

Coming Soon: Statewide Foster Care Licensing Standards

In 2021 Safe Passage helped pass [legislation](#) that lowered legal barriers to becoming a foster parent. We successfully advocated to include statewide mandatory licensing standards in the bill. The process of developing these standards is underway and they will be implemented next July.

The new process will assess candidates based on their ability to provide nurturing parenting today rather than focusing on past mistakes, living arrangements, and other factors less relevant to the child's needs. This [Child Welfare League of America Field Guide](#) describes essential skills and qualities for caregivers, particularly an ability to put the needs of the child first, and a commitment to fostering children who have challenging trauma-induced conducts such as meltdowns or inappropriate sexual behaviors.

If successful, this initiative will improve the quality of foster care while supporting more kinship placements and culturally appropriate foster homes.

There will be no blog next week in observance of the holiday. Happy Thanksgiving!

Narrative for podcast on statewide standards for licensing foster homes

The story of this legislation goes back to 2020, when the Institute to Transform Child Welfare at the Mitchell Hamline School of Law proposed legislation that would lower barriers to becoming a foster parent - barriers that were based on crimes committed at some time in the past.

The overall problem as articulated by parent advocates was that relatively trivial crimes that occurred years ago such as Food Stamp fraud or forging a check would prevent individuals, particularly relatives, from becoming caregivers.

The actual bill however also proposed to remove many violent crimes as disqualifiers for becoming foster parents after a period of as little as five years. This included homicide other than in the 1st degree, shootings in support a gang, first-degree arson, first-degree armed robbery, and others.

Some of these were unacceptable to child advocates and the resulting negotiation took more than a year before we produced a bill together that both conservatives in the Senate, which at that time and until the upcoming 2023 state legislative session has been controlled for years by Republicans, and Progressives in the House could agree to. The resulting legislation retained lifetime disqualifiers for some crimes such as first-degree murder, eliminated 15-year and seven-year disqualifiers entirely, and replaced them with a 20-year disqualifier for a handful of very violent crimes as well as for Termination of Parental Rights, with most violent felonies going into a five-year disqualification category.

It is important to note that sometimes potential foster or kinship foster placements would be disqualified if a member of the household had this criminal past rather than the primary person who was applying to be the caregiver. So that was a situation everyone felt needed to be addressed.

Some of the reduced disqualifications were still problematic to child advocates. These include for example only a five year disqualifier for most crimes related to controlled substances, for example running a meth lab, less than first-degree convictions for crimes related to the abuse of a vulnerable adult, pimping, robbery, witness tampering, 2nd degree sex trafficking, felony level harassment or stalking, shooting in a public transit facility, 2nd degree or lower assault of a minor, serious and recurring maltreatment of a child or adult in another state, and malicious punishment of a child.

Nevertheless we and other child advocates supported the overall objectives of the legislation which were to make it possible for adults with a criminal past become foster parents if they had left that past behind and were currently at a place in their lives where they would be a good or the best option for placement for the child.

The underlying issues that the current exclusions created were that they disproportionately affected potentially positive kinship placements as well as the ability to recruit foster homes particularly in communities of color. Given that, all things considered, it is highly preferable to have a child in a placement in their own community and culture, it seemed necessary to take a different approach to determining who could become eligible to be a foster parent. That particularly applies to potential kinship placements which maintain relationships that the child has and potentially reduce the trauma of being removed from their home.

I once read, and I wish I had saved the article, that three quarters of African-American men in Minneapolis had at least one past felony. So under the existing exclusions that would eliminate any household where one of these men resided even if they weren't themselves the proposed foster parent.

So the question became how to achieve the goals of this legislation without exposing children to potential harm. In adding the requirement to the legislation that the state Department of Human Services develop mandatory statewide standards for foster care licenses, we hoped to establish guardrails for the process overall, while creating the ability to evaluate potential foster or kinship caregivers based on who they are now rather than what was in their past.

For this I turned to the Child Welfare League of America Field Guide to Child Welfare, which has numerous examples of assessment questions and responses that would get at the issue of whether a person would be able to nurture a child in foster care.

There is a link to this chapter of the Field Guide in the blog and in the narrative script for the blog which is on our website. Or you can search for it where it currently resides which is on the website of the Institute for Human Services in Ohio. The assessment process described in the guide attempts to get at whether the prospective caregiver has a realistic understanding of what will be involved in caring for a foster child, particularly given that most children going to foster care today have been left in situations of chronic abuse for such long periods of time that they have been traumatized and often exhibit challenging behaviors. These may include the inability to respond to or express affection, a lack of appreciation for the efforts of the caregiver, frequent meltdowns, inappropriate sexual behavior, self-harm, and potentially outbursts of violence, among others.

It is not as if this challenge is foreign to the state. Many of the principles articulated in the Field Guide are also included in state directives, particularly what is called MAPCY or the Minnesota Assessment of Parenting for Child and Youth Practice Guide, which is used for assessing prospective placements. Also, there is some training of foster parents provided by the Child Welfare Training Academy. What appears to be needed at this point is to implement these principles in a thorough and practical way throughout the counties.

In addition to evaluating whether the proposed foster parent has the willingness to deal with difficult situations, and is willing to be trained so they can develop some skills in this area, the Field Guide looks at motivation. The questioning helps reveal whether the prospective caregivers are focused primarily on the child or on what they might get out of fostering. One example of appropriate motivation in the guide is a prospective parent who says that they have worked with special needs children before and really like helping them grow stronger. In contrast a general statement like "I like children and would like to help them" might not be sufficient. Someone can help children by tutoring them or volunteering at the local rec center, so this kind of response need some more probing to see if the person is ready for the magnitude of this challenge. Other response that may not be ideal include benefits to the persons own children in having a foster child, or that their church is promoting some form of community service. The prospective foster parent may still be an adequate placement, but may not have really thought through what their role is. Similarly, the assessment gets at whether the stress of a difficult child might be more than the particular family can handle, based on their own internal dynamics.

Another consideration is child safety. In kinship placements in particular, it too often occurs that the kinship caregiver allows the bio parents who have been harming the child to continue to have access to that child. So a critical component is whether the prospective caregiver understands the importance of the safety plan that will be in place, and has the willingness and ability to implement it.

Other key factors are whether everyone in the family is involved, or potentially one parent indicates they are willing to do it but see it as primarily the other one's responsibility. Related to this, rigid ideas about the roles of household members or a moralistic attitude towards behaviors that are likely to show up could be a red flag. In addition prospective parents are asked questions that get at, for example, whether they will be hurt or angry if a child does not return affection. If they don't take such behaviors personally, or they do but are able to recognize their reactions to situations like these and at least intellectually deal with it, they may be able to handle the difficulties that are likely to come up.

The questions also elicit whether prospective parents are likely to deal with difficult behaviors by shaming and punishment rather than using the skills they should be trained in such as attempting to de-escalate, redirect, and see them as opportunities to help the child grow. In particular, a belief in harsh physical punishment would be a concern.

The Field Guide assesses responses to questions at several levels. One is the desired or ideal response, the one is meets minimum expectations, and the third is basically red flags. Overall, since no family is perfect, and since some weight must be given to attempting to keep the child

in the extended family and community, these factors need to be balanced and considered as a whole.

But whether the ultimate standards in Minnesota utilize this particular Field Guide or something equivalent, a process of this nature gets directly at the objective of evaluating prospective foster and kinship caregivers based on whether they can provide a nurturing, supportive, well-informed, and safe placement for a child sufficient to help that child stabilize, and potentially work through the trauma they have experienced and hopefully resume their growth as an individual healthy human being.

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