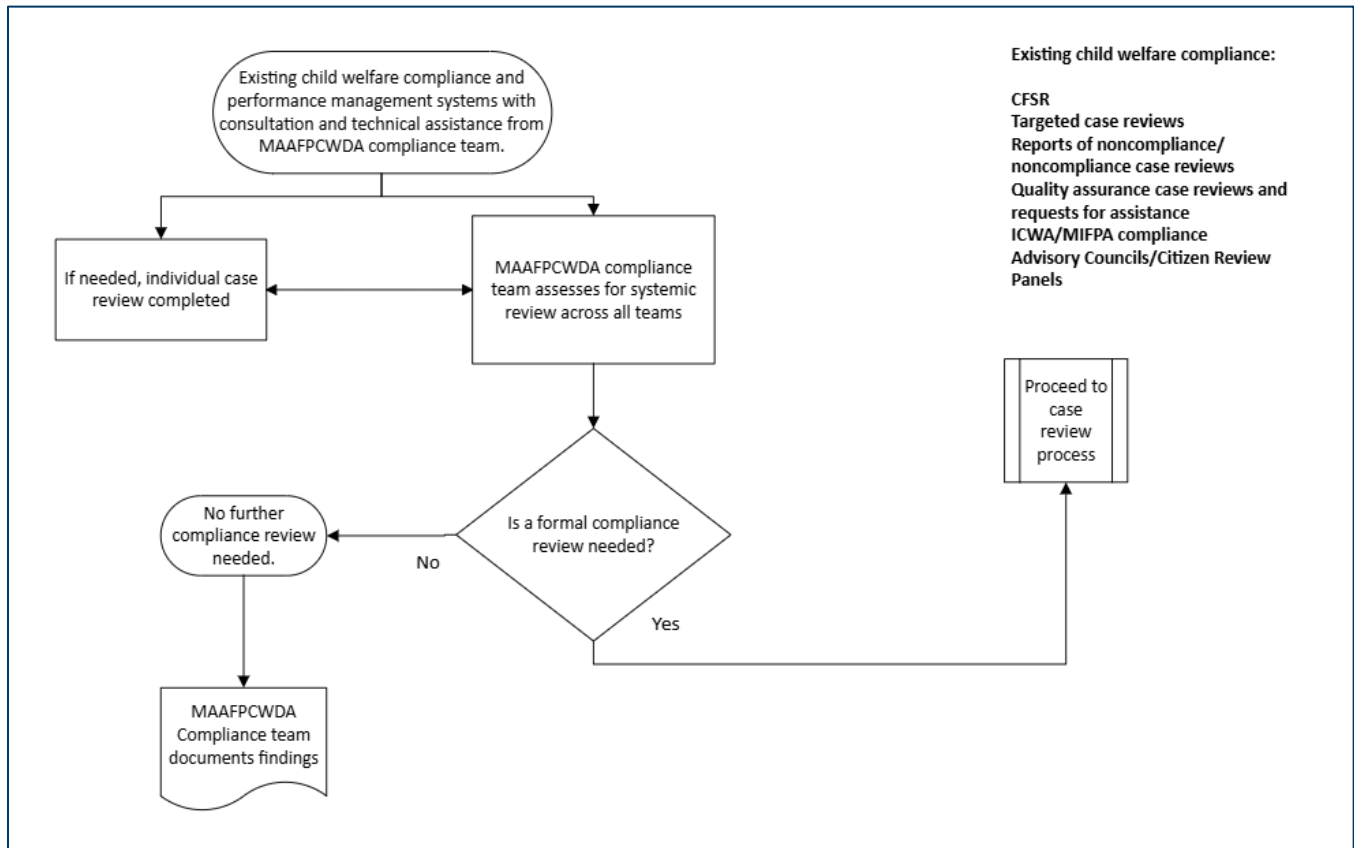
Concerns would initially be identified through the department's [existing compliance and performance management functions](#). If any of these processes indicate possible noncompliance with MAAFPCWDA, department staff would consult with [an internal, dedicated MAAFPCWDA Compliance Team](#) (Compliance Team) to determine whether a formal MAAFPCWDA compliance review is needed. To determine whether such a review is needed, the internal Compliance Team would:

- Consult with other compliance and performance management teams in the department to determine whether they have identified the same compliance issue for that county
- Determine the severity of the compliance issue
- Assess whether surrounding counties have a similar compliance issue.

If the compliance issue appears common and systemic (i.e., not a one-time occurrence) and warrants further review, the Compliance Team would proceed to the next step: conducting a county-level MAAFPCWDA compliance review. At this time, the selected county would be informed of the upcoming compliance review, including the purpose and scope of the review, date/s the review would occur, the period under review and case selection criteria. Providing detailed instructions and expectations ensures clarity and transparency throughout the case review process.

If the compliance issue appears to be a one-time occurrence, department staff would work directly with the county caseworker and others, as needed, to provide technical assistance to address the individual case concerns. This may include consultation with the Compliance Team.

**Figure 1. Example of county selection process: Identifying MAAFPCWDA noncompliance**



**2. The Compliance Team pulls stratified samples of county cases to review.**

Upon determining a formal MAAFPCWDA compliance review is required, the Compliance Team would pull two stratified, randomized samples of MAAFPCWDA-eligible cases from the county under review: disproportionately represented child populations and categorically eligible populations. The number of cases to be reviewed would be based on the severity of the identified concern and department staff capacity.

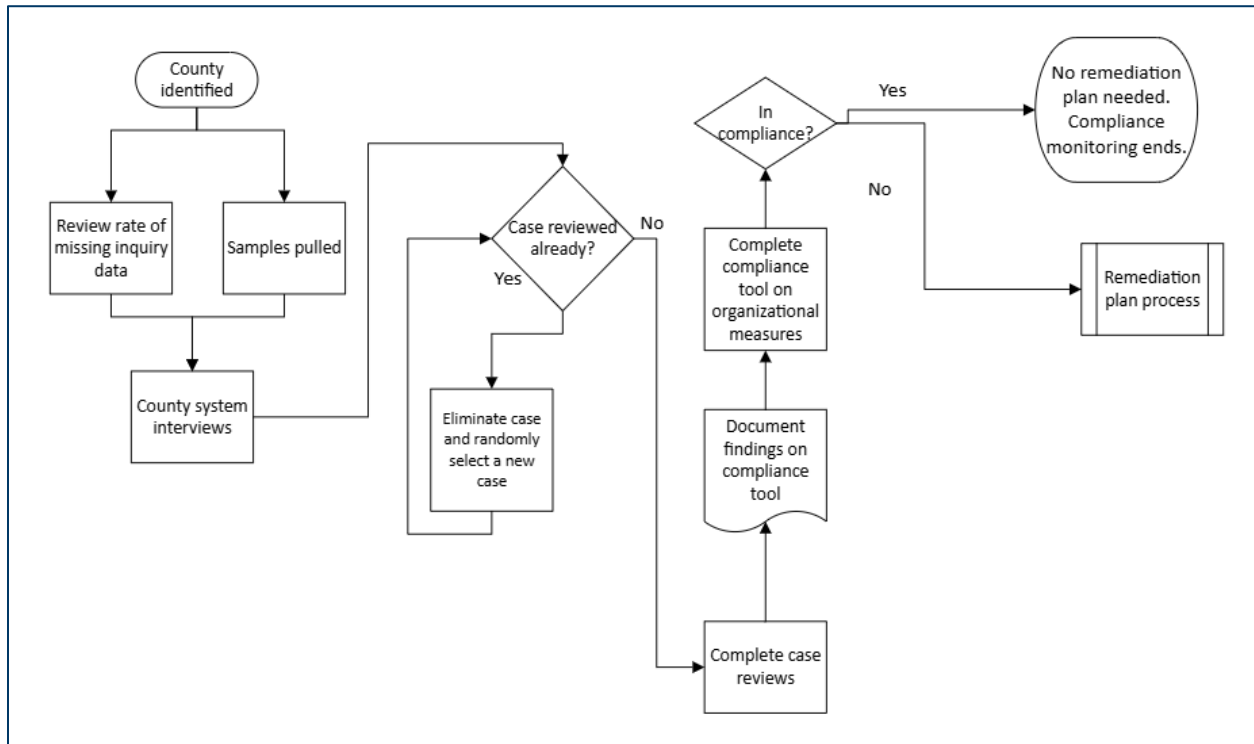
- **Stratum 1: Disproportionately represented child sample.** This sample would include cases that meet MAAFPCWDA criteria for disproportionately represented child populations and are not categorically eligible. As of the date of this report, the disproportionately represented child populations include American Indian (single race or multiracial) and Hispanic/Latine (any race) children.
- **Stratum 2: Categorically eligible sample.** This sample would include cases eligible for MAAFPCWDA protections without needing to be statistically overrepresented in Minnesota’s child welfare system. Categorically eligible populations would be sampled separately from disproportionately represented child populations because categorically eligible populations do not need to meet disproportionality requirements to receive MAAFPCWDA protections — MAAFPCWDA must be applied even if the data does not show disproportionality. As of the date of this report, the law provides for one categorically

eligible population: Children who self-identify, or whose parent or guardian identifies them, as African American (single race or multiracial).

### 3. The Compliance Team reviews cases and determines compliance.

There are three components to the case-review portion of the department’s proposed compliance-review system: preparing for case reviews, completing case reviews and determining compliance. The full process is illustrated in Figure 2.

Figure 2. MAAFPCWDA compliance review system: Case review process



#### *Preparing for case reviews*

To prepare for case reviews, the Compliance Team would review available case file information and documentation and, if needed, request additional documentation for the randomly selected cases from the county social services agency. This documentation is essential for conducting a thorough evaluation of casework practices, documentation and adherence to established policies and procedures. The selected county would coordinate with the Compliance Team to facilitate timely, secure access to the necessary records, supporting a collaborative approach to continuous improvement.

The Compliance Team would also review the rate of missing inquiry data in the Social Services Information System (SSIS) to assess whether the county is collecting necessary information to determine a child’s eligibility for MAAFPCWDA protections.

County interviews would also be conducted to assess how local program operations and other systemic factors could affect measured outcomes.<sup>6</sup> While systemic factors beyond the county's control would not necessarily impact the county's compliance review, they could help inform future remediation plan strategies. An assessment could include:

- County agency staff's understanding of MAAFPCWDA requirements
- Court implementation of MAAFPCWDA requirements
- Local service array and any gaps
- Other identified systemic factors that might impact county compliance and performance.

Finally, the Compliance Team would check the compliance history of the selected cases, given the likelihood that cases will be reviewed multiple times through the department's [existing compliance and performance management systems](#). If a selected case had already received a case review through one or more of these existing systems within the past 12 months, the case would be eliminated from the MAAFPCWDA compliance review and replaced with another randomly selected case in the same stratum, provided another case is available to be randomly selected to take its place. If no other cases are available to review, then the selected case would remain part of the case review. If there is no case review history for a selected case, the Compliance Team would proceed with completing a case review.

#### *Completing case reviews*

From the sample of cases pulled, the Compliance Team would determine the level of case review needed based on the nature of the identified issues:

- A **file review** would include a review of electronic records and documentation in both SSIS<sup>7</sup> and the Minnesota Court Information System (MNCIS) through [Minnesota Government Access \(MGA\)](#). It would look at specific parts of the child welfare system for each case under review.
- A **full case review** would include an interview with the family and case worker, in addition to the electronic records and documentation review in SSIS and MGA.

#### *Determining compliance*

Following the completion of case reviews, the Compliance Team would use the MAAFPCWDA compliance review tool to aggregate case review results and system-level compliance measures related

---

<sup>6</sup> Informed by the accountability framework for evaluating [California's Child Welfare System Improvement and Accountability Act \(AB 636\)](#), 2001

<sup>7</sup> SSIS is in the process of being replaced by a federally compliant Comprehensive Child Welfare Information System (CCWIS). The new system will include appropriate components necessary for the department's proposed MAAFPCWDA compliance reviews.

to child welfare outcomes. The completed MAAFPCWDA compliance review tool would determine whether the county under review is in compliance with MAAFPCWDA.

- If found to be in compliance: No remediation plan or follow-up would be needed, and further compliance monitoring would end.
- If found to be out of compliance: The county would move into the [remediation plan development phase](#).

The compliance and performance measures included in the MAAFPCWDA compliance tool would be determined by the Compliance Team, but the department anticipates the following compliance issues will likely be included in the compliance tool at a minimum:

- **Missing data rate:** If counties are not consistently documenting children’s race, culture, ethnicity, disability status and low-income socioeconomic status in SSIS (including whether the child and/or the child’s parent or guardian declines to provide this information), it will impact which communities are experiencing disproportionality in Minnesota’s child welfare system each year. To ensure data is entered in SSIS on time and accurately, the department anticipates reviewing a county’s missing data rate as part of the compliance review tool.
- **Initial inquiry:** When county agency staff do not ask about a child’s race, culture, ethnicity, disability status and low-income socioeconomic status at the onset of working with a child and family, MAAFPCWDA protections may be delayed or even denied for MAAFPCWDA-eligible children. The department presumes a compliance review tool will include whether county workers have asked each child and/or the child’s parent or guardian about their race, culture, ethnicity, disability status and low-income socioeconomic status to determine whether the child may be categorically eligible for MAAFPCWDA, or eligible based on the child’s status as a disproportionately represented child.
- **Active efforts:** Because one of the core components of MAAFPCWDA is that counties make active efforts rather than reasonable efforts to prevent placement, reunify children with their parents or guardians and finalize permanency, the department presumes the compliance tool will include method/s to measure a county agency’s active efforts for any given case.
- **Cultural competency training:** Because MAAFPCWDA requires specific cultural competency training for child welfare workers and supervisors who are working independently with African American or disproportionately represented children, the department presumes the compliance tool will include method/s to measure if the county social services agency has met this requirement.

#### **4. The county develops a remediation plan if determined to be out of compliance.**

If a county is found to be out of compliance, the county would enter the general remediation planning process (see Figure 3 below). As part of this process, the county would be able to submit a reconsideration of the

noncompliance findings to the department. A reconsideration request would prompt a secondary review of the MAAFPCWDA compliance review findings in the compliance tool.

The Compliance Team would not develop the county's remediation plan; rather, the team and other department staff would be available to provide ongoing support and technical assistance to help the county achieve compliance with MAAFPCWDA. For example, the department could help convene regional communities of practice so counties can learn from one another and problem-solve together. If counties in the same geographical region have similar concerns in their remediation plans, they could work together to improve their MAAFPCWDA compliance and child welfare outcomes by sharing learnings, strategies and tactics, while also supporting one another to improve their remediation plans.

In addition to providing ongoing technical assistance and consultation, the department would also review, approve and reassess the county's remediation plan as part of ongoing monitoring.

Developing, reviewing, approving and monitoring the remediation plan would occur on a specific timeline.

**Within 90 days of a noncompliance finding:**

- The county would have 30 days to develop a remediation plan to identify and address the root causes that contributed to noncompliance. The county would be encouraged to develop its remediation plan with local partners who may also be committed to the county's improvements. These partners could include, but are not limited to, judges, attorneys, guardians ad litem, law enforcement and community-based organizations. The Compliance Team and other department staff would also be available to provide technical assistance using a safety science approach.
- The Compliance Team would approve the county's remediation plan within 30 days of receiving it from the county.
- The county would implement its remediation plan within 30 days of the Compliance Team's approval and track progress for 12 months.

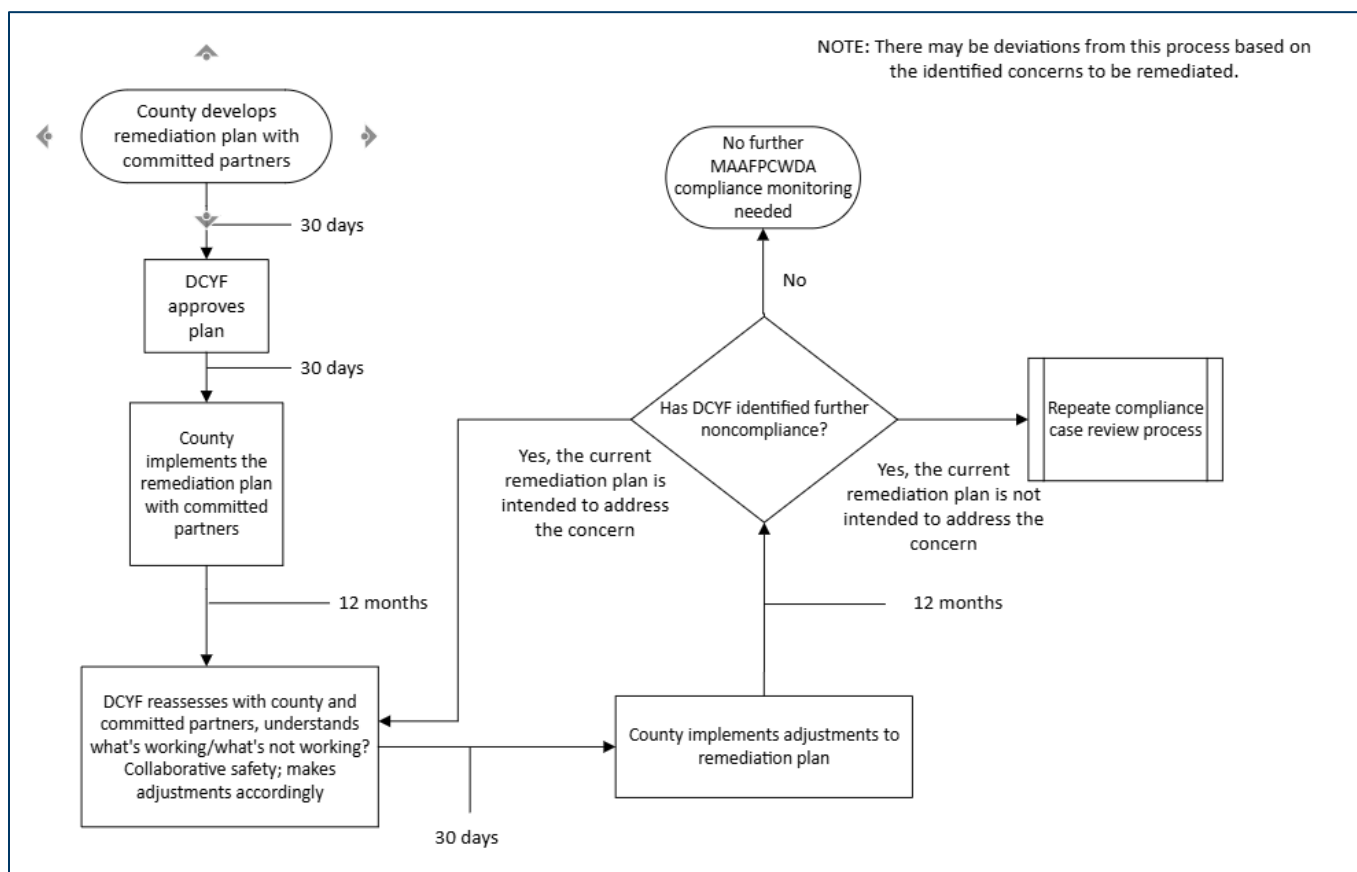
**12 months after initial implementation of a remediation plan:**

- The Compliance Team would reassess the county's remediation plan in partnership with the county and local partners who contributed to the plan's development, if any. The reassessment process would include the Compliance Team consulting with the department's existing compliance systems to determine whether the issue/s in the county's remediation plan are improving, convening a meeting to review what's working and what's not, and adjusting the remediation plan. The Compliance Team would continue to use a [safety science approach](#) that focuses on systemic and root causes to effectively improve noncompliance concerns.
- The county would implement changes to its remediation plan within 30 days of reassessment and track progress on the updated remediation plan for another 12 months.

**12 months after implementation of the updated remediation plan:**

- The Compliance Team would consult with the department’s existing compliance systems to see if they continue to identify noncompliance concerns in the county.
- If there are continued noncompliance concerns that are:
  - Connected to the initial concern being addressed by the current remediation plan, the Compliance Team would reassess the remediation plan, make adjustments, monitor and repeat the process until the county’s MAAFPCWDA noncompliance concern is resolved.
  - New and unrelated to the county’s existing remediation plan, the MAAFPCWDA Compliance Team would pull a new sample of cases and work through the case review, compliance review and remediation planning processes as described above and depicted in Figures 5-6.
- If there are no further noncompliance concerns identified by the department’s existing compliance systems, then the compliance monitoring would end. No further compliance monitoring would occur for the county unless noncompliance concerns are identified in the future.

**Figure 3. MAAFPCWDA compliance review system: Remediation plan**

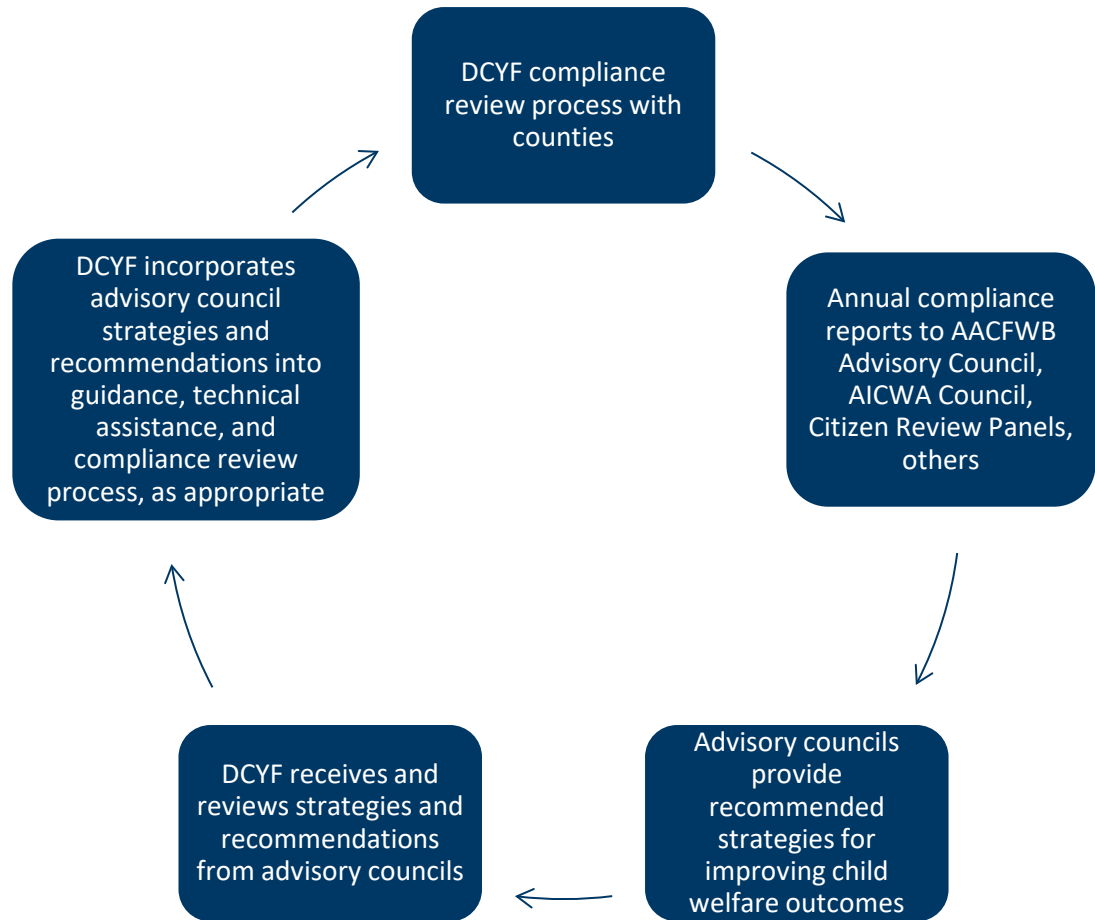


## 5. Community accountability and transparency

Outside of the case review, compliance review, remediation plan implementation and monitoring parts of the proposed compliance review system would be a broader data-informed, community accountability structure that would take the existing community accountability model in Figure 4 below and incorporate the strategies

and information from the advisory councils into the compliance review system. Incorporating this feedback loop would connect the advisory councils and the compliance review system by applying the information received from the advisory councils through the remediation planning process.

**Figure 4. Community accountability.**



## Resources needed

Proposed bill language to codify the department’s proposed compliance review system is in [Appendix 1: Bill language](#).

The department anticipates its proposed compliance review system will require additional staff and resources to successfully assess MAAFPCWDA compliance and achieve improved outcomes. There are several factors that will impact the number of staff and resources needed to support implementation, including:

- Whether there are specified timelines for completing a case review and reviewing and approving a county’s remediation plan
- The number of cases expected to be reviewed each year

- The specific elements required to be reviewed, and whether such a review includes family or staff interviews
- The level of involvement the department has in the county remediation plan development process.

As indicated in the description of the department’s proposed compliance review system, a comprehensive compliance review process requires a dedicated compliance review team within the department. Under the department’s proposed compliance review system, the Compliance Team would:

- Generate ongoing communication, education, consultation and technical assistance with internal teams across the department
- Identify trends and areas needing improvement to review with counties
- Develop MAAFPCWDA-specific compliance elements to be incorporated into the department’s existing compliance and performance management approaches and processes, beginning with MAAFPCWDA compliance tool/s and scoring processes and using a continuous quality improvement process to evaluate, refine and improve these tools and processes over time
- Implement the proposed compliance review process, including completing and scoring compliance case reviews, supporting counties in remediation planning, reassessing remediation plans over time and monitoring ongoing progress
- Provide ongoing technical assistance to counties to support MAAFPCWDA compliance
- Build relationships with county supervisors and managers as well as key individuals and entities in other sectors of the child welfare system that impact county compliance and performance, such as the Children’s Justice Initiative (CJI), county attorney associations and statewide law enforcement associations or entities.

The department’s proposed compliance review system incorporates processes like those found in CFSR case reviews, ICWA/MIFPA compliance reviews and targeted case reviews of African American children under MAAFPCWDA. The time study and resource data for these systems can inform the time and resources needed to conduct MAAFPCWDA compliance reviews.

- A single CFSR case review can take anywhere from eight to 32 hours. The CFSR Case Review Team, composed of four full-time staff, conducts 130 CFSR statewide case reviews per year, including a Performance Improvement Plan (PIP) process.
- The ICWA Compliance Team has seven full-time staff and reviews 65-70 cases per year statewide, which includes a PIP process and ongoing technical assistance.
- Targeted case reviews of African American children are a new requirement under MAAFPCWDA.<sup>8</sup> In developing a targeted case review process, the department beta-tested a targeted case review sample. Department staff kept track of how many targeted case reviews a full-time staff could complete in a

---

<sup>8</sup> [Minnesota Statutes 260.692, subd. 2](#)

specified period of time, adjusting for the learning curve. They found that one full-time staff could complete 40 targeted case reviews each year, excluding development of remediation plans and family/staff interviews.

Without a dedicated MAAFPCWDA Compliance Team, the department would not be able to implement the proposed compliance review system as outlined in this report. The department recognizes there may be county agency impacts from a new compliance review system, as it will add to counties' existing administrative and workload burdens. The legislature should consider staffing and other resource needs at state and county agencies.

### **Coordinating penalty**

The legislation directing this report included consideration of a coordinating penalty as a possible component of a system to review county compliance with MAAFPCWDA. The department chose not to include fiscal penalties for MAAFPCWDA noncompliance. Counties are already under-resourced; taking away financial resources further limits a county's ability to comply with MAAFPCWDA.

Therefore, as discussed in [Step 4](#) of the proposed process above, a county's coordinating penalty for being out of compliance with MAAFPCWDA would be to work with the Compliance Team and other department staff as needed through an ongoing, continuous quality improvement (CQI) process and to apply a [safety science approach](#) until the county is found to be in compliance. In addition to being used in other sectors,<sup>9</sup> CQI is a common process used nationally in the child welfare system. The department has adopted the CQI process, and similar CQI variations are used to improve child welfare outcomes across the United States, including in the State of California after the passage of the Child Welfare System Improvement and Accountability Act (AB 636) in 2001, and in the [State of New Jersey](#).

In April 2025, Chapin Hall, a highly regarded, nationally renowned consulting firm in the child welfare system, published its [Framework for Assessing and Improving CQI Systems](#) report for child welfare agencies to apply and improve their practice and achieve improved child welfare outcomes.

Although there are many variations of the CQI process, the concept they all share is an ongoing, continuous cycle of learning and integrating those learnings to do better. The combined CQI and safety science approach adopts a culture of learning and growth to improve systemic outcomes, while minimizing the focus on individual child welfare workers and counties.

---

<sup>9</sup> According to the [American Hospital Association](#), the CQI approach is linked to improvements in psychological safety and linked to improved outcomes in the healthcare system.

## Development process

This section reviews the department's engagement and thought process in developing a proposed MAAFPCWDA compliance review system.

### Engagement

The department considered information and feedback received from the following entities:

- The MAAFPCWDA Statewide Working Group, including discussions in meetings as well as recommendations included in their [interim report to the state legislature](#)
- MACSSA
- MCAA.

### Themes

The department identified the following themes as consistent across feedback received directly related to the department's proposed compliance review system:

- 1. A safety science framework should be embedded throughout the compliance review system.** Such a framework shifts the compliance culture from focusing on individuals and organizations to examining the root causes and complicating factors in the system that may lead to mistakes. When compliance is centered on shared responsibility and growth, practitioners are more engaged in accountability and transformation, increasing the likelihood that families receive services that best align with MAAFPCWDA requirements.
- 2. The department should review a sample of cases, rather than all cases, that are statistically representative of families' experience in the child welfare system and each county's practice.** Randomized sampling that achieves statistical significance was a common theme in the feedback the department received. This approach helps identify areas for improvement while balancing realistic staff resources. Reviewing every case involving an African American or disproportionately represented child could require dozens to hundreds of case reviewers, which is an unrealistic staffing level, regardless of who is responsible for completing them.
- 3. Compliance may be hindered due to lack of funding.** The legislation that established MAAFPCWDA did not include funding to implement MAAFPCWDA. Counties will require additional funding for staff, services and supports for families to comply with the requirements of MAAFPCWDA.
- 4. There should be ongoing technical assistance to support counties to achieve compliance when they are out of compliance.** Counties are already under-resourced, and reducing funds available for providing child welfare services further limits a county's ability to comply with MAAFPCWDA.

When discussing potential options for counties being found in or out of compliance, there was support in the MAAFPCWDA Statewide Working Group for a reimbursement aid concept to support these

financial gaps and improve the successful application of MAAFPCWDA. A reimbursement aid concept requires additional resources.

Other areas of concern that were raised include:

- **Administrative burden for counties:** When the department presented its initial concepts and elements for a proposed compliance review system, it received feedback that, if implemented as initially presented, the system's various elements would impose a high administrative burden on counties. This could result in county agency staff having insufficient time to meaningfully implement MAAFPCWDA, as they will be devoting so much time to the department's imposed compliance activities.
- **Another performance improvement plan (PIP):** Counties already experience multiple PIPs in response to being out of compliance with other compliance systems, such as the CFSR process. One way to do this would be to add PIP-like plans to the other existing PIPs the counties already have in place.
- **Involving the entire child welfare system:** Compliance and accountability in improving practice are currently focused on county social service agencies, yet other sectors of the system, such as judicial and legal professionals and law enforcement, also influence MAAFPCWDA compliance. The accountability structure to improve child welfare outcomes should involve all parties in the child welfare system.
- **The department's overall approach and process:** Families should be able to request that their case be selected for compliance review. Some of the feedback the department received indicated concerns that African American children will get lost in the compliance review process if these reviews are applied to all disproportionately represented children. Some felt that the department placed too much emphasis on mitigating potential negative impacts on counties in the compliance concepts it presented. Additionally, concerns were raised that the department did not provide sufficient time for review and feedback on its proposed compliance review system, and that the MAAFPCWDA Statewide Working Group wants more discussion of the concepts presented.

## Existing compliance and performance management elements

In developing a MAAFPCWDA compliance review system, the department considered how its existing compliance and performance management elements could support or be incorporated into such a system, as these are based on requirements from a variety of state and federal statutes. These include:

- [Child and Family Services Reviews \(CFSR\)](#)
- Targeted case reviews of African American children<sup>10</sup>
- Reports of noncompliance with MAAFPCWDA and noncompliance case reviews<sup>11</sup>

---

<sup>10</sup> [Minnesota Statutes 260.692, subd. 2](#)

<sup>11</sup> [Laws 2024, chapter 117, sec. 17](#) and [Minnesota Statutes 260.692, subd. 1 \(4\)](#)

- Quality assurance case reviews, including requests for assistance
- Safety science approach
- Guidance to counties on child welfare outcomes for county case reviews
- Community accountability and transparency.

This section describes the department’s existing compliance and performance management elements.

### **Child and Family Services Review (CFSR)**

The [CFSR](#) is a federal review process led by the Children’s Bureau, part of the Administration for Children and Families, U.S. Department of Health and Human Services, that occurs on a five-year cycle. It assesses how well state child welfare systems operate and whether they achieve positive outcomes for children and families. The goals of the CFSR process include:

- Ensuring safety, permanency and well-being for children and families
- Promoting continuous quality improvement in child welfare services
- Strengthening programs and practices through data-driven analysis
- Supporting compliance with federal child welfare requirements.

The process includes statewide, randomized sampling of cases and an interview with the family and the county child welfare worker. Both CFSRs and MAAFPCWDA focus on improving child welfare outcomes, but they operate at different levels and reinforce each other in important ways. CFSRs provide the federal framework for evaluating how well Minnesota’s child welfare system meets national standards, while MAAFPCWDA strengthens those standards at the state and county level by requiring equity-focused remediation, active efforts and cultural responsiveness.

### **Targeted case reviews for African American children**

The targeted case review system under MAAFPCWDA<sup>12</sup> is a structured process developed and implemented by the African American Child and Family Well-being Unit to monitor targeted child welfare outcomes, including but not limited to maltreatment, out-of-home placement and permanency of African American children. Targeted case reviews assess key areas, including placement prevention efforts, safety planning, case planning and service delivery, relative placement considerations and permanency planning. These reviews use a statewide, randomized and stratified sampling methodology based on factors such as case type, maltreatment type, out-of-home placement status and other demographic variables. Data sources include court records, SSIS and other relevant case documentation.

---

<sup>12</sup> [Minnesota Statutes 260.692, subd. 2](#)

Unit staff compile findings of the targeted case reviews into summary reports to review compliance with MAAFPCWDA, identify trends in child welfare outcomes of African American children and inform systemic improvements. These summary reports will be provided to the African American Child and Family Well-Being Advisory Council (advisory council) to support the advisory council's work in developing recommended strategies to improve child welfare outcomes for African American children.<sup>13</sup>

If noncompliance or performance management issues are found through targeted case reviews, the department provides technical assistance to the county to support MAAFPCWDA compliance in real time. No remediation planning is included in the targeted case review process.

### **Reports of noncompliance with MAAFPCWDA and noncompliance case reviews**

The enacting legislation that established MAAFPCWDA also required the department to develop a compliance and feedback portal that can receive reports of noncompliance with MAAFPCWDA from the general public.<sup>14</sup> A report of noncompliance is reviewed by department staff and may result in a more detailed case review. Noncompliance case reviews include policy and practice concerns related to individual child welfare cases for African American and disproportionately represented children. Like targeted case reviews of African American children, noncompliance case reviews may include, but are not limited to, a review of placement prevention efforts, safety planning, case planning and service provision by the responsible social services agency, relative placement consideration and permanency planning. After reviewing the report of noncompliance, the department may determine further action is needed, such as coordinating case remediation with other relevant child welfare agencies and offering case consultation and technical assistance to the responsible social services agency as needed or upon request.

### **Quality assurance case reviews and requests for assistance**

The department has several approaches to quality assurance and requests for assistance from local agencies. The department's proposed compliance review system includes incorporating applicable MAAFPCWDA requirements into each of these reviews and processes.

#### *Permanency Quality Assurance Team (PQAT)*

PQAT ensures compliance with federal and state permanency laws by providing technical assistance to county and Tribal workers on adoption, transfer of permanent legal and physical custody (TPLPC), Northstar Adoption Assistance and Northstar Kinship Assistance processes. Technical assistance is provided through a Customer Relationship Management (CRM) email box, regional and local agency

---

<sup>13</sup> [Minnesota Statutes 260.691, subd. 1 \(c\)\(3\)](#) and [Minnesota Statutes 260.692, subd. 2 \(c\)](#)

<sup>14</sup> [Laws 2024, chapter 117, sec. 17](#)

trainings, bulletins, policy guidance and a monthly email update. PQAT reviews all adoption decrees and TPLPC court orders to verify that the required language is included and that all necessary documentation is in the department's SSIS record. The team also monitors permanency data in SSIS, including reestablishment of parental rights and county/state case alignment, to ensure data integrity and to identify cases that may need further review.

### *Constituent Services*

The Child Safety and Family Preservation Team oversees Constituent Services, which responds to child welfare-related concerns received via voicemail or email from members of the public, other states and system partners. Constituent Services covers a wide range of issues and questions, including reviewing and following up on inquiries received through the MAAFPCWDA compliance and feedback portal for children who do not self-identify as African American. Constituent Services collaborates across the Child Safety and Permanency (CSP) Administration to ensure requestors receive accurate and timely follow-up. Staff reviews each concern on a case-by-case basis and determines the appropriate response. Some situations require case review, coordination with local agencies and technical assistance. In other instances, requestors are offered support, guidance and referral information.

### *Rapid Consultation*

The department launched the Rapid Consultation system in September 2014 to support county and Tribal child welfare agency staff in making informed decisions about child safety, particularly in complex or high-risk situations. A child safety consultant coordinates the Rapid Consultation line and manages incoming requests. Caseworkers, supervisors or screening teams can access the system by emailing or calling to schedule a consultation. Upon receiving a request, the consultant arranges a meeting as soon as possible — and always within 24 hours.

Child protection caseworkers and supervisors are encouraged to use Rapid Consultation whenever needed to support decision-making, including but not limited to screening, track assignment, safety planning, maltreatment determinations and case planning. In addition to department staff, a trained group of local child welfare professionals participates as members of the Rapid Consultation Team. The goal of Rapid Consultation is to listen, provide guidance and support decisions that align with departmental policy as well as state and federal law. Because rapid consultations are completed before decisions are made on any case, concerns are very rarely identified at this point. Rapid Consultation requests are a mechanism in place to help county social service agencies prevent noncompliance.

### *Child Safety Case Reviews*

The Child Safety and Family Preservation Team, in collaboration with staff from other CSP units, conducts case reviews based on complaints across the child protection system. The team ensures compliance with intake, screening, assessment and investigation policies and practices, primarily governed by Minnesota Statutes, Chapter 260E. It also provides support and technical assistance to local child welfare agencies. In addition, the team monitors safety data in SSIS and delivers regular webinars for supervisors and caseworkers to strengthen their understanding of policies and implementation.

### *Screening decision reviews*

The department's Screening Team completes daily screening reviews on both screened-in and screened-out child protection reports to ensure consistency in screening practices. Each day, county agencies and reports are randomly selected, ensuring impartial oversight and reinforcing system reliability. The department conducts approximately 150 screening decision reports per month. Additionally, every county agency and the three American Indian Child Welfare Initiative Tribes participate in monthly random screening reviews, which support equitable monitoring across jurisdictions. After each review, case information is entered into the customer relations management (CRM) system, providing traceability and enabling continuous quality improvement. When reviewers identify areas needing clarification or observe differing perspectives on a screening decision, they activate a structured feedback process. This may involve direct consultation with the local agency or formal communication through a letter with comments. Together, these mechanisms advance organizational learning, strengthen transparency and improve the reliability of decision-making within child protection systems.

### **Safety science approach**

Since 2017, the department has been applying a safety science approach to child fatalities and near fatalities. Safety science<sup>15</sup> is an interdisciplinary, evidence-based approach to understanding everyday work, performance outcomes, critical incidents and organizational culture within complex systems. In this approach, the focus is on how the system can be improved, rather than who can be blamed; it moves away from a culture of blame toward one of accountability. The aim of safety science is to foster an environment where individuals feel secure enough to openly address system challenges and vulnerabilities without fear of retaliation. It strives to build a culture rooted in continuous learning and improvement; enhance staff engagement, morale and retention; and ultimately deliver better outcomes for children and families.

### **Guidance to counties on child welfare outcomes for county case reviews**

Beginning Nov. 1, 2028, the department is required to provide counties with annual guidance on child welfare outcomes to support their annual case reviews.<sup>16</sup> The existing mandate that the department provide guidance to counties on child welfare outcomes aligns with the department's proposed compliance review system, as it allows the department to establish benchmarks to assess individual county performance. This standard also determines how counties identify where they are experiencing disparities in child welfare outcomes and, if so, whether they need to develop a remediation plan.

---

<sup>15</sup> James M. Nyce, Gail Bader, Noel Hengelbrok & Scott Modell (2022). Rhetoric, Responsibility and Change in a State's Child Protective Services, 42: 1-2, 11-22.

<sup>16</sup> [Minnesota Statutes 260.68, subd. 2 \(a\)](#)

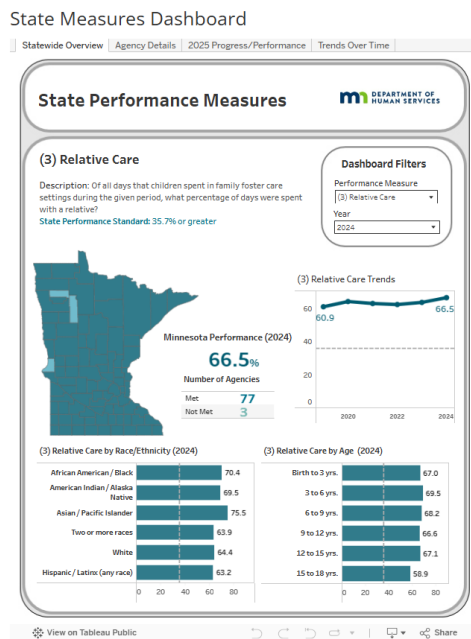
## Community accountability and transparency

The department recognizes the importance of transparency in child welfare outcomes and community accountability. These include the department’s Child Welfare Data Dashboard and various advisory councils and review panels, described below.

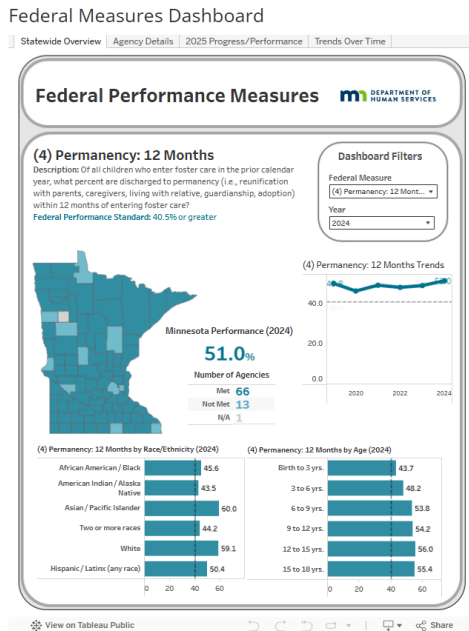
### Child Welfare Data Dashboard

[Minnesota’s Child Welfare Data Dashboard](#) is intended to provide information to the public and to county and Tribal agency partners on nine state measures and seven federal measures, both of which are used to monitor the status and outcomes of children in Minnesota’s child welfare system. The measures are separated into two distinct dashboards: one for state measures and another for federal measures. To learn more about how these different measures are defined and calculated, view the [Minnesota Child Welfare Data Dashboard Help Document](#). Although the dashboards use different measures and performance standards, they were designed to present information in parallel ways. Because the dashboard is publicly available, counties and Tribes may use it as a reference point to understand their performance and communicate progress to local partners. The visibility of these measures aims to achieve a natural sense of accountability and motivation among local partners to improve outcomes reflected on the dashboard. Internally, the department uses more detailed, non-public dashboards to identify areas for improvement, target technical assistance and monitor the impact of interventions across agencies.

Figure 5. County and state performance on state child welfare performance measures



**Figure 6. County and state performance on federal child welfare performance measures**



*Advisory councils and review panels*

Under MAAFPCWDA, the African American Child and Family Well-Being Advisory Council (Advisory Council) is tasked with reviewing summary reports of targeted case reviews completed by the African American Child and Family Well-Being Unit and assisting the commissioner in developing strategies to improve child welfare outcomes identified in those targeted case reviews.<sup>17</sup>

In addition to the Advisory Council, the department has several existing advisory councils and review panels that support community accountability. Examples of other existing advisory councils are the American Indian Child Welfare Advisory Council (AICWA Council) and Citizen Review Panels. The department’s three [Citizen Review Panels](#)<sup>18</sup> in Chisago County, Hennepin County and Ramsey County bring a community voice to county and statewide child welfare policies and procedures and ensure the child protection system protects children from abuse and neglect. They also help identify and make recommendations to help eliminate racial disparities in the system.

<sup>17</sup> [Minnesota Statutes 260.691, subd. 1\(c\)\(3\); Minnesota Statutes 260.692, subd. 3](#)

<sup>18</sup> [Minnesota Statutes 142A.03, subd. 10; 42 U.S. Code § 5106a](#)

## Conclusion

The legislative directive for this proposed compliance review system is to ensure county agencies follow MAAFPCWDA requirements, which in turn will increase the likelihood that African American and disproportionately represented children remain safe and with their families whenever possible, leading to improved child welfare outcomes.

The department's proposed compliance review system would focus on supporting counties in successfully maintaining MAAFPCWDA compliance, rather than imposing punitive penalties without feedback and support for correction. Applying safety science and continuous quality improvement approaches will create and foster a culture of accountability that emphasizes learning and growth, resulting in improved child welfare outcomes.

This proposed compliance review system does not address county concerns related to MAAFPCWDA implementation, such as sustainable funding for counties and the administrative burden of county-led case reviews. Additionally, it is important to note that the department's oversight authority extends to county agencies, but other systems, entities, organizations and individuals also impact whether MAAFPCWDA implementation is successful and effective.

For example, MAAFPCWDA requires county agencies to make active efforts to prevent placement prior to petitioning the court for the removal of an African American or disproportionately represented child. Active efforts in this case include developing a safety plan addressing the needs of the child and the child's family. The department's proposed system to review county compliance can include a review of this component of MAAFPCWDA; however, neither MAAFPCWDA nor the department's proposed compliance review system considers temporary removals that occur outside a county agency's involvement, such as through law enforcement or hospital emergency holds. Additionally, the department's review of a county agency's active efforts may conflict with a judicial finding that the county agency did or did not make active efforts in a given case. Finally, there are no MAAFPCWDA components that address mandated reporting requirements.

Ensuring compliance for only one part of a complex system will not necessarily resolve concerns that children are unnecessarily removed from their homes and placed in foster care. For improved child welfare outcomes, it may be helpful to consider how other systems, entities, organizations and individuals can support or hinder MAAFPCWDA goals and effective implementation.

When typical underlying systemic factors are addressed, we can begin to make critical progress toward improving outcomes for staff and the people we serve.

## Appendix 1. Bill language

**Amend Minnesota Statutes, section 260.68, to add a new subdivision to read:**

Subd. 3. **Compliance review; commissioner duties.** (a) By January 1, 2028, the commissioner of children, youth, and families must implement a system to review responsible social services agency compliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act, sections 260.61 to 260.693, that incorporates other related compliance and performance management systems at the Department of Children, Youth, and Families. The system must include but is not limited to the cases to be reviewed, the criteria to be reviewed to demonstrate compliance, the rate of noncompliance, the process for remediation plan development and ongoing monitoring as the coordinating penalty, and training.

(b) The system may include a process for the responsible social services agency to request the commissioner's reconsideration of a finding of noncompliance.

(c) To the extent allowable under chapter 13, the commissioner must make public the results of compliance reviews, including child welfare outcomes, and any strategies that were successful in remediating noncompliance concerns.