

What Do Standards Have to Do with Equity?

Child protection standards in Minnesota only exist for the initial maltreatment report. All other decision points, for example when to investigate, when to take a case to court, and when to remove children or return them home, are informed by non-mandatory and often insufficiently detailed Department of Human Services Guidelines.

As a result every county, unit, and caseworker are making decisions based on their own experience and local values. This means that families are being treated differently depending on where they live, which additionally opens the door to unequal treatment based on race.

To be clear, decades of research show that poverty drives racial disparities in child welfare much more than caseworker bias. However we still need to address every area where bias may be affecting decision-making. That's not possible without standards for every step in the child welfare continuum.

Narrative for Podcast

As we have mentioned in other blogs and podcasts, Safe Passage for Children is in the midst of a study of child fatalities in Minnesota that have occurred since the last quarter of 2014. We chose this timeframe because there was an initial inventory of child fatalities conducted by Brandon Stahl, then with the StarTribune, which went from approximately 2006 until 2014.

What we are seeing thus far is that there are as many different ways of doing child protection and foster care in Minnesota as there are counties. We are not familiar with how the tribes do child protection work because data is harder to get from those two local child welfare entities.

The broad variance in the practices in Minnesota is consistent with information that has come from a variety of sources over the years. For example in 2012, at the instigation of Safe Passage, the Office of the Legislative Auditor did a study of child protection screening practices and found wide inconsistencies in how counties perform this process. That study helped prompt the recommendation by the 2015 Governor's Task Force on Child Protection that there be common statewide standards for the initial step in the child welfare process, which is responding to the initial maltreatment report. That recommendation, unlike most of the recommendations that came out of the Task Force, was actually put into law.

Implementing this standard has had tremendous ripple effects. Minnesota went from screening in 27% of child maltreatment reports to 43%. That still doesn't reach the national average of nearly 60% but it does mean that more than 10,000 children per year are getting a child protection worker to come out and at least look at the situation. This has also brought in \$200 million in additional funds because the federal government pays for 50% of the casework costs once children get in the system and the state is required to match that. As a result of this there is more revenue in the system, one downstream effect of which is that caseloads dropped dramatically in Minnesota.

Creating standards for other decision points in child protection and foster care may not have such dramatic results in terms of funding or administrative aspects of the system. But the lack of common policies, procedures and practices has what appears to be obvious implications for equity across the system.

For example, on the broadest level, whether you are protected as a child and how long it takes to get help depends a lot on where you live. As we are seeing in the case reviews we have done so far, this means that some children may stay in foster care until their home environment is safe, while others are sent back to their bio parents long before they are ready and as a result are getting killed. In other circumstances some counties use kinship care at a higher rate than others but appear to be not screening the placements well, so that unqualified and sometimes dangerous relatives are taking care of the children. The degree to which law enforcement is in touch with child protection also varies, which means for example that serious domestic violence may not be on the local social services department's radar. These are but a few of the examples that we are seeing, and we will have a more thorough analysis of these issues later in the year.

Where are standards needed? Depending on how you look at it, there are perhaps 7 to 9 main steps in the child protection foster care continuum of services that would benefit from standards. Here is our analysis of those steps though others may have a different view:

- the initial child maltreatment report
- the decision whether to track a case to Family Assessment, Or Alternative Response as it is more commonly known, or to investigation;

- the management of service plans, meaning whether parents are held closely accountable to “work their plan” to get their child protection case closed, or can get their children back with minimal effort
- when to remove children to foster care or kinship care
- when to return children to their bio parents
- a decision to take the case to Juvenile Court as a CHIPS petition, or Child in Need of Protection and Services
- when to go for a Termination of Parental Rights, or TPR
- when to free a child for adoption versus a permanent legal custody arrangement such as with a relative or maintaining them in long term foster care

Having standards is absolutely necessary generally for giving children a chance at a normal life, and particularly for addressing issues of racial disproportionality in the system. As is well known, the number of African-American families in child protection and foster care is approximately 2 to 3 times as great as for whites, and the proportion of Indigenous families is more like 4 to 5 times. Standards are helpful in comparing counties to one another, identifying best practices, and ensuring that when improved practices are agreed to they actually get implemented.

That said it is important not to slip into caseworker bashing on this point. Decades of research has continuously demonstrated that the primary driver of racial disparities in child protection and foster care is poverty, not caseworker bias. By the way, this suggests a significant additional strategy in child protection for reducing maltreatment, which would be based on alleviating financial pressures on parents directly from child protection, and more broadly advocating for policies and practices nationally that would reduce the poverty and its disproportionate impact on BIPOC families.

Perhaps the best study to read on the overall topic of disparities is called Racial and ethnic disparities: A population-based examination of risk factors for involvement with child protective services. The lead author is Emily Putnam-Hornstein, and co-authors are Barbara Needell, Bryn King, and Michelle Johnson-Motoyama. I put a link to this article in the script for this podcast which is part of today’s blog or you can find it on our website under this week’s blog. This article is now 10 years old but has a solid source of data, and has been reinforced or corroborated by studies since.

Another important article to consider is by Richard Barth et. al entitled "[Research to Consider While Attempting to Effectively Redesign Child Welfare](#)". I don't have a direct link to this article but included in the written narrative for this podcast is a link to a website that allows you to request this report directly from the authors.

The Barth article is very helpful as a counterbalance to a number of assertions being made by activists with political agendas, both on the conservative and progressive edges of the spectrum. These political players keep repeating false information about child welfare over and over again until it becomes accepted as fact. (Sound familiar?) The article addresses 10 common misconceptions about issues, many related to racial bias in the system, including whether low income families are reported proportionately more frequently for maltreatment, whether families such as those who are on public assistance see more mandated reporters and therefore get reported more frequently, whether racial disproportionality in the system is driven by caseworker bias, whether cases are screened into child protection due to neglect when the primary issue is simply poverty, and whether foster care causes trauma and failures in adult life. All of these assumptions are thoroughly debunked based on empirical evidence that has emerged through many studies over the years.

The connection between these two articles and our topic today of standards is simply that we can't adequately support families and protect children if we are basing policies and practices on popular political tropes that have no empirical foundation. So an essential step towards getting past this unfortunately ideological and politically driven era in child protection is to have standards. Just the process all working through and agreeing on standards would help to re-professionalize child welfare to some degree. Beyond that, it should have the benefit of getting in-depth conversations going about what our expectations are in the system, which again will give people who want to base practices on real empirical data an opportunity to weigh in. None of this of course is assured, but it would be pretty weird to promulgate a set of statewide standards that could easily be attacked on the basis that they are designed to serve a political agenda. Standards would also provide an easier way to give people not in the system access to information that they can use to understand and evaluate performance.

One other important element to consider in the process of establishing statewide standards across the child welfare continuum is that this is not really in the current DNA of the Minnesota system. As some of you may know I worked in my career as a budget analyst in Massachusetts,

as a Deputy Commissioner Westchester County New York which is a county-based system, as the equivalent of Assistant Commissioner in Maryland, they used different position terminology there, which is also a hybrid County-based system, and as a consultant and advocate in Minnesota which is County-based. I have also done consulting work in Texas which is county-based and in Alabama which is a state system. What strikes me in comparing Minnesota with other County-based systems I know is the fact that this state has much less of a hands-on role in managing child protection and foster care than in other similar states. The State Department of Human Services simply isn't used to asserting control over local operations in any meaningful way. When I was in Maryland for example, if we found that there was a county finance operation that had loose controls I had the authority to go in, do an audit, and require a corrective action plan if needed. It's hard to see something like that being done in Minnesota.

So in order to have standards in Minnesota we would really have to change the relationship between the state and the counties in a fairly deep or profound way. That's a big job, and knowing this helps us to understand the magnitude of the task in front of us. When people get frustrated with the current situation they often propose a statewide takeover. In my experience it takes 10 years just to change the websites and the civil service job descriptions before you can actually get back to work. So I personally would favor something more like requiring the state Department to step up its level of involvement in the counties until there is an adequate set of checks and balances.

This by the way would not necessarily be opposed by the counties. One interesting thing that came out of the 2015 Task Force is that a number of counties were actually relieved that there were consistent standards for the initial maltreatment report. When you think about it, having differential standards means that a county that might be getting sued for its practices could be compared in court to another county that has more successful or more stringent standards. This is particularly relevant since the state Supreme Court decision on the Eric Dean case opened the door for counties to be sued more easily. That is the subject for a different podcast and blog that you can look up on our website. It's 19th of November 2021, and it is entitled [State Supreme Court Decision on Eric Dean – A Win for Children](#)

So the state might find that there are fewer headwinds than they anticipate if the move was made in this direction.

Finally, as we have talked about often, having standards is an essential prerequisite to having a continuously improving organization. Without standards, it's impossible to measure whether policies and practices are being adhered to. It's impossible to tell if a particular change has improved performance. And it's very difficult to foster accountability and a sense of commitment with staff if there is nothing to aim for. So in addition to the profound implications for racial equity of having widely varying policies and practices across the state, there is broader benefit to standards being a foundation that will affect the quality of services and many and sometimes unpredictable ways.

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