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**Recommendations of the Commissioner's
Task Force on Child Placement
Convened July, 1990**



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Foreword

FOREWORD

In Minnesota, as in most other states, both private and county social service agencies participate in recruiting, licensing, and supervising providers of child foster care. Providers are licensed by the state on the recommendation of a private or county agency which has studied the applicant. When a child is placed in a foster home, the county or private agency that recommended the provider for licensure supervises the provider's care of the child. If there is reason to believe a provider has not complied with the laws and rules governing foster care licensure, the county or private agency is responsible for recommending a negative licensing action to the department.

In 1989 the Department proposed legislation that would have restricted private agencies' involvement in the licensing process. Conflict of interest was the issue. There was concern, for instance, that an agency's interest in having providers available to accept placements which generate income for the agency is potentially in conflict with an agency's responsibility to monitor, supervise, and recommend negative licensing actions if necessary.

After discussing the proposed legislation and its impact on private agencies, legislators referred the matter back to the Commissioner of Human Services for further study. Minnesota Statutes 1989 Supplement, section 245A.16, subdivision 1(b) directed the commissioner to study and make recommendations to the legislature **"regarding the licensing and provision of support services to child foster homes. In developing the recommendations, the commissioner shall consult licensed private agencies, county agencies, and licensed foster home providers."**

To meet the directive to consult, the commissioner established a task force that represented counties, private agencies, and providers and appointed the divisions of licensing and children's services to staff and coordinate the task force. By the time the task force was convened, the issue underlying its formation—how private agencies should participate in licensing and supervising foster care providers—had been resolved in the context of developing DHS Rule 13.

DHS Rule 13 (Minnesota Rules, parts 9543.0010 to 9543.0150) governs counties and private agencies in their performance of licensing functions delegated them by the commissioner. Both counties and private agencies were represented on the rule advisory committee. The rule affirms the role that private agencies have historically taken in licensing and reflects the department's conclusion that for the present there is no feasible alternative to the private agency role. The proposed revision of rules governing the department's licensure of private agencies also affirms the private agency role in licensing foster care.

With the underlying issue that generated the legislative directive resolved, the department encouraged the task force to examine and report on licensure and support services in the broad context of placement and substitute care issues. The rationale was that taking a broader focus would generate recommendations that could be used in a variety of ways, including revising a cluster of rules related to child placement, foster care licensure, and foster care reimbursement. To underscore the broader focus, the group was named the task force on child placement.

Virtually all the recommendations reported came directly from task force discussions. In a few instances, recommendations were initiated by task force members or generated by task force discussions but took their final form as they were reviewed and decided by the department. Staff of the children's services, licensing, and rules divisions prepared the final report.

The task force was concerned with policy issues and did not address fiscal impact in detail. The department has not done a detailed analysis of the report, but it is clear that implementing the recommendations would have a significant impact on state and county government costs.

Because of the costs, the commissioner forwarded the task force report to the legislature without a recommendation that the changes suggested by the task force be implemented. The commissioner has, however, directed us to conduct an internal review of the task force findings to determine where needed changes can be made within current levels of funding.

- ❖ Janet K. Wiig, Assistant Commissioner
Family and Children's Services
- ❖ James G. Loving, Acting Assistant Commissioner
Legal and Intergovernmental Programs

ABOUT THE STUDY

In addition to convening the task force on child placement whose recommendations are reported here, the commissioner solicited participation from all 87 counties and 34 private agencies. See Appendix IV for the commissioner's bulletin inviting written submittals and summary of responses. Participation was further broadened by inviting foster parents, county licensing workers, and private agency boards of directors to address the task force.

Information discussed in the report was generated by presentations and discussions at the eight task force meetings, telephone interviews with representatives of 12 other states about foster care issues, and surveys of current commentary and literature on child foster care.

The recommendations that follow are the body of the report. The following supporting documentation is in the appendices: a list of task force members and attendees; references; summaries of the five substantive meetings; a summary of information obtained from surveying other states; and discussion issues identified by task force members at their first meeting.

The task force met for the first time on July 17, 1990 and focused on identifying child foster care and placement issues that warranted study—51 points or issues in all. On July 31, the group reassembled at Lutheran Social Service in Minneapolis to impose order and structure on the 51 points and issues generated at the first meeting. Participants agreed to devote one six-hour meeting to each of five areas and assigned themselves responsibility for organizing resources

and presentations for each of the five meetings. Beginning with the group's third meeting on September 7, five six-hour sessions were held on the days and topics below.

September 7	Characteristics of Children in Foster Care
September 17	Licensing and Regulation of Child Foster Homes
October 5	Minority Heritage Concerns
October 19	Support Services for Foster Care
November 9	Foster Care Reimbursement Issues
December 7	Review Draft Recommendations

The recommendations and discussions reported here consolidate the five meeting topics into four sections: General Recommendations; Licensure of Child Foster Homes and Related Issues; Minority Heritage Concerns; and Support Services for Child Foster Care.

As noted earlier, the department has not done a detailed fiscal analysis of the task force proposals but it is clear that implementation would have a significant impact on state and county government costs. Because of the costs, the commissioner did not recommend to the legislature that the proposals be implemented. The department is examining the recommendations to determine where needed changes can be made within current levels of funding.

General Recommendations

I. GENERAL RECOMMENDATIONS

Minnesota Rules, parts 9560.0500 to 9560.0670 (informally known as DHS Rule 204) specify that foster care services are to be provided only after services aimed at preventing the need for placement of a child in foster care have been considered, provided, or refused by the child's family. If removing the child from the home cannot be avoided, foster care services are available to provide substitute family or group care for a child while an intensive effort is made to correct or improve the condition that necessitated the child's removal. If reunification is never an option or is short-lived, adoption is the next-preferred option for providing stability and permanency in the child's life.

Implications of permanency planning

The order of placement options described above reflects the Adoption Assistance and Child Welfare Act of 1980, also known as Public Law (PL) 96-272. The federal law requires states to provide services aimed at avoiding unnecessary foster care placements and to document that "reasonable efforts" have been made to keep a child at home when the child is placed in foster care. To ensure compliance, the act prohibits a state from receiving federal matching funds for a child coming into foster care if there has not been a judicial finding that the agency had indeed made "reasonable efforts" to prevent placement. The federal law has other requirements aimed at reunification, including written case plans that must be reviewed at least once every six months by a court or administrative agency. When a child is placed in care, Minnesota law requires hearings to determine whether the child should be returned home, placed for adoption, or placed in out-of-home care.

PL 96-272 was enacted not only to reduce the number of children in foster care but also to reduce the amount of time a child spends in foster care. Following children through the system became an important element of determining whether states were complying with permanency planning and whether the effort was making any headway. Although PL 96-272 requires states to report data on numbers and characteristics of children in out-of-home care, development of systems has been uneven across the country. In 1988 the Children's Defense Fund testified before a congressional committee that it was still not possible to do any comparative analysis of foster care and adoption data among states even on such simple issues as the number of children in care.

Need for a new information system

When the task force focused on characteristics and numbers of children in foster care in Minnesota, the discussion quickly moved to the need for a new information system. Minnesota's existing social services information system is technologically obsolete. It does not generate timely and accurate information about the needs and placements of specific children and will not meet proposed federal regulations requiring client-specific quarterly reports on children's services. Noncompliance with these regulations will cost the state approximately \$360,000 in federal dollars every year.

RECOMMENDATION

The task force urges the Legislature to appropriate to DHS the funding necessary to design and implement a new social services information system that:

- (1) can follow individual children so data is nonduplicative and client-specific;

- (2) is centralized, compatible or integrated with county systems, accessible to counties, and compatible with federal reporting systems;
- (3) assigns reporting responsibilities to financially responsible entities;
- (4) can generate in a timely and consistent manner data needed for policy development, strategic planning, and compliance monitoring;
- 5) can interface with already-existing state systems related to medical assistance, children's services, and vendor payments; and
- (6) can grow to accommodate changing information needs and future mandates.

Expanding permanency options

Prevention, reunification, and adoption are the preferred options for providing stability and permanency in a child's life, but the preferred is not always the possible. Current demographics and trends indicate that increasing numbers of children are going to need out-of-home care on a long-term basis. For a variety of reasons, these children cannot stay with their families, will never be reunited with their families, and will never be adopted into other families. Another group convened by the commissioner (Commissioner's Task Force on Alternative Dispositions) is currently identifying options and arrangements that can meet these children's needs for permanency to the extent possible. In one example of such an arrangement, a child and a parent would be encouraged to maintain their relationship even when the parent is not capable of parenting and another person has been appointed to serve as the child's guardian. The Task Force on Child Placement supports the efforts of the Task Force on Alternative Dispositions and makes the following recommendation.

RECOMMENDATION

The task force recommends that child welfare policy and programs in Minnesota (1) recognize that long-term foster care or some other long-term residential arrangement may in some instances be the best or only option available for a child; and (2) begin developing alternative ways of meeting children's needs for permanency when prevention, reunification, or adoption is not an option.

Re-examining permanency options

The task force's discussion indicates that the relationship between adoption subsidies and foster care rates and support services requires examination. The subsidies are available when a family adopts a foster child who has lived with the family while waiting to be adopted and for whom no other adoptive home has been found. The subsidy is offered to assist the family in meeting special needs the child already has or might reasonably be expected to have at some later date.

Discussion indicated that services and support available to a family caring for a foster child might exceed the services and support available if the family were to adopt the child. If so, there is a disincentive to adopt where an incentive was intended.

RECOMMENDATION

The task force recommends that DHS compare the services and benefits available when a family provides foster care for a child and when the family completes a subsidized adoption of the same child. If the comparison indicates there is a disincentive and that subsidies should be increased, the task force further recommends that the state and the financially responsible county equally share the non-federal cost of subsidies allocated to the adoptive parents of a IV-E-eligible child. The nonfederal share is currently

paid by the state. The increased county cost for adoption subsidies would be offset by the reduction in county foster care costs resulting from the decreased number of children in foster care and a reduction in costs incurred by guardianship supervision.

The case for developing kinship care

Kinship care is an example of a permanency-related concept for which new policies and guidelines need to be established. Generally, "kinship" broadens the concept of "relative" to include people who are important in a child's or family's life without being closely related or related at all by blood, marriage, or adoption.

Minnesota Statutes, section 260.181, subdivision 3, uses the broadened definition of relative in stating the order of placement preference necessary to protect a child's racial or ethnic heritage. The statute specifies a relative as first choice to assume custody or become the child's guardian and also specifies that "relative," in this context, "includes members of a child's extended family and important friends with whom the child has resided or had significant contact."

The need for a broadened definition of relative exists in other contexts besides protection of minority or ethnic heritage. The broader definition helps ensure that technicalities such as degree of consanguinity do not interfere with placing children with people they see as "family" rather than with strangers.

RECOMMENDATION

The task force recommends that DHS (1) review the effect of broadening the definition of relative in a variety of laws and rules; (2) define and operationalize the concept of kinship care in connection with broadening the definition of relative; and (3) develop statewide standards governing approval of relatives as caregivers that reflect the new definitions. If the term “kinship” were broadly defined to include both extended family and other culturally-identified “kin,” providers of kinship care would be treated the same as relative caregivers defined under current law and rules. The potential increase in the number of people providing care as relatives underscores the already-existing need for consistency in determining foster care payments to relatives.

Need for consistency in determining foster care payments to relatives

Relatives who provide care for children are exempt from foster care licensure but must meet the standards necessary for approval as a relative caregiver. When an AFDC-eligible child is placed in foster care with a relative (as “relative” is defined by AFDC regulations) who is approved as a relative caregiver, the relative caregiver is eligible to receive foster care rates for the child’s care. Some relatives would also be eligible for the AFDC Caretaker Grant rate, which is lower than the foster care rate. Whether the relative qualifies for the lower or the higher rate may determine whether the relative can afford to accept the child and, therefore, whether the child is able to remain within his or her family. According to the task force discussion, inconsistency and error in interpreting the state and federal policies that govern the rates frequently interfere with payments to caregivers. Specifically, relatives are sometimes informed only of the lower caretaker grant option although they would qualify for the higher foster care rates.

RECOMMENDATION

The task force recommends that DHS provide statewide technical assistance and training to implement consistent application of federal and state policy governing foster care payments to relatives.

Training needs

The need for training as a first step in meeting identified challenges surfaced repeatedly in discussions of such diverse points as enhancing federal revenues, investigating allegations of neglect or abuse, and protecting cultural heritages. The task force also noted that funding necessary to strengthen training efforts could be realized in part if counties and private agencies, with assistance from DHS, increased revenue enhancement activities to recapture IV-E dollars available for training.

RECOMMENDATIONS

The task force recommends that:

- (1) a statewide training program be established within DHS and be funded in part by increased revenue enhancement activities aimed at accessing IV-E dollars available for training;**
- (2) the training be culturally sensitive, address the issue of how communication is affected by cultural differences, and suggest strategies to avoid miscommunication because of cultural differences;**
- (3) the training include or emphasize:**
 - a. joint sessions where licensing workers, placing workers, child protection workers, and providers participate in the same training on the same issues (such as investigating abuse or neglect) at the same time;**

- b. how teamwork among county financial workers, county licensing workers, tribal and urban Indian agencies, minority agencies and other private agencies, and state licensing and policy staff could maximize IV-E funds;**
- c. training licensing workers and other county staff to provide pre-service and in-service training for foster parents on rule compliance so that licensors and providers have the same information and thus act with more consistency;**
- d. updates on statutes and department rules and policies for providers and licensors to promote consistency of application; and**
- e. training for county, private, and state agency administrators on managing foster care programs.**

Reimbursement issues

How public funding for foster care should be structured and how providers of foster care should be paid were also recurring themes.

RECOMMENDATION

The task force recommends that:

- (1) the commissioner convene a task force or work group, possibly in connection with the revision of Rule 204, to focus on public funding, rate-setting, and reimbursement of foster care. Two points in particular need study: (a) the effect of having one method of rate determination for county-supervised foster care providers (Rule 204) and**

another method for private agency-supervised providers (the private agency negotiates a rate with the county); and (b) whether present funding of foster care equitably divides financial responsibility among local, state, and federal governments.

(2) foster care rates be established on a per day basis. Using per day as the unit cost is the most reasonable way to ensure consistency and equitability of rates during months of 28, 29, 30, and 31 days.

(3) the present method of determining both basic maintenance and difficulty-of-care rates for foster care be revised.

Recommendations

II. LICENSING AND RELATED ISSUES

Discussion focused on DHS Rule 1 (Minnesota Rules, parts 9545.0010 to 9545.0260), the rule that governs licensure of family foster homes. Rule 1 needs revision to address and reflect needs and practices that did not exist when the rule was originally promulgated. Examples of policy issues related to the rule: should small residential settings where shift staff provide care around the clock for no more than three children with mental retardation continue to be licensed under Rule 1? how can rules be made flexible enough to accommodate increasing numbers of young mothers who need to be in foster care with their babies until they learn parenting skills? what standards should govern respite care?

RECOMMENDATION

The task force recommends that:

- (1) Rule 1 governing child foster care be updated to reflect contemporary needs and be revised to coordinate with related rules such as Rule 204 governing foster care placements and rates and Rule 8 governing group homes; and**
- (2) DHS give high priority to developing a rule that defines respite care and establishes minimum standards that respite care providers must meet.**

III. MINORITY HERITAGE CONCERNS

Children of color are disproportionately represented in foster care and in disrupted adoptions. Nationwide, children of color represent only about 21 percent of the children in the general population but nearly 47 percent of the children in foster care. In Minnesota, nearly a third of the 7022 children in foster care on December 31, 1989 were children of color.

While children of color are overrepresented in foster care, adults of color are underrepresented at all levels of the social services delivery system.

To address these and other minority heritage concerns, five staff members of DHS Children's Services Division in 1989 convened 20 people representing the four largest minority groups. Group members, who described themselves as a think tank on minority issues, published a Minority Child Welfare Report. The report was presented to DHS administration the same day it was distributed for discussion at the October 5 meeting of the task force. The report referenced in recommendations (1) to (7) is the Minority Child Welfare Report.

RECOMMENDATIONS

(1) The report calls for aggressive recruitment, employment, and retention of minority personnel in all parts of the social services system, i.e., as direct services providers, as administrators, as policy developers. **The task force supports this goal and further recommends that DHS establish an agency-wide goal of having minority staff numbers be representative of the client population and support that goal by such efforts as creating internships and developing recruiting strategies.**

(2) The report urges promoting the use of existing minority programs and services. **The task force recommends removing barriers to use of these programs and services and adding training on how to use them.**

(3) The report urges direct grants for developing additional minority programs. **The task force emphasizes that support go directly to minority agencies, be ongoing, and provide for maintaining programs as well as developing programs.**

(4) The report recommends that interstate and international placements no longer be exempt from following Minnesota laws and rules that establish the order of placement preference to protect minority cultural heritages. **The task force suggests that DHS determine which laws and rules are at issue and whether the changes needed relate to foster care or adoption.**

(5) The report urges that minorities be represented, and in leadership roles, in planning services for minority communities. **The task force suggests writing into applicable social services initiatives the requirement that there be a review process to determine whether appropriate minority community input has been received. The review process would need to specify who does the review, what initiatives require review, what standards need to be met for an acceptable review, and what sanctions apply for failure to comply.**

(6) The report addresses the need for compliance with the legal requirement that prevailing social and cultural standards, conventions, and values of a child's community be applied in bringing up the child. **The task force suggests that DHS, with assistance from minority community leadership, develop a process for monitoring compliance. The process would include assessing a foster parent's understanding of and ability to apply the prevailing standards, conventions, and values; evaluating a foster parent's efforts and skills in applying standards, conventions, and values; and identifying training needed to help foster parents become more effective.**

(7) The report cites the need for financial resources to implement the recommendations. **The task force emphasizes the need for ongoing financial commitment, agrees that allocation of funds is necessary to indicate seriousness of intent, and recommends reinstatement of the Minority Family Preservation Act grant funding that was cut in 1990.**

IV. SUPPORT SERVICES

The October 19, 1990 meeting of the task force focused on services and support needed by foster parents to develop and reinforce their personal and professional effectiveness. Among the major needs identified: Establish a team approach—a balance of power among the various individuals and entities working with a child—and treat foster care providers as part of the team. Make paid respite care available to foster care providers throughout the state. Increase consistency and competence in county investigations of allegations of neglect or abuse by foster care providers. Recognize the likelihood of any foster care provider's being accused of maltreatment and find ways to offer support to the provider during the investigation. The Minnesota Foster Care Association has taken a step in this direction with a publication focused on services and support for persons experiencing allegations.

After discussing support services needed from a variety of perspectives, the task force identified components of a model of support services for foster parents.

RECOMMENDATION

The task force recommends that legislators, providers, counties, private agencies, and DHS work together to put in place and follow the model discussed by the task force. Components of the model:

- (1) DHS takes the initiative in developing statewide policy, funding, and regulatory standards that support creating statewide availability of paid respite care.

(2) State, county, and private agencies take the necessary steps to ensure that when a crisis or a need for specific information about foster care arises,

(a) DHS central office staff authorized to make policy decisions are accessible to private agency and county staff; and

(b) private agency and county staff share the information they receive in (a) with foster parents.

(3) Counties, private agencies, and the state cooperate to improve consistency and competence in investigating allegations of neglect or abuse in child foster care. This effort would involve child protection and licensing staff at the county and state levels.

(4) A child's placement is a team effort, roles and responsibilities of team members are clearly established, and participation by foster parents is encouraged and expected. The team effort includes participation by tribal and urban Indian advocates and minority advocates.

(5) Action is taken at the state and county level, whichever is applicable, to encourage foster parents to participate in rules and policy development and in administrative reviews, case planning, and court actions involving foster children.

RECOMMENDATION

The task force further recommends that DHS request and the legislature appropriate funding necessary to create within DHS a position or program with statewide responsibility for advocacy, responding to community concerns, and developing data necessary to initiate and coordinate systemic changes to make foster care more effective. This position would differ from existing DHS positions related to foster care by focusing on the whole of the system instead of discrete parts like licensing and funding.

RECOMMENDATION

The task force also recommends that DHS request and the legislature appropriate monies to establish a fund that foster parents could access for such reasons as meeting needs of children in emotional crisis, covering minor remodeling or repair of a house required to meet licensing standards, or installing lifts in a van to meet needs of children with handicaps.

Appendices

APPENDICES

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Appendix I
Task Force Members
And Other Participants

APPOINTED MEMBERS, CHILD PLACEMENT TASK FORCE

Representatives of Licensed Private Agencies

Ellie Siess, Lutheran Social Service
David Mayer, Wilder Foundation
Jacqui Smith, The City, Inc.
Michael Peterson, Minnesota Council of Child-Caring Agencies
Joan Riebel, Family Alternatives

Representatives of County Agencies

Marty Gerkey, Foster Care Supervisor
Ramsey County

Marilyn Johnson, Child Protection Supervisor
Ramsey County

Margaret Balboul, Douglas County Social Services Supervisor
representing
Michael Marxen, Director
Douglas County Social Services

Belva Britton, Licensor
Sherburne County Social Services

Julia Weisz, Licensor
Morrison County Social Services

Suzanne Douglas, Foster Care Supervisor
Hennepin County

Representing Licensed Foster Homes

Clara Shattuck, President
Minnesota Foster Parent Association

Representing the Department of Human Services

James G. Loving, Director, Division of Licensing
Rob Sawyer, Supervisor, Children's Services Division
Martha O'Toole, Division of Licensing, Task Force Chair
Mary Payne, Division of Licensing, Task Force Coordinator
Donna Johnson, Division of Licensing
Fran Felix, Foster Care Program Advisor, Children's Services Division
Alice Weck, Rules Division

PARTICIPANTS/RESOURCE PEOPLE ATTENDING BY INVITATION

Mary Beaulieu, Mary Favorite, Barbara Denny, Barbara Briseno, and
Georgette McLaughlin,
St. Paul American Indian Center

Marian Eisner, Dakota County
Lorna Jones, Anoka County
Mary Jo Tresco, Anoka County
Karen Wolf and Margie Mereen, Children's Home Society
Merrill Ziemann, Nekton
Gregory Olson and John Malmberg, Minnesota Foster Care Association
Beverly Oberg, Ramsey County Foster Association
Nancy Blanchard, Founder of PATH

Sue Richards, Verne Jones, and Colleen O'Kane, members
Family Alternatives Board of Directors

Janet Tuck, Licenser
Clay County

Jean Webb and Peggy Brown
Hennepin County

DHS STAFF PRESENT FOR SPECIFIC PRESENTATIONS

Barbara Chlebeck, Financial Management--IV-E
Joan Manske, Financial Management
Jan Talbot, Mental Health
Joan Sykora, Mental Health
Suzanne Pollack, Children's Services
Joanne Neal Sloan, Children's Services
Norby Blake, Mental Health

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Appendix III
Summary: Survey
of Other States

Rationale for States Survey

The purpose for compiling a questionnaire to survey several states was to investigate other states' licensing rules, regulations and statutes, policies for assessment of foster homes, placement/supervision of children, permanency planning, reimbursement rates, conflict of interest solutions, and other licensing requirements for child placement beyond foster care. The task force could review solutions used by other states and potentially consolidate ideas for recommendations for Minnesota issues.

Rationale for surveying the United States Department of Health and Human Services

The purpose for surveying the United States Department of Health and Human Services was to ascertain a working model for licensing of foster homes. Jake Terpstra, Licensing Specialist from the Children's Bureau provided input to the state survey questions from the federal government perspective. The task force could review this model and use it as a bench mark for some of its recommendations.

States participating in Child Placement Task Force Survey

- 1) Michigan
- 2) Illinois
- 3) Indiana
- 4) Washington
- 5) Missouri
- 6) North Carolina
- 7) Maine
- 8) Massachusetts
- 9) Oregon
- 10) South Carolina
- 11) Wisconsin
- 12) North Dakota

Telephone Survey Questionnaire

Foster Home Rate Payment Questions

1) Is there a difference in the payment rate for foster homes between county and private agency homes?

Can private agencies set their own rates?

2) What are some problems that _____ sees in regard to payment rates for family foster care?

3) Can you tell us the ideas or solutions to rate issues _____ has/is using?

4) How is funding driving the problem of rates?

Foster Home Licensing Questions

1) Which State Agency issues the foster care license?

2) Which agencies do the assessment studies for homes wishing to be licensed?

3) Which agencies have the placement/supervision of children responsibility? What is the link between the licensing worker and placement worker?

4) Do private and public agencies handle licensing and placement differently ?

5) How does _____ handle conflict of interest issues, e.g. May foster care agency employees be licensed by the agency they work for to care for children? May a foster care provider for a private foster care agency be on the agency board? Does _____ have laws or rules to cover conflict of interest issues?

6) Does _____ have for-profit and non-profit foster care agencies? How does the law cover these different types?

7) Does _____ have for-profit adoption agencies?

8) Does _____ allow foster parents to become legal guardians for a foster child who has resided with them long term? How does the law allow for this? What are the implications for care payments to the foster parents?

Licensing of other Child Care Areas

1) Beyond Foster Care, what areas of private agency Child Placement must be licensed by state of _____? Why/why not license them?

Code: _____ State responding to survey questions.

Summary of Rate Payment Issues

Rate differences

In most states surveyed there is a difference between public and private agency rates paid to foster care providers. The state of North Carolina decides the rate and gives 50% of the rate to the counties or private agencies. In Massachusetts the foster care agencies contract with the state DSS and receive the standard rate set by state. Wisconsin has a 3 tier uniform rate system that applies to county and private agency foster homes.

Payment Rates

The basic problem for states regarding payment rates is the recognition that rates are too low. Oregon is participating in a pilot Title 19 Medicaid project which is helping to raise rates because of Medicaid reimbursement for child assessment and therapy.

Rate Problems

Annually most states try to get more funding from legislatures for foster care. Oregon is waiting for the legislature to decide on reimbursement and a level system for foster care. As more special needs children enter the state systems, it places more drains on state budgets. It seems that as children's needs increase, the money to address those needs decreases.

<u>States</u>	Rate Payment Difference between Public and <u>Private Homes?</u>	Problems for State <u>regardless of payment rates</u>	Solutions to rate <u>issues</u>	<u>Funding for Rates</u>
	Rate Payment Difference between Public and Private Homes	Problems for State regarding payment rates	Solutions to rate issues	Funding for Rates
Michigan	<p>Yes. No state standards. Variations. Private agencies may charge what they wish. State sets fees for itself by 1) age of child 2) special needs of child.</p> <p>Other areas pay different fees for children in foster care.</p> <p>1) Mental Health 2) County Social Services 3) County Bureaus 4) Juvenile Courts (county)</p>	Don't see any	Licensing division is not into rate scales. That is up to state to set fees.	State sets tone for where rates go. Private agencies set rates themselves/ by upping rates, try to force state to raise their rates. Foster families may decide to take kids with more severe treatment issues to get higher rate, e.g. DD rates through Mental Health Division.
Missouri	<p>Flat rate set by state/determined by age of child. Private agencies may set/pay higher rates to foster care providers.</p>	Rates are far too low. No other problems.	<p>Annually, try to get more funding from legislature.</p> <p>Special needs placements are paid at higher rate.</p>	<p>Rates are too low. Missouri can't get enough good homes. Recruiting is an issue because of low rates.</p>
North Carolina	<p>No difference in rate paid to foster parents. State decides the rate. State gives 50% of the rate to counties or private agencies. If home is licensed under Mental Health Rules- higher rate is paid for special needs child.</p> <p>This is a <u>county</u> Dept. of Social Services administered system. The rate is the same for County & IV-E agencies.</p>	Not nearly enough money to pay for needs of children.	<p>State has addressed the rate issue in Group Homes for next fiscal year. It tried to introduce into legislation higher rates for Special needs children but has not been successful to date.</p> <p>Has done surveys to identify children in foster care. Identified characteristics of special needs children.</p>	Dollars are not available. As children's needs increase, the money decreases.

<u>States</u>	<u>Rate Payment Difference between Public and Private Homes?</u>	<u>Problems for State regardless of payment rates</u>	<u>Solutions to rate issues</u>	<u>Funding for Rates</u>
Maine	State sets rate for payment. Five Regions pay same rate. Private agencies set their own rate payments. However, state pays the Boards of these agencies the same rate as the Regions. When parents voluntarily place their children in foster care, they negotiate the rate with foster care provider.	Rates are set by the Legislature.	That is up to the state. Not the responsibility of the Dept. of Human Services.	This is the Legislature's problem. It must decide.
Massachusetts	When foster care agencies contract with State Dept. of Social Services, they receive the same state standard rate.	If a private agency, not contracting with State DSS, they set their own rates. Question: What type of foster care is being provided? "Therapeutic vs normal"? Rates are higher for Therapeutic and should be.	N.A.	State is in financial difficulty. Rates were raised 3-4 years ago. Not on the agenda at this time.
Oregon	Large range of payment in private agency homes. Special needs kids-negotiated rates. State sets public rate by age: 0-5 yr. \$220 mo. 6-13 yr. \$258 mo. 14+ yr. \$348 Group home \$994 mo. As of 7/1/90.	Oregon participating in 4 state pilot project. Title 19-Medicaid Project. Rates are going up because of it. RN assessment done for each child. Therapy issues addressed and provided. Payment for both comes via Medicaid reimbursement. More kids getting better services. No huge problems of rates within private agencies.	Issues of reimbursement and level system for foster care are waiting for state legislature to decide. Need more training for foster parents; makes more professional job of foster care. Special needs kids-rates can be negotiated with agency or Branch.	Limited budgets. Can be discouraged by budget cuts. Identify special needs kids more.

StatesRate Payment Difference
between Public and
Private Homes?Problems for State
regardless of payment ratesSolutions to rate
issuesFunding for Rates

South Carolina

Yes. State sets basic rates. Special needs/therapeutic homes rate is higher for special needs children.

Basic rates are low. Foster parents see that therapeutic homes get special services/higher rates. State needs to resolve issues, provide more support systems for foster parents.

Must start somewhere. So many children entering foster care are special needs kids- 25-75%, depending on county. There is a deficit in budget this yr./1st time ever. Crack/AIDS babies entering the system. Must get higher rates. Just raised rates.

State is going to Medicaid for payments: AIDS Waiver Medically fragile Crisis care (\$250 day).

North Dakota

Tier rate system. State sets basic rate. Private agencies pay higher rates. (CASEY pays highest).
Rates
1) Set by age of child
0-4 5-12 13+
\$260 \$312 \$416
Basic.
2) Enhancement
Special rate up to \$150 mo., e.g. extra stress/work/time to care for child.
Therapeutic rate.
Excess rate (beyond the above mentioned).
Irregular payments (for adolescent special need or medically fragile child).
Region can make the decision regarding rate payments.
The more special training foster parents take, higher the care fee because of services to special needs children.

Rates should be raised higher.

State recently raised rates. Tries to budget for them. Currently in the black.

<u>States</u>	<u>Rate Payment Difference between Public and Private Homes?</u>	<u>Problems for State regardless of payment rates</u>	<u>Solutions to rate issues</u>	<u>Funding for Rates</u>
Wisconsin	<p>Technically, no. State has a 3 tier uniform rate system for foster care that applies to county & private foster homes. State does not need to approve individual monthly rates. Agencies are professionally responsible.</p> <p>1) Basic rate by age of child. (No flexibility).</p> <p>2) Supplemental rate (Based on point system for child with behavioral, medical or mental needs). \$342 maximum per month.</p> <p>3) Exceptional rates (Without foster care, child would be placed or kept in institutional care). \$2,000 maximum per month.</p> <p>If child has special needs, points are tallied to determine monthly rate, using base rate, plus supplemental rate and exceptional rate, if applicable.</p> <p>The counties' funds are comprised of federal & state funds. The state has a line item for foster care in the budget.</p> <p>Counties have contract agreements with private agencies. The agency negotiates with the county for placement funds. Foster parents who are licensed by private agencies usually receive a higher foster care rate.</p>			<p>Level of funding is inadequate. Rate structure is very good. State is looking at providing health insurance to foster parents (group rates) as a benefit, above foster care rates. Until state and federal monies are adequate, rates will remain too low. Higher rates will provide for more adequate foster parents. Currently, state is licensing people who should not be foster parents. They do not possess abilities to be ;role models to biological parents/to teach independent living skills to teens.</p>

Summary of Foster Home Licensing Issues

License

Most states license foster homes. Massachusetts does not license homes. The Office of Children licenses public and private agencies to place children in foster care.

Assessment

Most states have public and private agency social workers do assessments. The exception is Maine where public agencies do all assessments.

Placement

Most states have public and private agency social workers do placement and supervision of children. The size of agencies determines whether the social worker wears assessment and placement hats. Massachusetts contracts out almost all of the child placement to the licensed private agencies. North Dakota contracts all placements through licensed private agencies.

Public vs private agency licensing/placement

Most states have rules and regulations which apply to both public and private agencies. Washington always includes both local and private agencies in policy decision-making. Public agencies have larger caseloads. In some cases there are separate licensing and placing divisions. Private agencies have smaller caseloads. They often require more training for foster parents. Usually the social workers do licensing and placing. This may be

true for small public counties as well. Oregon has no county insurance for the private agencies, but the public agencies have risk management insurance. North Dakota does all placing through private agencies as well as reviews and annual re-licensing. Wisconsin uses its Licensing and Regulations Section as the programmatic supervisor of the statutes and rules. Children's Division supervises placement issues.

Conflict of interest

Some states have clear-cut policies, rules or statutes that deny employees of foster care agencies the opportunity to be foster care providers. Some states like Michigan and Massachusetts do not have regulations, but discourage employees from becoming foster parents. If there is a genuine need, the home must be licensed by another agency and children placed and supervised through the licensing agency. Wisconsin says simply, "An agency cannot license its own employees".

Few states have addressed the issue of foster parents serving on the boards of private agencies. Missouri, Maine and North Carolina will not allow paid employees of an agency to serve on the decision making boards.

Profit/non-profit foster care agencies

Some states responding to the survey have for-profit and non-profit agencies. The exceptions are Washington, Michigan, North Carolina, North Dakota and Massachusetts, where the agencies must be non-profit.

Profit/non-profit adoption agencies

Most states have for-profit adoption agencies. The exceptions are Massachusetts and North Dakota.

Guardianship

Most states allow foster parents to become legal guardians for children as part of permanency planning. Especially in the case of a mentally ill parent, Missouri encourages it. The state continues to pay foster care rates. Indiana has a co-guardianship between the county and foster parents so it can continue to pay foster care rates. In many states guardianship is allowed but the foster parents cannot receive payment for child care. These states encourage long-term foster care or subsidized adoption.

Licensing of other Child Care Areas

License requirements

Every state surveyed requires licensing of private agencies for adoption placement.

Missouri has a unique Foster-Adoption Home license for legal risk placement.

Several states require licensing for Respite Care and Independent-Living Skills training providers.

Another area of licensure is residential group care for short-term placement in Massachusetts, North Dakota and Wisconsin.

A MODEL FOR LICENSING FOSTER HOMES

United States Department of Health and Human Services

License: All states but one require licenses for foster homes.

Assessment: Local office (county) is child placing agency.
Private agency is field work agency.

Placement: More often task performed by one and the same worker. Should be separate to be pure.

Public vs
private
agency licensing

placement: Should be the same. State can't say no to applicants. Private agency can/has higher standards.
Budget issues for the state---political concerns.

Conflict of

interest: Employees should not be providers. If so, license by another agency. In small county it may be necessary. Take precautions in licensing.
Foster parents should not be on governing board of agency.

For-profit/
non-profit

agencies: Federal matching funds not available for profit agencies.

For-profit

adoption agencies. Federal matching funds not allowed for profit-making agencies.

Guardianship: No license necessary in guardianship.
Payments come via licensing process.

**Appendix IV
Responses to
Commissioner's Bulletin**

RESPONSES TO BULLETIN SURVEY

AGENCIES/LICENSED FOSTER CARE PROVIDERS NAMES

COUNTIES

1. Yellow Medicine County Family Service Center
2. Rice County
3. Pipestone County Family Services
4. Wadena County
5. Fillmore County Social Services
6. Brown County
7. St. Louis County Social Service Department-Duluth
8. Morrison County Social Services
9. Pine County Human Services
10. Renville County Human Service
11. Olmsted County Community Services

PRIVATE AGENCIES

1. Volunteers of America-Family Treatment Program

FOSTER CARE PROVIDERS

1. No signature but foster parent identified

RESPONSES WITH NO IDENTIFICATION OF AGENCY

1. X
2. X
3. X

RECOMMENDATIONS

- Increase reimbursement rates: have level system.
- State should provide regional training centers for foster parents.
- Statewide recruitment program for foster homes.
- Monitor county licensing procedures.
- Funding for respite care.
- Revise Rule 1.
- Help develop resources in rural areas for foster children, e.g., counseling, treatment centers, play therapy.
- Annually train all licensors at state level.
- Require monthly county support meetings for foster care providers.



STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-38____

REQUEST BULLETIN #90-681

August 31, 1990

TO: Chairperson, Board of County Commissioners
Attention: Director

Chairperson, Human Service Board
Attention: Director

Private Child Caring or Placing Agencies Licensed under Minnesota Rules,
Parts 9545.0750 to 9545.0830
Attention: Director

SUBJECT: Child Placement Task Force

I. PURPOSE

The purpose of this bulletin is to request participation by county social service agencies and private Rule 4 agencies in the department's study of child foster home licensing and support services and the development of recommendations to the Minnesota Legislature.

II. LEGAL BASIS

Minnesota Statutes, section 245A.16, subdivision 1(b).

III. BACKGROUND

The Commissioner of Human Services is required to study the licensing and provision of support services to child foster homes and make recommendations to the Legislature by January 1, 1991. In developing the recommendations, the Commissioner must consult with licensed private agencies, county agencies, and licensed foster home providers.

IV. ACTION

A Child Placement Task Force to advise the Commissioner has been convened and will be meeting from September through November, 1990. The purpose of this bulletin is to request county and private child placing agencies to participate in the study by submitting information and recommendations to the Task Force.

A list of topics to be addressed by the Task Force has been developed (see below). Agencies are requested to complete the attached form, describing



AN EQUAL OPPORTUNITY EMPLOYER

particular problems and needs within the list of topics and recommending options for addressing the identified issues. The information submitted will be used in preparing the final report.

Study topics and the meeting dates specific topics will be addressed are:

1. Friday, September 7, 9 a.m. to 3 p.m.
WHO'S IN CARE? CHARACTERISTICS OF CHILDREN IN FOSTER CARE
2. Monday, September 17 -- 9 a.m. to 3 p.m.
LICENSING AND REGULATION OF CHILD FOSTER HOMES
3. Friday, October 5 -- 9 a.m. to 3 p.m.
MINORITY HERITAGE ISSUES
4. Friday, October 19 -- 9 a.m. to 3 p.m.
SUPPORT SERVICES FOR FOSTER CARE
5. Friday, November 9 -- 9 a.m. to 3 p.m.
FOSTER CARE REIMBURSEMENT ISSUES
6. Friday, November 16 -- 9 a.m. to noon (tentative)
MISCELLANEOUS
7. Friday, December 7 -- 9 a.m. to 3 p.m.
REVIEW DRAFT REPORT

All meetings, except September 17, will be held at the Holman Field Conference Room, 2nd floor, St. Paul Downtown Airport, 644 Bayfield, St. Paul, MN 55107. The meeting September 17 will be held at the Department of Human Services, Rooms 5B & C, 444 Lafayette Road, St. Paul, MN 55155.

V. CONTACT PERSONS

If you have questions or if you wish to submit testimony and/or recommendations in person, please contact either of the individuals below. In some cases it may be necessary to restrict testimony to written presentations.

Rob Sawyer
Foster Care Supervisor
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3824
612/297-2359

Martha O'Toole
Division of Licensing
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3842
612/297-1490

Sincerely,



JULIE BRUNNER
Assistant Commissioner
Legal and Intergovernmental Programs

Name of Person Submitting Information

Agency

Phone Number

WITHIN THE GENERAL LIST OF TOPICS TO BE ADDRESSED BY THE TASK FORCE, DESCRIBE THE CRITICAL PROBLEMS AND ISSUES YOUR AGENCY ENCOUNTERS CURRENTLY. (Use additional sheets if necessary.)

WHAT RECOMMENDATIONS DO YOU HAVE FOR ADDRESSING THESE PROBLEMS? (Use additional sheets if necessary.)

Return to:

**Child Foster Placement Task Force
Licensing Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3842**

Appendix V
Summaries of
Task Force Meetings

NOTE: The July 17 and 31 meetings of the task force were procedural and were not summarized. Summaries begin with the third meeting.

MINNESOTA DEPARTMENT OF HUMAN SERVICES
Summary of the Third Meeting of the
CHILD PLACEMENT TASK FORCE
September 7, 1990

The third meeting of the task force was held Friday, September 7 from 9 a.m. to 3 p.m. in the conference room at Holman Field with the following people present: Ellie Siess, Lutheran Social Service; Clara Shattuck, Minnesota Foster Care Association; Mike Peterson, PATH; Joan Riebel, Family Alternatives; Dave Mayer, Wilder Foundation; Marian Eisner, Dakota County; Marty Gerkey and Marilyn Johnson, Ramsey County; Suzanne Douglas, Hennepin County; Belva Britton, Sherburne County; Mary Beaulieu and Mary Favorite, St. Paul American Indian Center; Martha O'Toole, Mary Payne, and Donna Johnson, DHS Licensing; Frances Felix and Rob Sawyer, DHS Children's Services; and Alice Weck, DHS Rules.

Facilitator Rob Sawyer

Task Force Members Responsible for Presentation and Materials David Mayer, Joan Riebel, Ellie Siess

Summary Prepared by Alice Weck

Focus/Scope NUMBERS, CHARACTERISTICS, NEEDS OF CHILDREN IN FOSTER CARE

I. DATA ON CHILDREN IN CARE

According to unofficial but best DHS data for 1989, roughly 15,000 children were in substitute out-of-home care during some part of 1989. Substitute care includes placements in several other settings besides foster care: e.g., shelters, treatment centers for chemical dependency, intermediate care facilities for children with developmental disabilities.

The same data show 7720 children were in foster care on December 31, 1989; it can be inferred from the data that roughly 51 percent of all children in substitute care spend at least some time in foster care.

Of the 7720 children in foster care on December 31, 1989, 67 percent were white; 33 percent were not. The percentage of children of color in foster care is disproportionate to the percentage of children of color in the total population of children.

On July 24, 1990, DHS licensing data showed a total of 4267 licensed foster family homes. Of the 4267 total, 1087 were licensed foster homes supervised by 26 private agencies licensed under DHS Rule 4.

II. PROBLEMS, ISSUES RAISED BY DISCUSSION OF DATA

The system (or lack of system) for collecting data on children in substitute care emerged as the focal point of the morning discussion.

A. It is impossible to get an accurate tabulation of children in foster homes and other kinds of substitute care because

--there is lack of consistency between federal, state, county, and private agency reporting of information (e.g., can't tell whether data includes children in shelters or how duplication is handled by various collectors of data); and

--systems that do exist don't produce timely information (e.g., the last completed annual state report on substitute and adoptive care is for 1986).

B. We need a data system that

--is centralized, statewide, accessible to counties;

--matches federal reporting systems;

--interfaces in a useful way with already-existing state systems related to medical assistance, children's services, vendor payments systems;

--draws on what might be relevant about the new DHS MAXIS system;

--assigns reporting responsibilities to financially responsible entity; and

--is capable of generating in a timely and consistent manner the kinds of data needed for future planning.

C. The Task Force will communicate in its report to the Legislature its concern about the need for a centralized data system and its recommendation that funds be appropriated to study and develop a new system.

III. DISCUSSION OF PROBLEMS, ISSUES IDENTIFIED AT FIRST TASK FORCE MEETING: Placing Mothers and Babies Together in Foster Care

Discussion focused on the need to look for new and different solutions/options for placing moms and babies together in foster care and to make system flexible enough to accommodate new solutions/options.

One task force member noted that the present system makes it easier to split mothers and babies than to keep them together. "It shouldn't work that way," she said. Example of how the system should work: A foster family is caring for a woman's children while she is in prison. When the woman is released from prison, she wants to join the foster family for a time so she can learn to take care of her children the way the foster family does. System should accommodate this need with funding, services.

- A. High number of teenage moms creates need to
 - address such questions as who's responsible, who's in charge of the baby when mom and baby both are foster care children
 - recruit and train foster families specifically to work with teens and their children
 - provide more settings where young mothers can learn how to parent from a foster parent (Wilder's Mentor program is designed with this goal in mind)
 - restructure payments to provide financial incentive for becoming mentor parents
- B. Need flexibility in licensing to
 - accommodate fact that funding and licensing requirements don't mesh well after mother is 18
 - answer question of what to do with adults who need foster care to help meet child's needs (as in example of woman in prison)
 - facilitate licensure of settings where related people are placed

IV. DISCUSSION OF ISSUES, PROBLEMS IDENTIFIED AT FIRST TASK FORCE MEETING: Long-term Foster Care

- A. Points made in discussion:
 - (1) Children with the following characteristics are likely to be or need to be in long-term (or "permanent") foster care:
 - state wards who choose at age 14 not to be adopted
 - children for whom termination of parental rights (TPR) is not appropriate
 - children with medical condition requiring intensive help
 - children with developmental disabilities
 - severely emotionally disturbed children
 - alienated adolescents with no family care
 - babies with AIDS
 - substance-affected children
 - children adrift in the system because their situations don't fit the classifications/legalities of the system
 - 2) Currently, long-term care is what children wind up in when they fit neither of the two options emphasized by the system, i.e., adoption or reunification with family. Need to change approach to long-term care; should, for example, see it as intentional, perhaps best, option for a child rather than as option of last resort if adoption or reunification isn't workable. Moreover, need to recognize that long-term care encompasses a variety of legal dispositions that could be made.
- B. Recommendations/changes discussed
 - (1) Establish limited guardianship as an alternative to terminating parental rights. Limited guardianship would allow continued planned contact between parent and child but would transfer decision-making about the child to the guardian. This arrangement would, however, require establishing criteria/requirements to keep children from falling into limbo as far as their legal disposition is concerned.

(2) Look at present laws, rules, system, incentives (or disincentives) governing placement with relatives
 --funding and licensing requirements should mesh better
 --need equal standard of care whether funding arrangement is

AFDC or IV-E

--need standards for approving relatives
 --should provide financial incentives for placing children with relatives and relatives should be able to access financial and social service support

(3) Change system so foster parents can adopt children placed with them without losing the financial and service support they had as foster parents .

V. DISCUSSION OF ISSUES, PROBLEMS IDENTIFIED AT FIRST TASK FORCE MEETING:

Orphanage Concept--congregate community living as alternative for adolescents

A. Should guarantee all children a home until the child is 18 but for older adolescents (ages 13 to 18, say) the home doesn't necessarily have to be a family foster home.

B. For older adolescents, group care for 8-10 or, better, 4-6 kids with adult supervisor is workable option, certainly preferable to having kids living on the streets

C. Group care needs to provide food, safe place to be, safe place to sleep ("3 hots and a cot")

D. Need to link these adolescents with support services and community services (teach them independent living skills, for example), but safe places should not be treatment places.

MINNESOTA DEPARTMENT OF HUMAN SERVICES
Summary of the Fourth Meeting of the
CHILD PLACEMENT TASK FORCE
September 17, 1990

The fourth meeting of the task force was held Monday, September 17 from 9 a.m. to 3 p.m. in the 5th floor conference room, DHS building, 444 Lafayette Road. The following task force members attended: Ellie Siess, Lutheran Social Service; Mike Peterson, PATH; Joan Riebel, Family Alternatives; Dave Mayer, Wilder Foundation; Karen Wolf and Margie Mereen, Children's Home Society; Mary Jo Tresco, Anoka County; Marian Eisner, Dakota County; Marty Gerkey, Ramsey County; Suzanne Douglas, Hennepin County; Margy Balboul, Douglas County; Georgette McLaughlin and Mary Favorite, St. Paul American Indian Center; Martha O'Toole, Mary Payne, and Donna Johnson, DHS Licensing; Joan Sykora, DHS Mental Health; Rob Sawyer, DHS Children's Services; and Alice Weck, DHS Rules.

Facilitator Martha O'Toole

Task Force Members Responsible for Presentation and Materials Joan Riebel, Mike Peterson, Donna Johnson, Mary Payne

Summary Prepared by Alice Weck

Focus/Scope LICENSURE AND REGULATION OF CHILD FOSTER HOMES

I. OPENING REMARKS BY JAMES LOVING, DIRECTOR, DHS DIVISION OF LICENSING

Jim noted that the task force has been convened to assist the commissioner in studying and making recommendations to the legislature regarding the licensing and provision of support services to child foster homes. The study and the recommendations were mandated by the 1989 legislature as an alternative to legislation proposed that same session which addressed conflict of interest in private child-placing agencies.

Jim indicated that the task force provides a good forum for examining some of the conflict of interest-related allegations and perceptions that have concerned the licensing division. Conflict of interest is on today's agenda, he said, to provide additional input to the advisory committee working on the revision of DHS Rule 4 governing private agencies.

Summarizing changes in the department's approach to licensing in the past two or three years, Jim noted that appeals of negative licensing actions are handled differently. Specifically, the department has established a position in the appeals unit to review hearing records, including recommendations from the administrative law judge who conducted the hearing, and make a final recommendation to the commissioner. The appeals staff member does not consult or communicate with the licensing division, which took the negative action in

the first place, about the facts of the case.

Another significant change: department expectations of counties and private agencies have changed on the question of whether the licensing function has more to do with consultation or with enforcement. The department's emphasis is on enforcement, Jim said. This point generated considerable discussion in which the following issues were raised or points were made.

It is hard to separate consulting from enforcing. The licensing function could be easily separated out if it involved only looking for a fire extinguisher or testing the water. But it doesn't. Roughly 75 percent of negative licensing actions are about interpersonal relationships. Consultation is what's needed to help license holders change the behaviors that go into the relationships.

It is one thing to license a home and another thing to use it. A licensable home and a usable home are not the same thing.

-- A task force member from a private agency described what she calls a big problem. When she is looking for, say, three foster homes, she has to check out many more applicants than that because DHS says everybody who applies has to be studied. This is not practical, she says.

-- Jim reiterated the DHS position that all applicants have to be studied because DHS is responsible by law for responding to applications.

-- Marty Gerkey suggested that perhaps only public agencies have the responsibility mentioned by Jim. She also argued that usability is the issue. That a home meets licensing standards shouldn't be construed to mean that the home's care is automatically needed. Being licensed and having placements are not rights.

Jim also commented on the relationship between counties and private agencies; private agencies, he said, are perceived as recruiting experienced foster homes away from counties. Discussion around that point:

--The perception exists and so does the recruitment.

--Maybe the state should establish guidelines on the relationship between counties and private agencies.

--Maybe agencies and foster care providers should enter into contracts that address how long the provider will continue with the agency.

--Counties have the full weight of funding licensing costs (i.e., they pay for licensing county-supervised homes and they underwrite private agency licensing costs when they contract with a private agency to place a child in an agency-supervised home).

"If resources were not a problem and you could recommend a direction for restructuring the licensing function, what would you recommend?" Mike Peterson asked Jim. Jim said he would recommend more centralization, but would want

the centralization to be of a sort that would not jeopardize anybody's business.

II. WHO LICENSES? REPORTS FROM OTHER STATES.

Mary Payne, an MSW candidate at St. Marys who is working with the task force as an intern, is calling states on the east and west coasts, in the south, and in the midwest to survey foster care licensing policies and practices.

Questions she's asking: Is the state the licensing agent for foster homes? Who does the assessment (i.e., home study, evaluation) of a potential provider? Who has the placement/supervision responsibility? Are licensing and placement done the same or differently by public and private agencies? How does the state address conflict of interest (e.g., can agency employees be foster care providers with that agency? can a foster care provider be on the board of a licensed private agency??) Does state law require private agencies to be nonprofit? Does state law allow foster parents to assume any kind of guardianship for children in their care and, if so, how does becoming a guardian affect a foster parent's funding?

Mary answered questions about her conversations so far with representatives of Indiana, Illinois, Washington (state) and Jake Terpstra of the U.S. Children's Bureau. She will complete and distribute results of the survey before the task force completes its recommendations.

The finding that Indiana allows shared guardianship between the county and the foster parents was particularly interesting in view of the task force's discussions of guardianship and funding at the September 7 meeting.

III. NANCY BLANCHARD, PATH FOUNDER

Nancy said PATH began because she and others wanted to do something different from what the system allowed; "something different," she said, encompassed such missing-from-the-system things as long-range planning, accountability, and a team approach to planning and delivering care to foster children. PATH also organized care around contracts that specified goals and roles of various team members in meeting the goals. Founders also wanted professionalism from PATH foster parents and a high rate of reimbursement to match the professionalism.

In Nancy's opinion, there is an advantage rather than a conflict of interest in having foster parents supervised by PATH serve on the PATH board of directors. (Of 33 members, two-thirds are foster parents who are elected to serve by their colleagues.) For example, having foster parents as agency policy makers means that needed programmatic changes identified by foster parents can be addressed quickly. Direct or representative involvement with policy issues, along with being held accountable and being reimbursed, add up to quality care and good rates of retention, she said. Foster parent involvement, ownership also means information on children is not withheld from potential caregivers; foster parents have information they need to help them determine whether placing a given child with them will work. Agency has a conflict of interest policy.

IV. FAMILY ALTERNATIVES BOARD MEMBERS

Three members (Sue Richards, Colleen O'Kane, and Verne Jones) of the Family Alternatives agency board who are not foster parents shared their perceptions of and experience with having members of an agency board be foster parents. Total membership of the Family Alternatives board is 15; two-thirds are foster parents, one-third are not. Family Alternatives also has a conflict of interest policy.

Among the points made by the speakers:

- People are more motivated when they have ownership, are involved.
- Community members may have innovative solutions but they may not always be practical; having foster parents on board helps community members keep feet on ground
- Conflict of interest policy is in place; board members abstain from voting on some issues as required by the policy.

Asked how it worked to have foster parents on the board when a negative licensing action came before the board, the panel indicated that board members would not vote on the action. The action might be discussed by the agency administrator as having been taken, but board would not be responsible for determining what action to take. Board responsibilities include making policy, reviewing finances and budget, and evaluating the executive director. Taking the negative action would be day-to-day activity, which is the province of the executive director. The board is not involved in day-to-day personnel issues, although it revises or reacts to staff revisions of personnel policy.

V. DISCUSSION OF CONFLICT OF INTEREST ISSUES

Questions raised/points made during discussion:

--Joan Riebel pointed out that any potential for conflict of interest that exists because foster parents serve on boards is canceled out by fact that agency has to "run a tight ship" in order to get liability insurance. Liability in private agencies is greater than in public agencies, she said. Joan also suggested that DHS "give us more supervision" on preparing negative licensing actions and on avoiding conflict of interest.

--County representatives indicated that some of their practices work to diminish potential of conflict of interest (e.g., neither Douglas nor Dakota counties has staff members who are also foster parents for the county: when a licensing worker knows the subject of a licensing study, the worker finds somebody else to do the home study.)

--Martha asked whether the income of social workers or licensing workers in private agencies is dependent on the number of licensed homes the worker recruits and/or the the number of children in the home. Wilder and Family Alternatives pay salaries rather than financial incentives for numbers

of homes or children. PATH pays salaries but the salaries vary according to the number of children a social worker is responsible for.

--Mike explained that varying PATH salaries according to number of children per worker originated from the agency's not having much money in the beginning. To pay for social workers' services, the agency had to wait until children were in placement and money for the placement was coming in. As the agency has matured, salary structuring has changed some from the early days, but case load is still a factor. Asked whether a social worker would have an incentive to keep a child in care, Mike said no; county workers determine when the child goes home (PATH work is done under contract with a county). He also said that the limit on case load per worker is 20 children.

--Jim asked whether it is possible to avoid conflict of interest by splitting licensing and placement responsibilities.

Dave Mayer said Wilder tried having a licensing worker and a caseworker and that approach didn't work. The licensing worker would visit a home only once a year, which didn't tell the worker much about the home. Meanwhile, the caseworker, who visited the home more often and thus knew if there was a problem, couldn't deal with the problem but had to come back and tell the licensing worker. The licensing worker would then get involved and people would wonder why the caseworker hadn't told them there was a problem. Combining the two functions has the advantage of having caseworker more directly involved, Dave said. Others noted that combining the licensing/placement function worked better for all concerned: child, foster parents, agency.

It was also noted that the functions are automatically separated when a child protection issue arises.

VI. A VIEW FROM THE TRENCHES WITH JANET TUCK, LICENSING WORKER, CLAY COUNTY

Janet cited "being stretched thin" as a real problem county workers have. She, for example, licenses both child and adult foster care which gives her a caseload of 35 children and adults combined plus a family management caseload of 25. Other problems/issues: recruiting; reimbursement; providing support services; difficulty of being in an enforcing role and a supporting role at the same time.

She noted that the relationship between providers and agency personnel is what determines whether people go or stay. In her area, private agencies aren't "luring away" county foster care providers. When the county contracts with a private agency to provide foster care, it is usually because the county doesn't have spaces necessary. This is particularly true when a same-race placement is needed.

Using state resources to recruit foster parents statewide is needed, she said. Another recommendation: follow model established for family day care and make some state funds available to help potential foster parents make minor structural changes, meet fire inspection codes, buy fire extinguishers, etc.

VII. LICENSING RULE ISSUES

Points/issues generated by discussion:

--On the one hand, rules need to quantify quality, state measurable standards that can be uniformly met and enforced.

--At the same time, rules have to allow room for licensing worker to bring instinct, training, experience to bear on present situation.

--Philosophy ought to be spelled out in rule.

--Need sharing of information between agencies so that person denied licensure by one county or private agency doesn't go to another county or agency without the denial being known.

--Is it possible to have generic licensing rule that applies to all licensed settings with specific requirements for specific settings spelled out elsewhere? Doubtful. Suzanne says adult foster care rule tried to do that but went too far in treating family settings and corporate settings the same.

VIII. RECOMMENDATIONS

1. Resolve whether foster care license is a right, a privilege, or something else and make policies that are consistent with resolution. We currently treat foster care more like a right than anything else, particularly in counties.

2. A good rule for licensing child foster care homes is one that sets forth minimum standards that, when followed, result in a suitable home qualified to match the needs of children who need care. Rule 1 doesn't need a major overhaul, just an update to address contemporary concerns such as respite.

3. Rule 4 should prohibit an agency from licensing an agency staff member to do foster care for the agency.

MINNESOTA DEPARTMENT OF HUMAN SERVICES
Summary of the Fifth Meeting of the
CHILD PLACEMENT TASK FORCE
October 5, 1990

The fifth meeting of the task force was held Friday, October 5 from 9 a.m. to 3 p.m. in the second floor conference room at Holman Field in St. Paul. The following task force members attended all or part of the meeting: Ellie Siess, Lutheran Social Service; Mike Peterson, PATH; Dave Mayer, Wilder Foundation; Marian Eisner, Dakota County; Marty Gerkey, Ramsey County; Suzanne Douglas, Hennepin County; Margy Balboul, Douglas County; Georgette McLaughlin and Barbara Briseno, St. Paul American Indian Center; Lorna Jones, Anoka County; Belva Britton, Sherburne County; Julia Weisz, Morrison County; Clara Shattuck, Minnesota Foster Care Association; Julie Stenby, State Supreme Court Racial Bias Task Force; Peggy Brown and Jean Webb, Hennepin County; Jacqui Smith, The City, Inc.; Martha O'Toole, Mary Payne, and Donna Johnson, DHS Licensing; Norby Blake, DHS Mental Health; Rob Sawyer, Fran Felix, and Joanne Neal Sloan, DHS Children's Services; and Alice Weck, DHS Rules.

Facilitator Fran Felix

Task Force Members Responsible for Presentation and Materials Belva Britton, Marilyn Johnson, Jacqui Smith

Summary Prepared by Alice Weck

Focus/Scope MINORITY HERITAGE ISSUES

I. MORNING SESSION

Discussion began around the general point that across the country and in Minnesota the number of children of minority heritage in foster care is disproportionate to the number of minority children in the general population.

Discussion of minority heritage issues in the context of small counties was generated by a handout prepared by Belva Britton. The handout summarized Belva's conversations with representatives of Polk and Beltrami counties.

Polk County has an estimated 5,000 migrant workers during some part of the year and has a steadily growing year-round Hispanic population. Both foster care placements and family reunification efforts are slowed by fact that county has no Spanish-speaking social workers. The county does have a law enforcement officer who speaks Spanish and conducts child protection interviews with Spanish-speaking children. There are as yet no Hispanic homes licensed for foster care or day care. County staff suggested that day care

and foster care licensing rules be available in Spanish to encourage Hispanic families to apply for licensure.

Nearly 70 percent of all foster placements in Beltrami County are for Native American children. The majority of children placed are in homes with Native American backgrounds. County has culturally sensitive non-Indian homes they prefer to use if an American Indian home is not available. This discussion generated the point that Indian children are frequently placed with extended families that technically do not meet criteria for reunification (because the family is extended, not immediate) but are nonetheless family. This point in turn refocused the group on the recurring theme of relative placements.

Recommendation: DHS needs to establish an internal work group on establishing standards for relative placements--"kinship care"--and on how kinship care could be funded without relatives having to forego foster care rates and take lower AFDC rates. Group needs to make the connection between low funding for relative placements, poverty, and family dysfunction. Should examine how federal IV-E regulations, state statutes and rules (particularly licensing statutes and rules), and DHS social services manual interact on question of how standards for relative homes are to be set and met. Another piece of this issue relates to how adoption subsidies apply (or don't apply) when foster parents want to adopt a child.

At 10 a.m. Fran focused the discussion on the Minority Child Welfare Report distributed to members at the beginning of the meeting. The report reflects the work of a "Minority Think Tank" of 20 people representing the four largest minority groups. The group was convened in 1989 by five staff members of DHS Children's Services to discuss child welfare issues.

Points generated by discussion of the report:

- report calls for monitoring to ensure full compliance with Indian Child Welfare Act and Minnesota laws to protect minority heritages and, where like race adoptions are not possible, to ensure that the Workers Assessment Guide for Families Adopting Cross/Racially Cross/Culturally is used in all foster and adoption placements which cross racial and cultural lines.

- Martha agreed to send out worker assessment guides to task force members

- what can be done about problem that adoption workers are saying black kids can only go to black homes but there aren't enough black homes and there are white homes that would love to have black kids? (recruit more black homes)

- what to do when children are already placed in a home that isn't a same-race home? Fran's answer: Make sure they're put in touch with their community of race but don't arbitrarily yank them from home. Related comments: The best interest of the child in the long run may differ from what state or county does in short run (i.e., may be hard for child to be removed from a not same-race home to a same-race home but in the long run, child's need to know roots, especially in adolescence, may be well served by the move).

--counties bordering Hennepin/Ramsey are increasingly going to be dealing with question of relative placements; how can problems be minimized? We ignore county line in adoption; why not in foster care? This discussion once again raised issue of relative placements. See recommendation, page 2.

II. AFTERNOON SESSION

Jacqui Smith, Jean Webb, and Peggy Brown reported on their morning meeting with Janet Wiig, DHS assistant commissioner, about issues being raised by the African American Children and Family Survival Committee formed by the Council on Black Minnesotans. One point made at the meeting was that DHS must monitor the placement of African American children and correct placements that do not comply with the Minority Child Heritage Protection Act; violations in the system must be corrected. At the same time, efforts are needed by the Black community; "The African American community must take back their children," Jacqui said.

Discussion of the Minority Child Welfare Report continued. Fran listed the key points of the report and asked for task force comment on each point.

Task Force members present agreed that a statement of policy regarding compliance, training, and technical assistance related to minority heritage concerns is needed from DHS.

Task Force comments on specific parts of the report:

(1) The report calls for aggressive recruitment, employment, and retention of minority personnel in social service roles. The task force recommended that DHS move toward an agency-wide goal of having staff be representative of the client population.

(2) The report urges active promotion of use of existing minority programs and services. The task force added that there should be an emphasis on removing barriers to use of existing minority programs and services.

(3) The report urges fiscal support for developing additional minority programs. The task force emphasized that the support needs to be ongoing and needs to address maintenance of programs as well as development.

(4) The report recommends requiring interstate and international placements to comply with protections in place to protect minority cultural heritages. The task force suggested looking at statutory and/or rule changes necessary to end exemptions presently allowed to protective laws.

(5) The report urges minority involvement in leadership and services planning for minority communities. The task force suggested that various initiatives require a review process to determine whether appropriate community input has been received.

(6) The report addresses the need for applying the prevailing social and cultural standards, conventions, and values of a child's community in

bringing up the child. The task force suggested that a DHS monitoring process be developed through minority community leadership to address training, assessment, documentation, and demonstration of skill in applying the standards.

(7) The report cites the need for financial allocations to carry out the recommendations. The task force stressed the need for ongoing financial commitment and noted that allocation of funds is necessary to indicate seriousness of intent.

(8) The group also discussed fiscal sanctions that could be applied for noncompliance with laws and rules related to protection of cultural heritage. The task force suggested looking to Rule 13 for possible sanctions that could apply.

The meeting adjourned at 2:30 p.m.

MINNESOTA DEPARTMENT OF HUMAN SERVICES
Summary of the Sixth Meeting of the
CHILD PLACEMENT TASK FORCE
October 19, 1990

The sixth meeting of the task force was held Friday, October 19 from 9 a.m. to 3 p.m. in the second floor conference room at Holman Field in St. Paul. The following task force members attended all or part of the meeting: Ellie Siess, Lutheran Social Service; Mike Peterson, PATH; Marjorie Mereen, Children's Home Society; Merrill Ziemann, Nekton; Marian Eisner, Dakota County; Suzanne Douglas, Hennepin County; Mary Beaulieu and Barbara Briseno, St. Paul American Indian Center; Lorna Jones, Anoka County; Clara Shattuck, Gregory Olson, and John Malmberg, Minnesota Foster Care Association; Jacqui Smith, The City, Inc.; Martha O'Toole, Mary Payne, and Donna Johnson, DHS Licensing; Rob Sawyer and Suzanne Pollack, DHS Children's Services; and Alice Weck, DHS Rules.

Facilitator Mike Peterson

Task Force Members Responsible for Presentation and Materials Clara Shattuck, Julia Weisz, Morrison County, and Mike Peterson

Summary Prepared by Alice Weck

Focus/Scope SUPPORT SERVICES FOR FOSTER CARE

I. SUPPORT SERVICES FROM FOSTER PARENTS' PERSPECTIVE

Clara Shattuck, a foster parent in Anoka County and a board member of the Minnesota Foster Care Association (MFCA),

--distributed copies of S.O.S. for P.E.A. (Services of Support for Persons Experiencing Allegations), a publication prepared by the MFCA to provide support to foster parents who face allegations of abuse or neglect or other allegations.

--reported on the support-related needs identified by 72 Minnesota foster parents who responded to a MFCA questionnaire mailed to roughly 400 providers.

Clara concluded from reading the responses that foster parents need training to help them be more assertive in the face of information they get that isn't necessarily accurate. For example, she said, foster parents are sometimes told that they cannot go to court with children in their care or otherwise influence what happens to the child in court. That is not so; her own experience has been that she can go to court and at least be present as a support for the child and can communicate information by

writing a letter to the judge. Responses also indicated that foster parents do not get nearly enough support, training, and information about children from counties.

Greg Olson, a foster parent in Hennepin County and a MFCA board member, emphasized that birth parents need support and advocates, that support services need to address teaching birth parents and kids together, and that consistency of services for kids is needed. Having been through two investigations of allegations brought against him, each of them "terrible," he believes steps should be taken to make the investigations complete. His own children were never interviewed, he said, as part of the investigative work on the two allegations against him. He also underscored the importance of having support services that serve the best interest of the child.

Greg, Clara, Merrill Ziemann, and John Malmberg all agreed that stresses should be avoided when possible by such means as not forcing the continuation of a placement that has already created a high pressure point. At the same time, support services are needed for kids to provide options other than going to the streets for kids whose placements don't work out

Most critical specific needs identified by panel:

--Work checks and balances into the system so people can be heard, so there is a team effort, so there is a balance of power among the various individuals and entities working with the child.

--Make foster parents part of team, have social worker on team in role other than pushing papers, include foster parents in such domains as meeting with schools and therapists (or at least share what therapy is for).

--Consistency, particularly in relationship between social worker, child, foster parents, and natural parents is crucial.

II. SUPPORT SERVICES FROM PERSPECTIVE OF SOCIAL WORKERS

Mary Payne shared points raised by Julia Weisz of Morrison County who had intended to make the presentation but could not be present.

(1) Social workers in small counties take multiple roles that include licensing and supervising foster homes, placing and supervising children, supporting and training foster parents, and training in new social workers because of high turnover due to the stress of having so many roles.

(2) There is a tremendous need to train all new social workers in a manner that is consistent among workers and consistent, too, with training foster parents get.

(3) A comprehensive statewide training program is needed and DHS should support a trainer.

(4) Respite care is a much-needed support service that also requires attention from DHS. Members agreed there should be a separate DHS rule to govern respite care so that agencies and counties can stop doing things like

having to license a family as foster care providers if a foster child wants to spend the night.

III. SUPPORT SERVICES TO FOSTER PARENTS FROM THE ADMINISTRATIVE PERSPECTIVE

Mike identified several components of the support foster parents need. Noting that hassles with agencies are frequently cited as the reasons people quit being foster parents, he emphasized that it is important for agencies to be part of the support rather than part of the problem. He also noted that hassles with agencies account for many foster parents' getting out of the field. The components:

- training, particularly pre-service training;
- support groups
- consistent contact between foster parent and social worker
- supports should be offered at variety of levels and in variety of ways (e.g., individual and group learning settings) so as to reinforce each other
- immediate access to social worker
- involvement with decision-making at administrative level
- paid respite
- recognition and validation
- adequate payment

The group broke for lunch at 11:30 and reconvened at 12:30. For the next 90 minutes, the group reacted to the points made by Mike and next focused on the broader question of what a model of support services for foster parents would look like. Components of the model:

- Comprehensive, culturally sensitive, statewide training program
- Statewide availability of paid respite
- Statewide availability of resource people who are truly available (i.e., they can be reached by phone or otherwise found) to all members of the team
- Improved investigations of allegations of abuse/neglect, with an emphasis on establishing consistency between counties
- Reinvestment in team concept
- Ongoing input from foster parents at county and state levels
- Statewide office or person to take ombudsperson role
- Access to supplemental fund to meet needs of individual children
- Funding of support services
- Clarify the respective roles and responsibilities of everybody on team
- Statewide recruitment

IV. SUPPORT SERVICES TO FOSTER CHILDREN

Martha O'Toole asked for an opinion from the group on whether there should be special licensure requirements for people who care for children with special needs. The group concluded special licensure is not needed but felt there are very real support needs for foster parents caring for children with special needs. Needs include more training, more resources for payment to care for special needs children, and guidelines on placing children. The task force suggested that DHS could produce the guidelines..

About support services for foster children, the group noted the following needs:

- funds for emancipation
- services for kids who are close to the edge
- per diems for special services
- access to supplemental funds to meet needs of kids with handicaps.

Funding might cover such things as remodeling a house to meet building codes or installing lifts in a van

- lower caseloads for social workers
- reimbursement for travel, time spent taking child to appointments
- urging state to fund support services for foster children
- clarifying roles and responsibilities of players involved

V. KINSHIP CARE

Mike reported briefly on the Child Welfare League's attention to this issue. Discussion at this time was brief because the task force expects to address it again in the meeting on economics/payments.

VI. TASK FORCE'S INITIAL IDENTIFICATION OF ISSUES

The group reviewed the ISSUES IDENTIFIED BY TASK FORCE JULY 17 handout for support services. In addition to the nine issues originally identified by the task force, the group suggested adding

- clarification of foster parents' roles, responsibilities
- need for guidelines

It was noted by the task force staff that state-wide recruitment and the importance of inter-agency cooperation should be addressed at some future meeting.

The meeting was adjourned at 3 p.m.

MINNESOTA DEPARTMENT OF HUMAN SERVICES
Summary of the Seventh Meeting of the
CHILD PLACEMENT TASK FORCE
November 9, 1990

The seventh meeting of the task force was held Friday, November 9 from 9 a.m. to 3 p.m. in the second floor conference room at Holman Field in St. Paul. The following task force members attended all or part of the meeting: Ellie Siess, Lutheran Social Service; Mike Peterson, PATH; Marjorie Mereen, Children's Home Society; Joan Riebel, Family Alternatives; Suzanne Douglas, Hennepin County Foster Care; Marty Gerkey, Ramsey County Foster Care; Marian Eisner, Dakota County; Julia Weisz, Morrison County; Belva Britton, Sherburne County; Margy Balboul, Douglas County; Barbara Denny and Barbara Briseno, St. Paul American Indian Center; Lorna Jones, Anoka County; Clara Shattuck and John Malmberg, Minnesota Foster Care Association; Jacqui Smith, The City, Inc.; Beverly Oberg, foster care provider in Ramsey County; Task Force staff members Martha O'Toole, Mary Payne, Rob Sawyer, Fran Felix, and Alice Weck, all of DHS, and the following other DHS staff: Joan Manske and Barbara Chlebeck, financial management; Jan Talbot, mental health; and Suzanne Pollack, children's services.

Facilitators Suzanne Douglas and Marty Gerkey

Summary Prepared by Alice Weck

Focus/Scope FOSTER CARE REIMBURSEMENT ISSUES

SUMMARY OF PRESENTATIONS, DISCUSSIONS.

--Total cost of foster care in Minnesota in 1990 will be roughly \$74 million; counties bear roughly 75 percent of the cost

--Federal funds available under Title IV-E are the single largest source of foster care funding besides county funds. Roughly 35 percent of Minnesota children in foster care are eligible for IV-E funding. Actual reimbursement of counties by federal government through state amounts to about 20 percent of the \$74 million. Other small sources of funding: child welfare funds under Title IV-B; Community Social Services Act (CSSA) dollars; for some private agencies, money from churches; for developmentally disabled children, money payable under the waived services program.

--Fran Felix summarized the history of placement prevention and reunification efforts related to passage of Public Law 96-292 in 1980.

Problems/Issues Reunification of family once child has been

placed out of home is not supported by how the system works. For example, federal control of IV-E and AFDC funds forbids "double dipping", i.e., drawing on both funds for the same clients at the same time. So if a woman's child is placed out of home, she loses the AFDC grant because IV-E kicks in to support the placement. General assistance becomes the only thing for which she is eligible and GA isn't enough to provide things like housing that are essential to reunification. The basic conflict, as Marty put it, is how to support the parent while working for reunification. Most workers, it was noted, don't want to hear that a child's care is being subsidized by IV-E funding because they know it negatively impacts the AFDC grant paid to the mom.

--Although out-of-home placement may be necessary, financing works against placement. County costs and pressure on counties to recover costs work as a disincentive to placing. As noted later in the discussion, some people would favor slowing down the "foster care machine" and putting the fiscal incentives in preventing out-of-home placements in the first place.

--The burden of financing care should not be on counties, Joan Riebel argues; she believes child welfare shouldn't be county administered any more than general assistance is. "Child welfare should be state administered on the same model as general assistance," she says.

--Rob Sawyer disagreed. He doesn't want to see state-administered system until there is a well-developed prevention program in place. -

--Whether there shall be funding for placement or funding for prevention is an academic question, according to Marian Eisner. The real point, she says, is that the state needs to be involved in these programs.

--Joan Manske, DHS Financial Management, in her presentation made some points that took the group into discussing the need for a comprehensive statewide training program initiated and funded by the state. One point: the state loses IV-E money when there is a lapse in a provider's license. Noted: good teamwork between state financial workers and county social workers exists; DHS Licensing needs to get in that network, too. Also noted: If comprehensive, statewide training is implemented, it should shift emphasis from training people to run an efficient program to training people to run an effective program.

Other discussion generated by Joan's discussion of determining room and board and difficulty of care payments (DOC) focused on the need to redo rule 204 governing how DOC rates are assigned and weighted. Rob noted there's a positive side to the current DOC rates, namely that they offer flexibility in trying to program for a family.

But there is also the problem of having to make the child appear as difficult or in need as possible and keep the child there in order to qualify for the higher rate. Moreover, the opportunity to be flexible with DOC rates, particularly to be flexible in a way that enhances federal participation, supports lack of uniformity throughout the system. One member characterized the rate-setting system as a "hodge podge mess" which makes for disparities not only between private and public agencies but also between individual private and public agencies.

Agreed: This task force has neither the time nor the resources to do a thorough examination of DOC rates and possible alternatives to them (such as a per diem rate) but will recommend to the Legislature that a group be appointed to do such a study.

Mary Payne summarized her findings about foster care funding in other states. That rates are too low is a recurring theme.

The group addressed the question of how payments for foster care should be viewed. Related points or questions: how much of the payment should be earmarked for the child and on what basis is that determined? How much of the payment should be treated as a purchase of services from the provider?

From the minority perspective, Jacqui Smith said, "somebody is making money off our kids and we don't like it. When the foster care system comes in and takes our kids away, it's like another kind of slavery."

Rob concurred that we need to emphasize placement prevention and family preservation rather than placement. His strategy would be to work at IV-E revenue enhancement and work, too, to see that any new money realized from the enhancement is directed to the front of the system--i.e., toward placement prevention.

Recommendation from earlier part of the meeting Change language in Minnesota Statutes, section 245.814, subdivision 2 to allow liability insurance coverage for foster home providers to cover property damage by a foster child to the provider's home.

The group will meet December 7 to consider draft recommendations to be made to the Legislature.

**Appendix VI
Issues Task Force
Identified at
First Meeting**

ISSUES TASK FORCE IDENTIFIED AT FIRST MEETING JULY 17, 1990

Numbers show order in which points were added to list

1. Problems of failing children up the placement ladder
2. Need to implement Minority Heritage Act from shelters on
3. Moms and babies together (teen moms and other ages, too)
4. Making rules more flexible to meet needs (e.g., need to accommodate apartment living for older kids)
5. Refugee/unaccompanied minors
6. Private agency licensing concerns
7. Is holding a license a privilege, a right, an entitlement? Child protection focus vs. provider focus
8. Relative placements--siblings together--extended family--kinship
9. Broad vision of substitute care system; incorporate laws--PL 92-272, minority heritage concerns
10. Flexibility to adapt system to local level; system not there for small county
11. Early support for foster parents; pre-crisis help needed
12. State delegation of licensing process--who owns licensing process?
13. Inadequate permanency planning up front
14. Allow foster parents to be part of team
15. Avoid double standard (one for foster, another for birth parents) in child protection issues
16. Alternative living situations for homeless children
17. Meeting needs of kids in placement in context of their cultural diversity
18. Payment differences between public and private agencies
19. Practice standards--need consistency of services across counties
20. Structure of child care regulations
21. Reduce/eliminate barriers to interaction between natural/foster parents; don't interfere with reunification
22. Inter and intra agency coordination, including between states and between public and private agencies
23. Forms of foster care: respite care, corporate, public shelter, etc.
24. Expectations of foster parents: is providing foster care a job or a volunteer activity?
25. Evaluation of foster care: what's a successful outcome? how to measure?
26. Family group home--too many workers in same home
27. Orphanage concept
28. Consistency in standards and accountability
29. Medically fragile kids for whom reunification or adoption isn't an option
30. Long-term foster care
31. Special needs kids--DD, MH, kids with AIDS, etc.
32. Integration of Children's Mental Health Act
33. Lack of training and support for foster parents--burnout
34. Need for more people of color as social workers, administrators, staff
35. Independent living homes for teens
36. Power to Foster Homes--clarification of responsibility/authority on points like enrolling kids in school
37. Why out-of-state placements--is there unmet need in Minnesota?
38. Need for staff development and training by DHS

39. Projected shortage of child care workers
40. Monitoring placement system--takes more than administrative review
41. Treatment planning
42. Does available funding determine what services/placement a child gets?
43. Use of final report
44. Training--how to use the dollars that go into training--coordination
45. Planned respite for foster care parents
46. Structure of payments--difficulty of care--pay for job
47. Impact of legal system on foster care (e.g., what is role of guardian ad litem?)
48. DHS organization--4 divisions (licensing, mental health, children's services, social services relate to foster care
49. Philosophy underlying system--best interest of child should dominate
50. Placing adults/kids together (e.g., sick mom and child) requires flexibility not allowed by present conflicts between child and adult foster care standards
51. Relevance of Rule 5's (also shelters, rtc's) to study
52. Added by Task Force Staff: Conflict of interest--agency structure, finances, licensure/supervision

PRELIMINARY GROUPING OF POINTS GENERATED JULY 17
Numbers show order in which points were added to list

I. "FOSTER HOME"

A. Kinds of Foster Care

3. Moms and babies together (teen moms and other ages, too)
4. Rule flexibility to meet needs such as apartment living for older kids
5. Refugee Unaccompanied Minors
8. Relative placements: siblings together, extended family, kinship
16. Alternative living situations for homeless kids
23. Forms of foster care: respite, corporate, public shelter, etc.
26. Family group home--too many workers in same home
27. Orphanage concept
29. Medically fragile kids for whom reunification or adoption isn't an option
30. Long-term foster care
31. Special needs kids--DD, MH, kids with AIDS
35. Independent living homes for teens
51. Relevance of Rule 5's (also shelters, RTC's) to study

B. Identified Issues

1. Problems of failing children up the placement ladder
10. Flexibility to adapt system to local level, small counties
13. Inadequate permanency planning up front
15. Avoid double standards (one for foster, another for birth parents) in child protection
19. Practice standards--need consistency across counties
28. Consistency in standards and accountability
32. Integration of Children's Mental Health Act
37. Why out-of-state placements--is there unmet need in Minnesota?
39. Projected shortage of child care workers
40. Monitoring placement system--takes more than administrative review
41. Treatment planning
47. Impact of legal system on foster (e.g., role of guardian ad litem)
48. DHS organization--4 divisions (licensing, mental health, children's services, social services) relate to foster care

II. LICENSURE

4. Make rules more flexible to meet new needs
6. Private agency licensing concerns
7. Is holding a license a privilege? a right? an entitlement? Child focus versus provider focus

- 12. State delegation of licensing process--who owns licensing process?
- 20. Structure of child care regulations
- 25. Evaluating foster care: what's a successful outcome? how do we measure?
- 50. Placing adults/kids together (e.g., sick mom and child) requires flexibility not allowed by present conflict between child and adult foster care rules
- 52. Task Force Staff Addition Conflict of interest: agency structure, finances, licensure/supervision

III. SUPPORT SERVICES

- 11. Early support for foster parents; pre-crisis help needed
- 14. Allow foster parents to be part of team
- 21. Reduce/eliminate barriers to interaction between birth and foster parents; don't interfere with reunification
- 22. Inter and intra agency coordination, including between states and between public and private agencies
- 33. Lack of training and support for foster parents--burnout
- 36. Power to Foster Homes--clarify authority/responsibility on points like enrolling kids in school
- 38. Need for staff development and training by DHS
- 44. Training--how to use the dollars that go into training; coordination
- 45. Planned respite for foster parents

IV. ECONOMICS/PAYMENTS

- 18. Payment differences between public and private agencies
- 24. Expectations of foster parents: is providing foster care a job or a volunteer activity?
- 42. Does available funding determine services/placement a child gets?
- 46. Structure of payments--difficulty of care; pay for job?

V. MINORITY HERITAGE CONCERNS

- 2. Need to implement Minority Heritage Act from shelters on
- 17. Meeting needs of kids in placement in context of their cultural diversity
- 34. Need for more people of color as social workers, administrators, staff

VI. MISCELLANEOUS

- 9. Broad vision of substitute care system; incorporate laws--PL 92-272, minority heritage concerns.
- 43. Use of final report
- 49. Philosophy underlying system--best interest of child should dominate

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Recommendations of the
Commissioner's Task Force

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