

MINORITY CHILD HERITAGE PROTECTION

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A Report from the Minority Advisory Task Force on Foster Care and Adoption

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Pursuant to 1983 Session Laws, chap 278
section 16

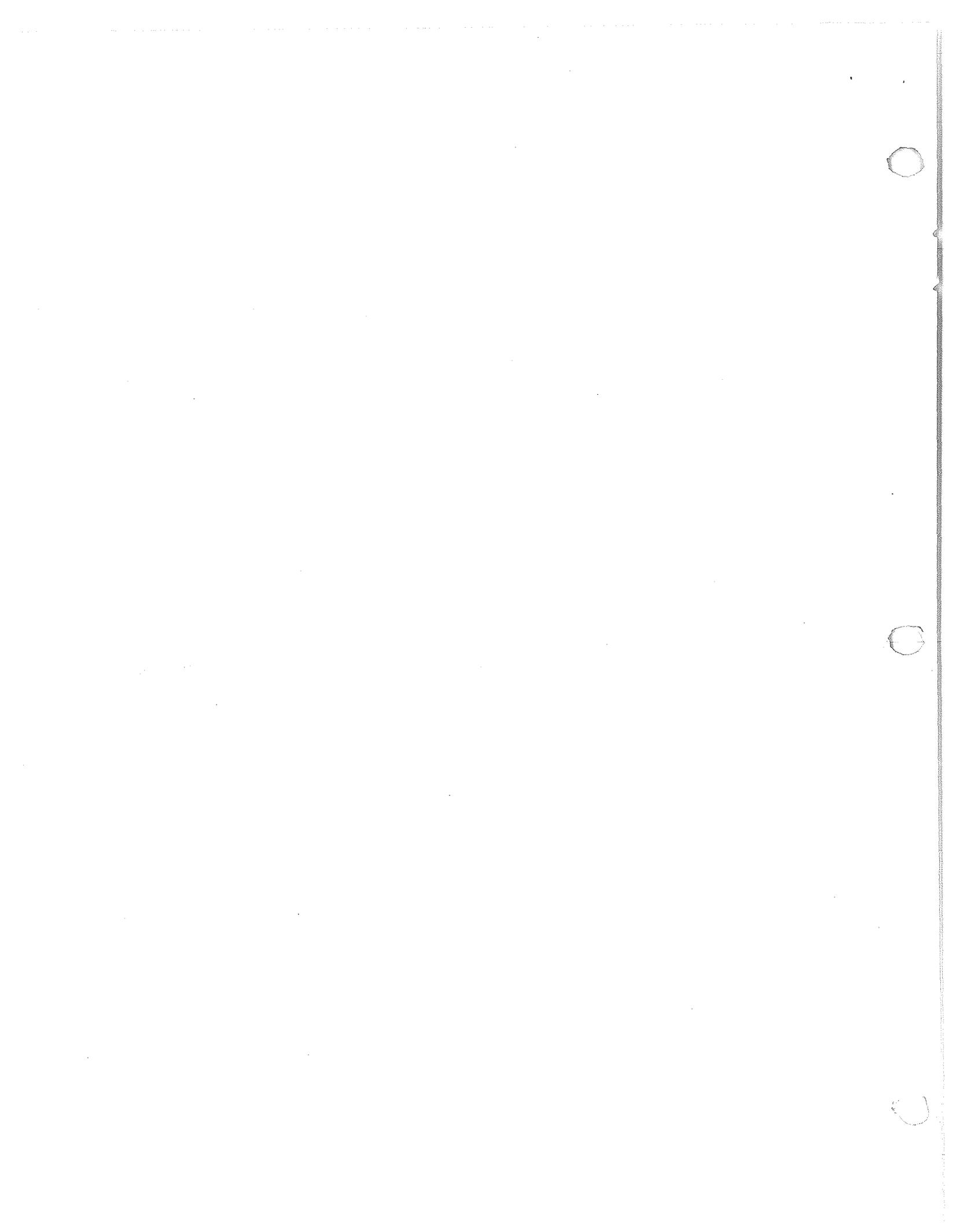


MINORITY CHILD HERITAGE PROTECTION ACT

1983 SESSION LAWS, CHAPTER 278

SEC. 16. [ADVISORY TASK FORCE]

"The Commissioner of Public Welfare shall establish a foster care and adoption advisory task force to advise the commissioner on foster care and adoption policy regarding children of minority racial or minority ethnic heritage. Task force members shall serve on a voluntary basis. The task force shall expire on June 30, 1985."

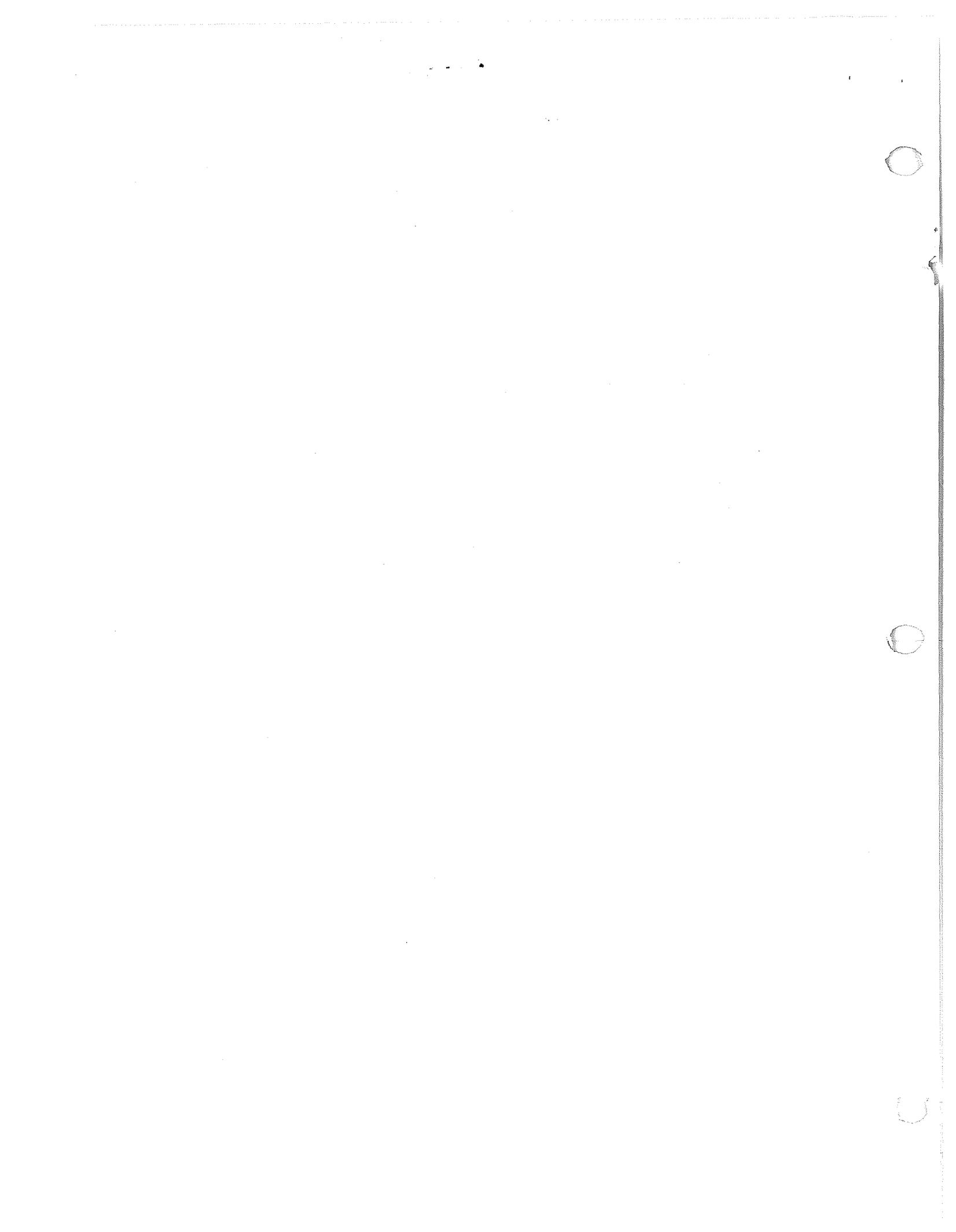


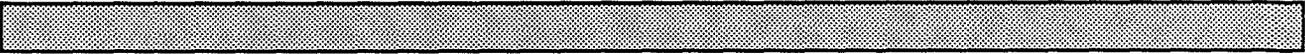
ADVISORY REPORT ON FOSTER CARE AND ADOPTION

**A report to the Commissioner of Human Services submitted by the
Minority Advisory Task Force on Foster Care and Adoption as
mandated by the Minority Child Heritage Protection Act,
1983 Session Laws, Chapter 278, section 16.**

**Prepared by:
Paula Baker, Chairperson
The Minority Advisory Task Force on
Foster Care and Adoption**

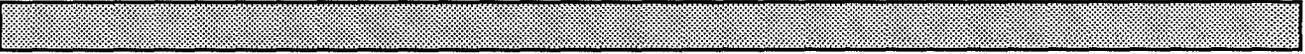
April, 1986





**"IN OVERCOMING RACISM AND ITS DEBILITATING EFFECTS,
WE MAY, AT THE SAME TIME,
BE ACHIEVING A BETTER AND MORE HEALTHY SOCIETY."**

**Thurgood Marshall
Justice, United States Supreme Court**

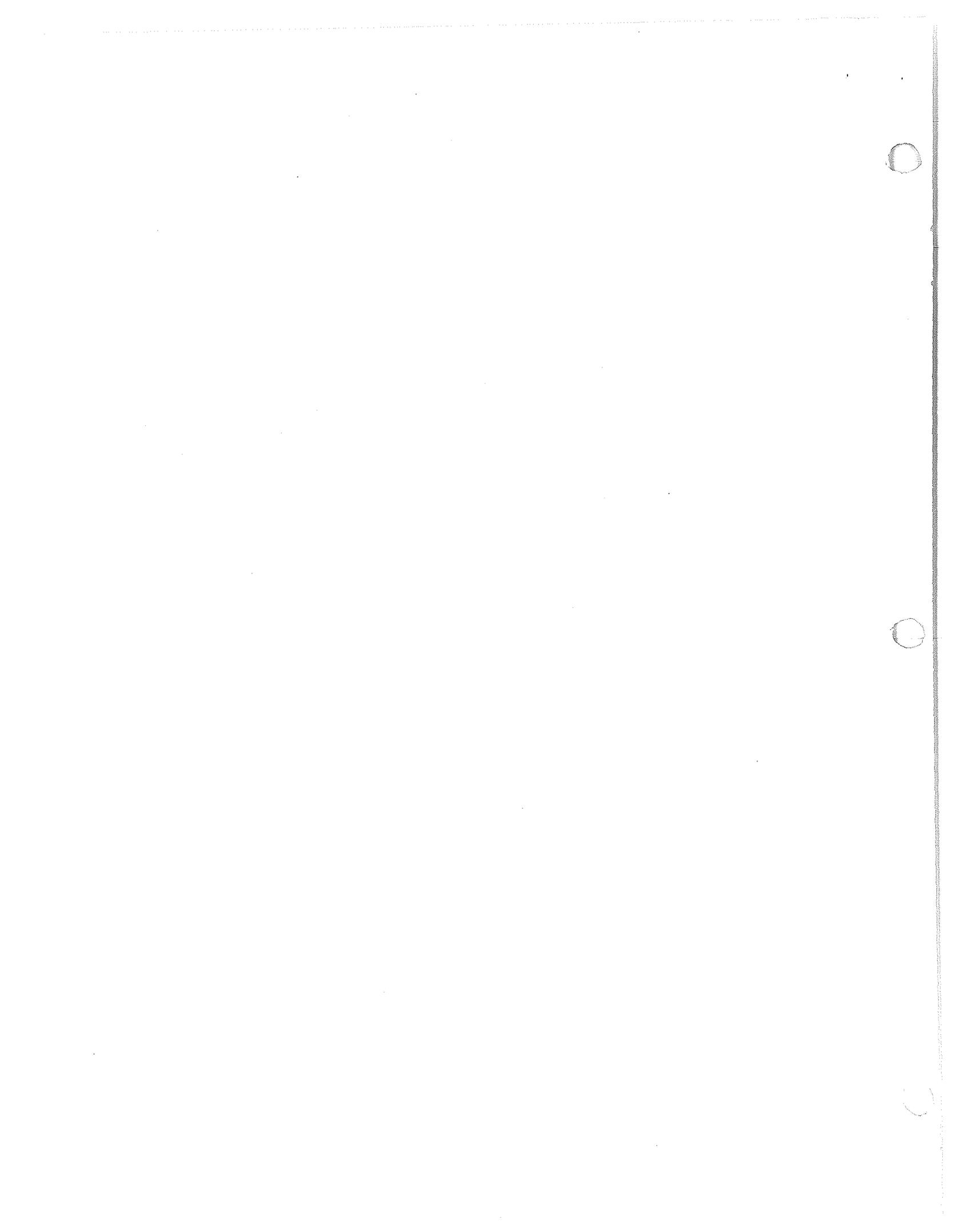


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INTRODUCTION

History of The Minority Child Heritage Protection Act, 1983 Session Laws, Chapter 278

The 1983 Minnesota State Legislature became the first legislative body in the country to adopt specific statutory language that clarified traditional adoption and foster care policy regarding the placement of minority children, by providing that "it was in the best interest of all minority children" to protect their minority racial or minority ethnic heritage, where "good cause to the contrary" could not be shown.

The Minority Child Heritage Protection Act of 1983, modeled after the 1978 Federal Indian Child Welfare Act, establishes an order of placement preference to be followed by all child placement agencies in the State of Minnesota when minority children are placed in foster care or for adoption. The order of placement preference provides that a child will be placed for adoption or in foster care with:

- (a) a relative of the child, or, if that would be detrimental to the child, or a relative is not available;
- (b) a family with the same racial or ethnic heritage as the child, or if that is not possible;
- (c) a family of different racial or ethnic heritage from the child that is knowledgeable and appreciative¹ of the child's racial or ethnic background.

The Department of Human Services was charged with the responsibility of promulgating rules to implement the Act. The role of the court in judicial proceedings related to the disposition of children under state guardianship, and compliance with the order of placement preference was set out in the statute.

Legislative History and Legislative Intent of the Act

Senator Linda Berglin (D.-Mpls.), author of the Act, and Representative Randy Staten (D.-Mpls.), chief sponsor of the Act in the House, became involved in this issue as a result of their membership on the State of Minnesota's Council on Black Minnesotans.²

¹ "knowledgeable and appreciative" - DPW Instructional Bulletin #83-61

² Council on Black Minnesotans, herein referred to as the "CBM."

In 1981, the CBM's Black Women's Legislative Issues Task Force urged the Council to work for passage of a "Black Child Welfare Act," which would make the preservation of minority ethnic and racial identification a factor by giving a priority consideration in all decisions regarding the out-of-home placement of Black children in Minnesota.

As a result, the Council on Black Minnesotans held a public hearing on Black adoption and foster care placement in January, 1982. A wide range of individuals presented testimony at the hearing presided over by Senator Berglin and Representative Staten as well as other CBM members. Individuals testifying included Black and white social workers, the head of DHS's Adoption Unit, Black adoptive parents, white adoptive parents of minority children, foster parents, and a noted Black sociologist who had done extensive research on transracial adoption and the social psychological problems of Black children who were denied knowledge, experience, and acceptance of their race and ethnic heritage. An overwhelming majority of the testimonial evidence presented at the hearing confirmed the importance of racial and ethnic identity and need for public policy to preserve the identity of minority children in adoption and foster care placement in Minnesota.³ Most individuals, familiar with the issue from a professional standpoint, urged that strong measures be implemented to recruit minority families to provide permanent adoptive and foster care homes for minority children in Minnesota.

The CBM's 1982 report on Adoption and Foster Care Placement of Black Children in Minnesota followed the hearing and provided an important legal, historical, and sociological foundation from which major provisions of the Minority Child Heritage Protection Act were drafted.⁴ The Report identified problems with inadequate data collection and recordkeeping procedures regarding the placement of minority children and when documented, the statistics on transracial adoptions in Minnesota were alarming.

1981 Hennepin County Legal Case and Legislative Intent

Finally, in order to clearly understand the legislative intent behind this Act, it is important to be aware of a 1981 Hennepin County legal battle which publicized the degree to which race and ethnic heritage could be ignored without consideration being given to the possible long-term, social and psychological implications for minority children placed for adoption or in foster care.

³ & ⁴ Testimony presented at CMB Public Hearing on Black Adoption and Foster Care, January, 1982. See: 1982 CBM Report on the Adoption and Foster Care Placement of Black Children in Minnesota.

Briefly, the facts are these: A Hennepin County administrative ruling, which found that it would be in the "best interest of a Black infant to be placed for adoption in the home of a Hennepin County Black social worker, as opposed to being adopted by the infant's white foster family" (who had not expressed the first interest in adopting the child) - was overturned by a Hennepin County District Court Judge's decision, which ruled that "infant bonding" was more important than race as a factor to be considered in the adoption of minority children.

The Minnesota Minority Child Heritage Protection Act is intended to prevent such decisions from being decided on the basis of the bonding issue alone, without equal consideration being given to race and ethnic identity as factors important to the healthy emotional development of children. The Act clearly provided that Minnesota public policy considers it "in the best interest" of minority children to have their race and ethnic heritage preserved, insofar as possible, by applying the order of placement preference guidelines. If the guidelines are applied at the time of initial placement and the child is placed in a like-race foster home, the child's need for cultural identity will be met. If the child should then become legally free for adoption, the foster family who shares the same racial or ethnic background may be considered as an adoptive resource of the agency.

In addition, the recruitment provisions of the law seek to assure that authorized licensed child placing agencies in Minnesota no longer operate under the assumption that minorities will not, or cannot, adopt and be foster parents. The law requires active recruitment of minority families as opposed to the traditional practice of little or no recruitment of minority families by placement agencies. The recruitment aspects of the law, if successfully implemented, could increase the pool of available families for the many waiting minority children.

GOALS AND OBJECTIVES

Goals of the Minority Advisory Task Force on Foster Care and Adoption

The broad goal of the Task Force on Minority Foster Care and Adoption was: "To advise the Commissioner of Public Welfare on foster care and adoption policy regarding children of minority racial or minority ethnic heritage." Sec. 16, Chapter 278.

Major Task Force Objectives

1. To identify needed policy changes by monitoring the implementation of Chapter 278 and identifying issues arising from implementing the Act and its provisions on recordkeeping, licensing, and adoption and foster care rule changes.
2. To address other policy issues related to foster care and adoption and the implementation of Chapter 278.
 - a. Adoption Assistance and Child Welfare Act, Public Law 96-272.
 - b. Federal Indian Child Welfare Act, Public Law 95-608.
 - c. Minnesota Indian Family Preservation Act (proposed).⁵
3. To interface with public and licensed human service agencies involved in activities specifically related to the Act or overcoming common barriers to minority adoption and foster care addressed by the Act. Interfacing activities participated in by various task force members were:
 - a. Hennepin County Review Board Project, 1984.
 - b. Ongoing work with the internal Department of Human Services (DHS) organization.
 - c. The Governor's Council on Youth, Workshop; "Learning and Appreciating Our Differences... Working with children of color," May, 1984.
 - d. Region V Adoption Advocacy meeting, June, 1983.
 - e. Georgia Curriculum training session, Council on Black Minnesotans, Minneapolis Family Services, November, 1983.
 - f. Region V Black Preplacement Prevention Conference, March, 1984.
 - g. Recruitment Subcommittee presentation to the National Black Child Development Institute - Chicago, Ill, October, 1984.
 - h. Response to numerous inquiries from throughout the country on implementation of the Act in Minnesota.

⁵ Became law: 1985 Session Laws, Chapter 111.

TASK FORCE ORGANIZATION

Legislative members: Senator Linda Berglin (D.-Mpls.) and Representative Randy Staten (D.-Mpls.) represented the Legislature.

Co-Chairpersons: Paula Baker, Don Robertson and Sam Hernandez were elected to serve as co-chairpersons as representative of the Black, Indian and Hispanic communities.

Secretary: Rose Marsh, preceded by Allene Burnette served as secretary to the Full Committee.

Full Committee: Representatives from interested minority community agencies, foster parent groups, adoptive parents, educators and social workers from public and licensed placement agencies made up the Full Committee.

Members-at-Large: Representatives from interested community agencies, foster and adoptive parent groups made up the Members-at-Large.

Committee Process and Establishment of Subcommittees

While all members could attend regularly held meetings of the Task Force, only members of the Full Committee could introduce issues into discussion during meetings of the Task Force. Issues of Members-at-Large were presented by the Full Committee members who represented their special interest.

All Full Committee members and Members-at-Large were invited to participate in the work of four subcommittees: Recruitment, Assessment and Training, Monitoring and Licensing Standards and Support Services. Most of the work done in subcommittees occurred in the spring, summer and fall of 1984. Subcommittee reports were compiled and final recommendations were synthesized by the work of the Executive Committee comprised of the Black and Hispanic co-chairs, the secretary and DHS foster care and adoption staff.

AREAS OF CONCERN

The following areas of concern were identified by the Task Force:

1. Recruitment of minority foster care and adoptive families.

2. Assessment and training of social services, foster care and adoption staff in licensed and public agencies.
3. Monitoring and licensing standards for child placement agencies.
4. Recordkeeping requirements for public and licensed child placement agencies and the Minnesota Department of Human Services.
5. Support services.
6. Permanency planning/prevention of out-of-home placement.
7. Minnesota Department of Human Services Administrative procedures.

RECOMMENDATIONS

In addressing each area of concern, the Task Force makes the following recommendations:

1. Recruitment
 - a. Establish outreach recruitment services in minority communities.
 - b. Develop a cooperative cost-effective recruitment campaign utilizing radio and television, in which a cluster of public and licensed agencies would participate.
 - c. Find ways to increase the number of minority recruitment staff in licensed child-placing agencies.
 - d. Require a minimum standard of training in the areas of cultural sensitivity for any agency staff working with recruitment of adoptive or foster families.
 - e. Establish a minority recruitment specialist as part of DHS's permanent professional staff. The minority recruitment specialist would develop training materials, conduct in-service workshops, and provide consultations to agencies seeking to recruit minority families.
 - f. Convene an annual statewide meeting of foster care and adoption recruiters. This meeting would provide an opportunity for training and sharing information. Workshops could be offered analyzing effective recruitment techniques.

2. Assessment and Training

- a. Develop a tool for the assessment of prospective adoptive and foster families, especially those in the "knowledgeable and appreciative" category, that would:

- (1) Be sensitive to racial issues;
- (2) Assess creative problem solving skills; and
- (3) Identify parenting skills.

Such a tool would be used along with group interviews (parents and children) and other preplacement activities as the assessment/evaluation package.

- b. Provide mandatory training for adoption workers, foster care workers, and administrators in each of the following areas:

- (1) Chapter 278 and how to implement it;
- (2) Value assessment and cultural implications; and
- (3) Sensitivity training.

- c. Encourage each minority community to work with the Department of Human Services to define the term "knowledgeable and appreciative" and to develop criteria for assessing sensitivity and understanding of each minority culture.

- d. Develop training for parents and sibling children.

- e. Continue to recruit qualified minority staff at licensed and public agencies.

- f. Provide a standardized training curriculum for adoption and foster care workers who work with minority and special needs children. The "Georgia Curriculum," Craft and Child Welfare Training, are examples of available resources.

3. Monitoring and Licensing Standards

- a. DHS should amend and update rules relating to the licensing and monitoring of licensed child placing agencies.

Monitoring and Licensing standards for licensed child placement agencies should include:

- (1) A review of agency recordkeeping procedures to assure that adequate records on the race of children, birth parents, foster parents and adoptive parents are kept in compliance with Chapter 278.
- (2) An ability to demonstrate how licensed child-placement agencies intend to comply with the order of placement preference prescribed by Chapter 278 through the use of social service plans for minority children. The social service plan must include:
 - (a) A case plan for each child which is monitored and updated at each administrative review;
 - (b) A case plan which reflects plans for permanency, in preparation for 18-month dispositional hearing; and
 - (c) A case plan which contains all 18 requirements that are procedural safeguards required by Federal Law 96-272.
- (3) A requirement that agencies have a written plan for the recruitment and training of minority foster families and the recruitment of minority adoptive families. The plan should include strategy for the use of existing resources in minority communities, i.e., community centers and minority social service organizations. The plan should also address the use of minority outreach staff and the use of minority foster homes in placements after birth but before adoption.
- (4) Agency staffing goals and objectives for the employment of minority social workers in adoption and foster care.
- (5) Standardized training by public and licensed agencies for new adoption and foster care workers which includes a curriculum on cultural diversity and the needs of special needs children, i.e., the "Georgia Curriculum."

- b. DHS Foster Care Licensing Rules should be amended and updated to reflect the intent of Chapter 278. For example:
 - (1) Require mandatory training for foster care home providers and treatment foster care home providers on the importance of the protection of cultural heritage within the meaning of Chapter 278 and the Indian Child Welfare Act, Public Law 95-608.
 - (2) Review, and where necessary, revise foster care rules to reflect increased sensitivity to cultural diversity and lifestyles. For example:
 - (a) Square feet requirements that reflect middle class bias can discriminate against minority foster care providers who have a history of living in densely occupied urban communities and under extended family living arrangements that should not be judged by "traditional" middle class standards of living space.
 - (b) Foster care licensing requirements can discriminate against single parent households and AFDC recipients and, in that way, can limit the minority homes available for foster care.
 - (c) Foster care licensing requirements can have inherent biases against single heads of households, singles, and public assistance recipients with the negative impact of limiting the pool of minority homes available to provide foster care for minority children.

4. Recordkeeping Requirements

- a. Licensed Child Placement Agencies: Recordkeeping requirements have been discussed under Monitoring and Licensing Standards in the previous recommendation.
- b. State Department of Human Services should:
 - (1) Complete an annual foster care report.
 - (2) Analyze placement of minority children since passage of Chapter 278 in 1983.
 - (3) Include a breakdown of Asian and Hispanic children as part of the inventory of children in foster care.

5. Support Services

- a. DHS should stimulate the development of support services for minority children in out-of-home placements who are legally free for adoption, minority foster parents, and minority adoptive parents, by providing grants to public and licensed child-placing agencies.
- b. Support services may include, but not be limited to:
 - (1) Pre-adoption support groups for minority children and prospective adoptive families;
 - (2) Projects that involve minority foster parents as a continuing support mechanism for children returned to birth homes;
 - (3) Counseling services and support groups for minority children who are adolescents aging out of foster care in need of information, assistance and support to begin to set permanent goals around independent living; and
 - (4) Minority adolescent support groups for children in long-term foster care, new adoptive placements, and non-minority homes where identity issues threaten the adoptive relationship and adjustment.

6. Permanency Planning/Pre-Placement Prevention Services

The task force as a whole makes the following recommendations regarding permanency planning and preplacement prevention services:

- a. DHS should move ahead with preplacement prevention services based on the model of family-based services with emphasis on minority communities, especially the Black and American Indian communities in Minnesota since these communities combined, have 25 percent of all children in out-of-home placements in the state.
- b. Chapter 278 provisions regarding facilitating the referral of children from foster care to adoption should be implemented through a review of the case plan process to:
 - (1) Assure that a case plan exists for each child of minority heritage, and that the plan is monitored and updated at each administrative review;
 - (2) Reflect a definite plan for permanency in preparation for the 18-month dispositional hearing; and

(3) Include all 18 required elements and the procedural safeguards required by Federal Law 96-272.

- c. DHS replicate the Hennepin County Foster Care Review Board project throughout the State of Minnesota.

7. DHS Administrative Policies and Procedures

The task force as a whole recommends the following Administrative policies and procedures:

- a. DHS create additional full-time positions, filled by minority social work professionals, to assist the Commissioner in overseeing the recordkeeping, licensing, placement preference compliance, recruitment, review and reporting requirements of Chapter 278.
- b. The Commissioner create a permanent advisory committee on minority child welfare to assist the Commissioner and his staff in identifying ongoing issues which relate to minority adoption and foster care, and include other minority child welfare issues such as linking work on child abuse and neglect to preplacement prevention, and minority infant mortality.
- c. DHS began monitoring compliance with Chapter 278 upon receipt of the Report of Adoptive Placements, the Dependent and Neglected State Ward Report and annual report of all children in substitute care.
- d. All rules related to adoption and foster care placement of minority children, including licensing requirements be reviewed to ensure that the intent of Chapter 278 is maintained.
- e. DHS Social Services Manual and Practice Guides be revised and updated to reflect law and rule changes relating to implementation of the Minority Child Heritage Protection Act.

CONCLUSION

A majority of Task Force Members agree that there is much work remaining to be done in order to insure that the best interests of minority children are served by state policies and procedures relating to children. We anticipate that policy and procedural questions will continue to arise regarding the implementation of Chapter 278 and the preservation of the ethnic and racial heritage of minority children in foster care and adoptive placements in the

state. We have only begun to explore ways in which the state and county social services can use the permanency planning philosophy to impact on reducing the total number of minority children in out-of-home placements.

This Task Force urges the Commissioner to move forward and to create additional full-time professional positions in DHS, staffed by minority social work professionals, and to establish a permanent DHS Advisory Committee on Minority Child Welfare.

Task force members believe these actions are imperative in order to enhance the Department's ability to address the issues raised by Chapter 278 and the impact of Child Welfare laws in general on minority children.



STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
CENTENNIAL OFFICE BUILDING
ST. PAUL, MINNESOTA 55155

The Minority Child Heritage Protection Act passed during the 1983 legislative session, mandated the establishment of a foster care and adoption advisory task force to advise me on foster care and adoption policy regarding children of minority racial or minority ethnic heritage.

As I accept the recommendations of this Minority Advisory Task Force on Foster Care and Adoption, I would like to take this opportunity to thank each of you who met on a voluntary basis to contribute your ideas and shared experiences toward the writing of the final report.

We will be reviewing your recommendations as a Department to determine how we may best serve the needs of the children and families who require our services.

A handwritten signature in black ink, appearing to read "Leonard W. Levine".

LEONARD W. LEVINE
Commissioner

AN EQUAL OPPORTUNITY EMPLOYER

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**STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
CENTENNIAL OFFICE BUILDING
ST. PAUL, MINNESOTA 55155**

Please note that the following two persons served as members of the Full Committee. Their names were inadvertently deleted from the list on page 13 of the report. Please make these additions to the Full Committee in your copy.

Margaret Foster

Roger Toogood

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MEMBERSHIP

MINORITY ADVISORY TASK FORCE ON FOSTER CARE AND ADOPTION

Co-Chairpersons

Paula Baker
Sam Hernandez
Don Robertson*

Secretary

Rose Marsh

Full Committee

Bob Aitken	Irma Monson
Senator Linda Berglin	Leonides Villarreal Nichelson
Allene Burnette	Joanne Neal Sloan
Roger L. Clarke	Jacqui Smith
Carol Dethmers	Rep. Randolph W. Staten
Patt Downwind	Maxine Taylor
Roberta Ellis	Nance Thompson
Ramona Jaeger	Kimaln White
Mary Ann Kuharski	Mary White
Tu N Le	Darlene White Eagle
Chester McCoy	Jacqueline Whitner
John Malmberg	

Members-At-Large

Patrice Hughes-Alfred	Lorraine Martin
Joanne Barr	Jake Mendoza
Deborah Beaulieu	Peggy Mettler
Mr. and Mrs. Bernard Bauer	Christa Misiewicz
Jay Bendix	Jerod Peterson
Norby Blake	Elsa Perez
Mary Jo Brooks	Rosemary Perez
Jackie Fraedrich	Victor Propes
Fran Felix	Diane Roach
Duc Huu Ha	Della Rootues
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Sandy Kurschner	Michelle Thompson-Tuttle
David E. Larsen	Gina Van Every
Sien Lemke	Melvin Washington
Johnella Lewis	Jan Werness
Robin Lewis	Jay Wilkenson
Lawrence A. Lucio	Marlys Wilson
Ted D. Mahto	

Minutes are on file in the Legislative Reference Library

*Resigned September, 1984.

