

RECOMMENDATIONS ON
Out-of-Home Placement of Children
Of Hispanic People In Minnesota

CHILD PROTECTION LEGISLATION
AN HISPANIC
INITIATIVE

LEGISLATIVE INFORMATION SERVICE
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ELENA IZAKSONAS and the HISPANIC GROUP
SPANISH SPEAKING AFFAIRS COUNCIL

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SUMMARY

Minnesota's child protection system is currently governed almost exclusively by 3 institutions: the Judicial System (through the Court and the Guardian ad Litem); the Placement System (through Foster Care Licensing); and the County Social Services System (through Child Protective Services).

Whenever child protective interventions are considered -- these 3 institutions are generally acknowledged as the state's supreme authorities in defining "**the best interests of the child.**"

However -- these arbiters of children's best interests regularly bypass or ignore a 4th legal authority also mandated to oversee the child protection system: **the Communal System of Cultural Ties.**

This grass-roots institution is based on the simple proposition that...

it is the child's local community which is best qualified to evaluate what is in her/his best interest.

The Hispanic Group strongly believes in and endorses the Communal System of Cultural Ties.

The "HISPANIC INITIATIVE" proposes specific legislative/policy recommendations aimed at improving Minnesota's current child-protection services network -- each proposal is aimed at making the 4th institution (the Communal System of Cultural Ties) an integral part of the decision making process.

ELENA IZAKSONAS and the HISPANIC GROUP

AN HISPANIC INITIATIVE

SPANISH SPEAKING AFFAIRS COUNCIL

JAN 22 1991

Preface

It is essential for the children of Minnesota whose own families are troubled, that adults of their own community intercede on behalf of these children.

I am pleased that the Hispanic community has brought forward this proposal for the children in their community. Ms. Izaksonas and the Hispanic Group, of the Spanish Speaking Affairs Council, have demonstrated both their understanding of the child protection system and their understanding and concern for Hispanic children in this proposal.

I am personally convinced that without additional funding to provide more help to families at the time reports of abuse and neglect are made, that the problems of out-of-home placement will worsen.

I am also convinced that if the earlier intervention is not also grounded in the families' culture, that this assistance would not be successful. I hope you will consider these recommendations carefully and that the legislature, the counties and state departments, and the larger community will find the will and the means to accomplish this.

REP. KATHLEEN VELLENGA
*Minnesota House of
Representatives*

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AN HISPANIC INITIATIVE

CHILD PROTECTION IN MINNESOTA: AN HISPANIC INITIATIVE

I. UNDERPINNINGS

The Hispanic Group believes that it is our collective responsibility to maximize our most precious resource -- our children, for it is with our children, present and future, that our communal survival rests.

In this context of enlightened self-interest, we believe it is our duty to reinforce and maximize our active participation as members of "the communal system" as provided for in the Minority Welfare Act.

The Hispanic Group believes that the survival of a child hinges on:

- her/his genetics through family of origin
- her/his environment, i.e., the state through educational, judicial, and political institutions, and
- her/his culture through communal ties.

We propose that **all** of the above areas affecting the life of a child **must** be addressed when considering child protective interventions on her/his behalf.

Currently, 3 state-sponsored institutions* are the sole authorities **actively** involved in defining "the best interests of the child." These three are:

- A. the Judicial System: through the Court and the Guardian ad Litem
- B. the Placement System: through Foster Care Licensing
- C. the County Social Services System: through Child Protective Services.

*Please refer ahead to pp. 3-6 for SPECIFIC RECOMMENDATIONS aimed at improving the protective interventions of these 3 institutions.

Relegated to irrelevance, virtually ignored by the above 3 authorities, is a 4th institution **legally provided** for in the Minority Heritage Act:

the Communal System of Cultural Ties.

Although participation by this latter system is legally required, it is at best a sporadic participant in the equation and the family of origin (defined solely as nuclear) is a passive, non-voluntary participant.

II. THE CURRENT SYSTEM

The mistaken notions that children belong to the state and that the state can best define what is in their best interest (rather than the local community) have many pitfalls and no virtues to recommend them. When out-of-home placements occur out of community, they:

- prove to be economically prohibitive with expenditures for custodial care easily running into tens of millions, coupled by uncertain, long-term monetary commitments
- prove to be a source of political and social polarization which promotes an "us versus them" mentality that views the "System" (all 3 components) as problem rather than solution
- prove to be harmful and risk-escalating to the child who -- already in an extremely vulnerable and precarious situation -- is expected to sacrifice that part of her/his very identity affecting the most universal of needs: **the need to belong.**

In sum, the state system's current negative characteristics ("child-owning/all-knowing") constitute an arrogant "lose-lose" arrangement whose tragic effects are readily obvious in any of Minnesota's correctional institutions today.

As members of the Hispanic community, we wish to propose an alternative set of solutions based on the simple notion that

it is the child's local community which is best qualified to evaluate what is in her/his best interest.

We believe that, when implemented, these recommendations will compliment and enhance all of the aforementioned state-driven systems. Our proposed solutions (see below) are aimed at incorporating the full/equal participation and cooperation of the 4th system (a Communal System of Cultural Ties) into Minnesota's current child protective interventions.

III. AN HISPANIC INITIATIVE

It is only within this context of totally intergrated and cooperative problem-solving that Minnesota can begin to arrive at a proactive "win-win" situation. We firmly believe that adoption of the innovative problem-solving model outlined below will surely propel Minnesota to national prominence and leadership in the area of child protection and permanency planning legislation. We recognize the issues are complex and that our children will best be served when we contribute to the formulation of solutions rather than assuming an exclusively adversarial stance.

We offer "the Hispanic Initiative" as a cooperative, cost-effective, and risk-reducing alternative to the state's currently expensive, politically-polarized, out-of-home/out-of-community placements.

Our recommendations are extended to Minnesota legislators, and to others contributing to the crafting of progressive child-protection legislation; to all Minnesota officials (plus their staff and advisors) charged with selecting out-of-home placements for children at risk; and to all professionals and lay persons dedicated to an enlightened child protection system in Minnesota.

A. IN THE JUDICIAL/LEGISLATIVE ARENA

The Hispanic Group recommends:

- 1. amending of current child protection legislation to reflect an explicit recognition for the Hispanic kinship system known as *compadrazgo* (see Appendix for full definition).*

The need to give legal sanction to *compadrazgo* arises because it is not a blood relationship and, as such 1) is legally tenuous in cases where court conflicts arise, and 2) disqualifies recipients with regards to federal benefits, such as AFDC*.

- 2. strengthening the Minority Heritage Act by insuring, through regulation, the documented participation of community experts to provide input to the court, county, client, placement and service systems.*
- 3. defining the "best interests of the child" to include maintaining the child's familial and communal ties through culturally matched placement.*

*a good example of how the MINORITY HERITAGE ACT is rendered mute by Foster Care Licensing Regulations.

4. *defining "reasonable efforts" to include attempts to find and place with near and extended relatives, as well as through compadrazgo.*
5. *requiring judicial districts with volunteer Guardians ad Litem (GAL) programs to document efforts to recruit and train volunteers who are of color.*

Guardians ad Litem appointed by the juvenile court to protect the child's interest (MS260.155, Sub.4) are rarely persons of color.

6. *requiring districts that purchase professional GAL to document the training and cultural sensitivity achieved by the GAL.*

Community experts (see No. 2 above) drawn from the natural helping system can prove to be most useful in this regard.

B. IN THE FOSTER CARE LICENSING

We believe that placement is so traumatic an event in the child's life that it must be avoided whenever possible and we know that placement expenditures have skyrocketed in recent years, with no apparent end in sight.

Nonetheless, we acknowledge that placements in extreme cases are necessary and therefore we urge:

1. *creation of a Placement Diversion Fund from existent placement (licensing) money to*

- a) *provide services, such as day care and intensive home based services, whenever the application of such funds can clearly demonstrate that an out of home placement will be prevented;*
- b) *make available either loans or grants to prospective Hispanic foster homes in order to upgrade housing to meet code requirements;*

Items such as doors, window size, or absence of smoke alarms can and do disqualify otherwise qualified homes, yet the expenditure involved is relatively small.

- c) *deliver training and outreach to culturally appropriate, current and prospective foster homes in the operation of medical devices, such as asthma nebulizers and apnea monitors; currently many children with medical risks from communities of color are placed in non-culturally appropriate homes, the rationale being that there are no trained homes of color available.*

Although *compadrazgo* is unique to the Hispanic community, other communities of color have their own viable institutions. We encourage licensing agencies to favorably consider these cost effective, culturally-enhancing resources as alternative supplements to the nuclear family model.

We view licensing as a way of expanding community resources on behalf of the child rather than an isolative barrier to the child's family and cultural ties; we therefore request that:

- 2. the Department of Human Services (DHS) make available Restricted Foster Care Licensure to account for compadrazgo.*

As mentioned earlier, it is the local community who can best define the availability, as well as viability of foster care resources, particularly when there is adjudication; thus we propose:

- 3. that DHS allocate funds to a local Hispanic service agency to become a foster home licensing agent.*

Such an agency would recruit, train, license and provide supportive services to several homes which then provide foster care to Hispanic children.

Conceivably this agency could license homes throughout the state and also evaluate *compadrazgo* and other extended family relationships. In our experience, there are many Hispanic families who could provide excellent foster care to relatives and other Hispanic children in the community, but are not licensed because of their reluctance to interact with the system. A local Hispanic service agency's credibility in the community would overcome much of this reluctance.

C. IN THE COUNTY SERVICE DELIVERY ARENA

We believe that despite good intentions, compliance with the laws is at best uneven throughout the state and, therefore, we seek a uniform, non-duplicating, compliance monitoring system. Such a system would:

- 1. document time spent on culturally relevant activities, such as "reasonable efforts" searches, including family members who are not necessarily the parental choice;*
- 2. assure that the "child's best interests" are being followed, including maintenance of cultural ties;*
- 3. evaluate service delivery systems that take into account the relevance to the child of culturally appropriate service delivery;*

4. *document the extent to which the Minority Heritage Act is being followed;*
5. *demonstrate worker cultural competency skills that match the child's background as closely as possible;*
6. *include demographic data collection on non-placement and re-unification services.*

It is acknowledged that this documentation may place a burden on local agencies as regards staff time and, therefore, suggest

7. *DHS compensation commensurate with the effort expended.*

However, we believe that time spent documenting is time not spent on placements.

While the above solutions are specific to the Hispanic community, we believe that at least some of them are applicable to other communities of color and hope that our proposals will prove useful to them, as well. At the same time, the Hispanic Group supports each and every community's right to define their own solutions.

*In doing so, we affirm the principle
that diversity is not a luxury, that
it is essential to life...*

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APPENDIX

COMPADRAZGO DEFINED

APPENDIX

Compadrazgo: Defining a Viable Hispanic Institution, An Alternate Means to Out-of-Home (Community) Placements for Hispanic Children in Minnesota

COMPADRAZGO is a vital kinship institution which the Hispanic community has, for many centuries, utilized as a means of parenting and caring for its children from birth to adulthood.

As defined by Lewis*, *compadrazgo* is

a system of relationship between godparents (*padrinos*) and godchildren (*ahijados*) and between godparents and parents.

However, it bears little resemblance to what is known in non-Hispanic cultures as "godparenting."

Compadrazgo is a reciprocal system designed to not only insure the well-being of the child but also to reinforce socialization and communal values for the parents.

In the continuum of relationship systems, *compadrazgo* exists alongside the extended family and in many instances it is a more vital relationship than that of the extended family, especially when geographical distance is a factor.

Compadrazgo is ritualistically formalized following the birth of the child, usually within a religious setting such as a baptism. However, its domain is social rather than religious. For example, Jewish parents in South America often cement relationships through *compadrazgo* while their cohorts in the United States do not.

ROLES

OF THE MADRINA/PADRINO

The role of the *madrina* and the *padrino* in relation to the *ahijada/o*, is to insure the proper tracking of the child in the difficult road towards adulthood. This may involve active manipulation by the *padrinos* in one or all of the following: securing a proper education; securing a proper moral and spiritual upbringing; providing financial support; providing guidance and

discipline; providing nurturance; providing gifts throughout life cycle events, such as birthdays, coming out celebrations (e.g. *quinceañeras*), and weddings.

In the event of the death of one or both parents, it is the *padrinos* who are often responsible for the child's upbringing. Thus, becoming a *madrina/padrino* is indeed a matter not to be taken lightly. It literally means co-parenting.

OF THE AHIJADA/AHIJADO

The role of the *ahijada/o* in relation to the *padrinos* is very similar to that of a child towards her/his parents within the context of Hispanic culture, which is to say that *respeto*, or respect, is the predominant normative value.

OF THE PARENTS

The role of the parent/s in relation to the *compadre/s* or *comadre* is one of deference. Responsibility for child rearing is shared, and given up, by the parents in this socially contracted agreement, in exchange for the authority of the *compadre/s*. Thus, in times of crisis, the co-parent intervenes with the parent on behalf of the child and it is understood that the parent will listen and heed the advice of the *compadre/comadre*. In times when no crisis exists, the parent will often consult and seek the advice of the *compadre/comadre* to enhance parenting skills.

It is hoped that Minnesota legislators will have an appreciation for the importance of *compadrazgo* in the Hispanic family life and will legally acknowledge its role when considering non-blood relationships in the placement and permanency issues on behalf of the best interests of Hispanic children.

Elena Izaksonas, M.S.W., L.I.C.S.W.

*See Oscar Lewis in *Children of Sanchez* and *La Vida*

ABOUT THE COUNCIL...

On March 22, 1978, the Council on Affairs of Spanish Speaking People, commonly referred to as the Spanish Speaking Affairs Council, was created by Minnesota's state legislature (Minnesota Statutes 3.9223).

SSAC'S COUNCIL MEMBERS

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The PRIMARY MISSION of the Council is to promote the educational, social, economic, and political development of the Hispanic community in the state. The Hispanic community makes up one of the largest racial-ethnic minority groups in Minnesota. There are an estimated 69,000 permanent residents of Hispanic descent in the state and an average of 12,000 to 18,000 migrant agricultural workers come to Minnesota every year. In addition, recent arrival of individuals from the Caribbean and Central and South America continue to increase the Hispanic population in the state.

The Spanish Speaking Affairs Council serves as a referral agency and assists individuals in securing access to state agencies and community programs. For further information contact:

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Spanish Speaking Affairs Council
**CHILD PROTECTION LEGISLATION:
AN HISPANIC INITIATIVE**

ONE Of a series of reports published by the Spanish Speaking Affairs Council as part of its planning and coordinating responsibilities. Additional copies may be obtained without charge from the Hispanic Research Unit, Spanish Speaking Affairs Council, 506 Rice Street, St. Paul, Minnesota 55103.

89-1. R. De Anda, *Minnesota's Hispanic Community: A Profile*, first printing: March 1989; second printing: June 1989; third printing: January 1991.

89-2. R. De Anda, *Minnesota's Hispanic Community: A Profile*, Summary Edition; first printing: March 1989; second printing: July 1989.

89-3. R. De Anda, *Hispanic Underemployment in State Government*, May 1989.

89-4. R. De Anda, *Hispanic Underemployment in State Government: UPDATE*, June 1989.

89-5. S. Osorio, *Underutilization of the WIC Program in the Hispanic Community*, August 1989.

89-6. R. De Anda, *MORE NEEDS TO BE DONE, 14-Point Plan To Achieve State Employment for Hispanics*, September 1989.

The Council also publishes the 200 page *Bilingual Resource Directory* and a monthly bilingual newsletter *Al Dia/Update*. For more information on these documents call or write to Ruby Lee, Spanish Speaking Affairs Council, 506 Rice Street, St. Paul, MN 55103 (612) 296-9587.