

ATTN: Nick Stumo-Langer, Committee Administrator, House Human Services Policy Committee

Minnesota House Human Service Policy Committee
Testimony Summary of Joel Bakken
April 8, 2024

Out of state placement: Why corporate foster care services are not a viable option

Introduction

Addressing the Chair and Committee Members: Joel Bakken, Executive Director

- Executive Director of Solutions Behavioral Healthcare Professionals, P.C.
- Licensed Psychologist, Board-Certified Behavior Analyst (BCBA)

Agency Description

- Nonprofit Community Mental Health Center serving greater Minnesota with locations in Moorhead, Detroit Lakes, Fergus Falls, Alexandria, and St. Cloud.
- Provider of corporate foster care since 2005
 - Original mission was to serve children who had failed placements in other group homes because of behavioral issues
 - Provision of daily structure
 - Focus on treatment and skill building for the child and their parent(s), with the goal of reunification
 - 100% success in preventing higher level of care placements
 - When Rule 245D was enacted, the philosophy of care shifted dramatically
 - Basic and tools of intervention and safety management were prohibited
 - The “difficult” population group we were set up for could no longer be served

Rule 245D and Implications

Issues with Rule 245D

- Utilizes “Person-Centered” practices to help clients achieve their goals; prohibit restrictive interventions such as restraints, ensure protection of the rights of individuals with disabilities
- Of course the protection of rights and seriously limiting the use of restraints is a commendable goal
- 245D prohibits much more than restraints, including evidence-based interventions used in Applied Behavior Analysis and therapeutic approaches such as Parent-Child Interaction Therapy. These interventions are used daily in other settings such as schools, clinics, and family therapy
- The regulation pendulum has swung too far
- Rule 245D was overgeneralized to children, whose “goals” can quickly fluctuate
- What is best for the child and what the child wants in the moment get easily confounded
- Restriction of common-sense parenting practices, such as:
 - Having a bedtime established
 - Completing a less preferred task (e.g., homework) before a preferred task (e.g., going out to play. This has historically been referred to as “Grandma’s Rule.”
 - There is a lack of common-sense safety measures, i.e., the Inability to functionally prevent an agitated/aggressive child from harming others. If a restraint is used in a volatile situation, the integrity of that emergency can be easily “second guessed” in retrospect.
- Focus on provision of choice. Providing choices when a child is upset can increase agitation
- Focus on “appeasement” of the child in the face of agitation to prevent aggression rather than learning to wait or work through a problem (i.e., use a prosocial skill)
- Promotes an insight-oriented approach in lieu of “normal” structure and limit setting, which is too nuanced for a direct care staff to implement
- Children with serious behavioral difficulties especially need structure and limits
- The DHS Positive Supports Rule uses the terminology of Applied Behavior Analysis within an insight-oriented philosophy. This is a mis-use of ABA. It furthermore lacks clear definition and consistent philosophy of behavior change

Consequences of Regulations

- Corporate foster care facilities are not able to provide structure and normal parenting limits for these children with serious behavioral difficulties
- The choice to intervene in a volatile situation brings administrative risk to the agency, in addition to the potential risk of physical harm
- It is a difficult “ask” of a corporate foster care facility to take a difficult client without the tools for effective intervention and back up plans
- Behavior problems escalate and spiral without the proper treatment approaches
- They are sent to more restrictive settings, where structure and limits are in place, i.e., hospital, detention, out of state

Call to Action

- Request for Further Exploration: Urging the committee to delve deeper into the issues preventing corporate foster agencies from serving children with behavioral issues
- Adjust 245D’s language to ensure that evidence-based interventions are supported

Ending Resolution

It is important that we protect our citizens who have nowhere else to go. However, instead of limiting treatment options, Rule 245D should increase access to proven training and direct supervision by experienced on-site professionals. It takes serious analysis of the complex demands posed by these needy individuals to implement the sophisticated strategies that will protect them.