

Safe Passage for Children of Minnesota

Webinar Series

Child Welfare 101 – Federal, State and County Roles

In Child Protection and Foster Care

What is “Child Welfare”?

- Once referred to a range of services but now is just child protection and foster care
- Federal, state, and county responsibilities
 - Federal: Children’s Bureau within Department of Health and Human Services
 - Many regulations and two data systems:
 - i. AFCARS – Adoption and Foster Care Analysis and Reporting System
 - ii. NCANDS – National Child Abuse and Neglect Data System
 - iii. Annual reports on Department of Health and Human Services website
 - Data collected is about steps in the process not outcomes
 - States: two main organizational structures
 - State run (approximately 39 states)
 - State supervised/County administered (10 or 11 states plus D.C.)
 - Minnesota: Child Safety and Permanency Division within the Department of Human Services (DHS)
- The Indian Child Welfare Act (ICWA) is an independent child welfare system

Funding streams

- Federal – Titles IV-E, XIX and XX of the Social Security act
 1. Title IV-E
 - i. Historically matched 50% of out of home care costs
 - ii. Open ended
 - iii. Changing to more prevention due to the Family First Prevention Services Act
 2. Title XX generally funds small parts of many state-level human services
 - i. Once an open-ended funding source, it was capped in the 1980s.
 - ii. Since then the amount to state has stayed at about \$50 million
 3. Title XIX is Medicaid. Many children in child protection or foster care become a household of one and are therefore eligible for Medicaid.
 - i. Medicaid is responsible for 50% of case management costs in child protection and foster care cases.
 - ii. State matches the federal money - so no county costs
 - iii. Open-ended but the Trump administration is attempting to “block grant” this funding source which would cap the federal share at the current amount.

Funding Streams (cont.)

- State - Minnesota has historically contributed about 17% of child welfare costs, one of the lowest of any state
 1. Following the Governor's Task Force on the Protection of Children the state increased its General Fund contribution by \$25 million, which was not a significant chunk of the total program cost of \$470 million.
 2. The Task Force requirement that counties use the same standards for responding to maltreatment reports resulted in approximately 14,200 more children coming into the system.
 3. This dramatically increased federal and state contributions (now 27%) to child welfare and foster care through Medicaid case management matching funds.
 4. Unintended outcome was that this also reinforced racial disparities by increasing the number of African American and Native American families coming into child protection.
 5. Counties – historically bore the largest share of costs, 45% - 50%

(See chart)

Child Welfare and Foster Care Program Structure

- There are many variations on how states and counties organize child welfare. At a high level, the main processes or steps in the child protection/foster care system are:
 1. Determine whether to screen a report of child maltreatment in for services
 - i. 70% of reports from mandated reporters
 - ii. The remainder are friends, family and neighbors
 2. Once screened in, decide to assign to Family Assessment or investigation
 - i. The traditional investigative track normally includes a fact-finding process or a forensic interview, and ends in a formal determination of whether abuse or neglect has occurred
 - ii. Family Assessment (FA) is an alternative to traditional practices which attempts to establish a relationship with parents, build on strengths rather than focusing on deficits, and avoid court
 - FA has become controversial because some practices make it difficult to assess child safety:
 - Workers set up advance appointments with parents
 - Many children are interviewed in the presence of adults
 - Workers don't do fact-finding
 3. 5/27/20 webinar will explore Family Assessment in more detail

Program Structure (cont.)

- When a Family Assessment or investigation is completed, the County may again decide that the situation does not rise to the level of abuse or neglect and close the case, or it may open a case for ongoing services.
 1. Open cases may receive in-home services in an effort to address the maltreatment without removing the child or children, or
 2. A child may be removed to a kinship or foster care placement
- 3. The process of recruiting, training, and supervising foster parents is a major part of the child welfare system in itself
- 4. Usually extensive efforts are made to keep children with or reunify them with their families, but that failing a process starts called TPR, Termination of Parental Rights
- 5. If the safety concerns for a child are significant, the county may file a CHIPS petition (Child in Need of Protection or Services) with the Juvenile Court, which can result in the Termination of Parental Rights (TPR).

Minnesota Organizational Culture and History

- Minnesota has 82 local child welfare agencies – two tribes and some combined county operations
- Compared to most states, DHS provides a relatively low level of oversight and regulation to counties.
- Except for the response to maltreatment reports, DHS provides the counties with Guidelines and Best practices not firm standards
- As a result there are 82 approaches to child protection and foster care
- This inconsistency is compounded by the varying ability of counties to fund social services

The 2015 Governor's Task Force on the Protection of Children.

- Over time concerns developed in Minnesota over aspects of child welfare
 1. Very low level of state investment in the program
 2. Very low number of maltreatment reports got service
 3. Inconsistent practices among counties
 4. Use of Family Assessment for high risk cases
- A Star Tribune investigative reporting series profiled 53 children who were killed by their parents despite being known to child protection including Eric Dean
- The Task Force prompted legislation that:
 1. Changed the primary purpose of child protection from Family Assessment to the protection of children
 2. Required state DHS to establish standards for the initial maltreatment report, and required counties to follow the standards
 3. Determined that no child protection program, is voluntary
 4. Provided 24 hour coverage for maltreatment reports statewide
 5. Implemented Multi-Disciplinary Teams (MDT's) to screen reports
 6. Added \$25 million annually in General Fund money to child protection budget

Governor's Task Force (cont.)

- The Task Force also made numerous recommendations that have largely not been followed up on by DHS and the counties including:
 1. Address transparency concerns by publishing additional data on the DHS dashboard
 2. Move towards a single response system by training workers to do fact-finding, and assigning them to either the Family Assessment or investigative track after the fact-finding was completed
 3. Change Family Assessment practices that make it hard to get the information needed to keep children safe
- In 2019 the legislature partly funded a new Child Welfare Training Academy
 1. This could address some of the concerns about consistency statewide.
 2. However, the Academy so far intends to train workers in the disputed practices