

Why MN Needs An African American Family Preservation and Child Welfare Disproportionality Act



Racial Disproportionality in Child Protection

In Minnesota

Systemic racism exists at
every decision point of
the child protection
process



African American Children and Child Welfare

African American children remain overrepresented in Minnesota's child welfare system.

This overrepresentation raises concern about child welfare policy, practice, and service delivery to African American families.

According to current data 26% of the children in foster care in 2021 were African American although they make up only 10% of the state's total child population.

[*Out of Home Placement Report MN 2021.pdf](#)

Once these children are in the custody of the state, they remain in the system for much longer periods than Caucasian children do.





**SUPPORT
THE AFRICAN AMERICAN
FAMILY PRESERVATION ACT
[AAFPA]
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As compared to White children, African American children are over-represented in rate of:

Out of Home Placement Report MN 2021.pdf
*MNs Child Maltreatment Report 2021.pdf

- ▶ African American children are **three times** more likely to be reported
- ▶ African American and children of 2 or more races are **2.4 - 4.7 times** more likely to be screened in for assessments and investigations
- ▶ African American and children of 2 or more races are placed in out of home care at a rate **2-7 times** higher than white children
- ▶ The longer African American children remain in out-of-home care, the more they experience multiple moves in placement settings
- ▶ African American youth have high rates of reaching the age of majority when in placement for long periods of time



*SEVERAL COMPONENTS INFLUENCE DISPARITIES
WITHIN THE CHILD WELFARE SYSTEM
BEGINNING WITH RACIAL BIAS IN IDENTIFICATION AND REPORTING*

Mandated Reporters make the majority of reports to child protection, at 80%.

Minnesota's school personnel are among the highest reporters; current data shows that they disproportionately report African American students and families.

A school in the Minneapolis district with a 16% African American student population made 145 calls to cps, of those calls, 130 were African American students. This is consistent across service systems including medical personnel and law enforcement.



Once a CPS report is received CPS workers determine whether a family requires investigation or assessment.

When assigning reports to a family investigation path there are both mandatory and discretionary reasons.



Allegations concerning Black children are more likely to be assigned for investigation for discretionary reasons than those concerning white children.

Although Black families are entering the system for less serious allegations than their white counterparts, they continue to face the most harsh and punitive outcomes at significantly higher rates (*child removals, maltreatment findings, termination of parental rights*).

Discretionary reasons "**include a recent or frequent history of child maltreatment reports** or child protective services, or the caretaker **appeared** to be unwilling or unable to achieve child safety."

Removal bias

Statistics confirm that Black families are less likely to receive in-home services that prevent removal.

Thus, the state is more likely to permit white children to remain with their families and remove Black children from theirs.

Shanta Trivedi, The Harm of Child Removal, 43 New York University Review of Law & Social Change 523 (2019). Available at: https://scholarworks.law.ubalt.edu/all_fac/1085

In MN African American and children of 2 or more races (facing the same or less serious allegations) are removed from their home at a rate 2 and 7 times higher than their white counterparts.

[*Out of Home Placement Report MN 2021.pdf](#)



Poverty Labeled as Neglect

Black children are nearly three times more likely to live in poverty than their white counterparts. As such, Black families tend to have more contact with county and state officials, leaving them vulnerable to surveillance.

Low-income families are more likely to seek medical care from emergency rooms or public clinics, use public transportation, and live in public housing, leading to frequent interaction with government systems and increased visibility to child protection agencies.

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Why is the rate of child welfare involvement higher for certain groups in comparison to others?

Institutional Racism- It is the existence of systemic policies and practices that allow one racial group to have better outcomes than another. It is embedded in the economic and political structures which place non-white racial and ethnic groups at a disadvantage in relation to an institution's white members. Institutional racism leads to unequal outcomes for different groups of people. In this environment, disproportionality is often tolerated as normal rather than investigated and challenged.

PARENTING WHILE BLACK

There is often a cultural divide between a family being investigated and the worker conducting the investigation.

Social workers, including the child welfare workforce, tend to be non-Hispanic White women.



Survey Instrument: Bedroom with Black baby



Survey Instrument: Bedroom with White baby



In a 2012 study, researchers used an experiment to test the “racialized perceptions” of hundreds of child welfare workers across Minnesota.

Caseworkers in eighty-two counties were given an online exercise during training.

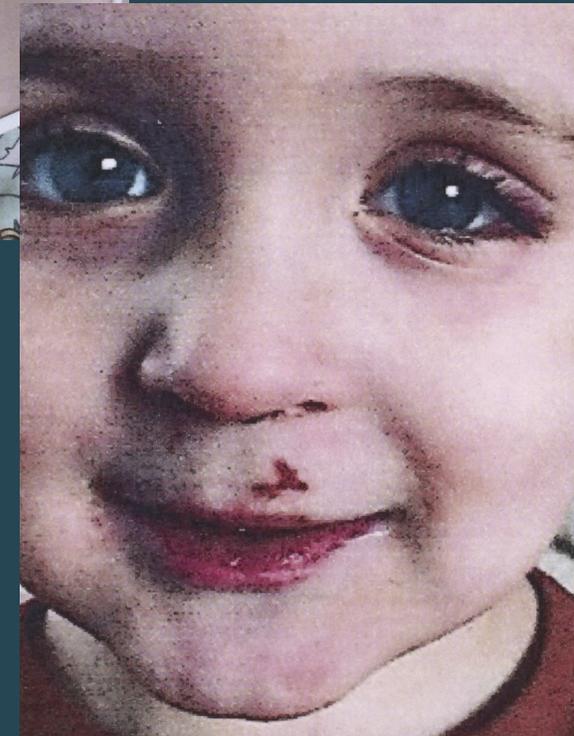
Researchers discovered that the caseworkers were significantly *more* likely to agree that the photo of the Black baby, not the White one, met the state’s definition of neglect.

Racialized Perceptions and Child Neglect. Ards SD, Myers SL Jr, Ray P, Kim HE, Monroe K, Arteaga I Child Youth Serv Rev. 2012 Aug 1; 34(8):1480-1491

Two facts reveal a contradiction at the heart of Minnesota's child welfare system

There is no difference between races in the likelihood that a parent will abuse or neglect a child

There is a great difference between races in the likelihood that a child will be removed from home and placed in foster care.



According to the MN Dept Of Health



Disproportionate out-of-home placement rates are not the result of poor parenting by certain ethnic groups but the outcome of multiple systems with long histories of discrimination and racist practices that enforce policies unfairly, unjustly, and unethically; while failing to provide enough supports to parents and guardians.

<https://www.health.state.mn.us/docs/communities/titlev/fostercare.pdf>

Though well intentioned, many child welfare caseworkers approach their work with a predisposed cultural viewpoint and often bring stereotypes with their own subjective experiences into the helping experience.

Professionals who develop an awareness and sense of urgency about the need to understand the experiences of African American client families have a greater likelihood of engaging in culturally appropriate practice and interventions.

Donna Parrish; Innovative Supervision Practices to Impact Disproportionality With African American Clients in Child Welfare



Hennepin county 2020

6,724 Screened in reports

African American- 3,662
Multiracial- 2,338

2,566 Separations

African American – 850
Multiracial – 776

250 Terminations

African American – 105
Multiracial - 69

Separation Reasons

*Out of Home Placement Report MN 2021.pdf

Substance Use 32.7 %



Neglect 13.6%



Physical Abuse 6.9%



SA 3.0 %

We are NOT keeping children safe

Children generally suffer worse outcomes when removed than if they had been allowed to remain in marginal homes.

In studies of similarly situated children (*those with social services involvement facing possible removal*), **children who were, in fact, removed** (compared to those remaining at home):

- have two to three times higher delinquency rates
- have higher teen birth rates
- have lower earnings as adults
- are two to three times more likely to enter the criminal justice system as adults
- are twice as likely to have learning disabilities and developmental delays.
- are six times more likely to have behavioral problems.
- as adults, are more likely to have substance-related disorders, psychotic or bipolar disorders, and depression and anxiety disorders
- as adults, have arrest rates two to three times higher, and are more likely to have criminal convictions for violent offenses.

* Trauma Caused by Separation of Children from Parents- © 2018
_ American Bar Association. Reproduced with permission

Harm from Removal



Clinical research shows that:

Children who are removed are “overwhelmed with feelings of abandonment, rejection, worthlessness, guilt, and helplessness.” (Folman, 1998).

Separation floods stress hormones throughout the child’s brain and body, leading to:

- difficulty sleeping, developmental regression, heart disease, hypertension, obesity,
- diabetes, and decreased longevity. (Goydarzi 2018; Eck 2018; Carnes 2018)
- permanent architectural changes in the brain, including lower IQs. (Wan 2018)
- depression, more suicide attempts, and more problems with alcohol abuse and gambling. (Wan 2018; Goydarzi 2018; Eck 2018; Carnes 2018).

Studies of youth and children who have experienced maltreatment found that:

- maltreated youth who are placed in out-of-home care had a higher risk of criminal behavior (as both juveniles or adults) compared to maltreated youth who remain at home. (Yoon, Bender & Park 2018)
- children who experience out-of-home placement due to maltreatment have an over 1.5 times higher risk of mortality between the ages of 20-56 compared to children who experience maltreatment but remain at home. (Gao, Brannstrom & Almquist 2017)

Trauma of removal

According to national research studies; children in foster care are more likely to experience:

- Teen Pregnancy
- Adult Homelessness
- Involvement in the criminal justice system
- Unemployment
- Alcohol and or drug addiction
- Long term mental health disorders

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Common mental health disorders seen among foster care youth include:

- Post-traumatic stress disorder
- Reactive attachment disorder
- Anxiety disorder
- Depression
- Borderline personality disorder
- Social phobia
- Oppositional defiant disorder
- Conduct disorder
- Attention deficit hyperactivity disorder (ADHD)
- Separation anxiety disorder
- Eating disorders

It's also common for children who have experienced foster care to engage in high-risk behaviors such as violence, substance use, and delinquency.

Adverse childhood experiences and health-risk behaviors in vulnerable early adolescents

Why are children in foster care especially vulnerable to sex trafficking?

- Social isolation
- Less social and family support
 - Transient formal support
 - High levels of mental health diagnoses
- Children ages 12-17 overrepresented in foster care
 - Native American and African American youth disproportionately represented
- More time in care = more placements

Out of home placement has potential to:

- Disrupt what keeps a youth tied to people, places, and things
- Reduce natural protective factors that could prevent or allow quick response to missing episodes, trafficking, or exploitation

MN DHS -Seeking safety and preventing harm: Child welfare response to children and youth missing from care

Minnesota tears apart families at one of the highest rates in America – more than double the national average.

We recognize that there are still horrible stories about child abuse deaths and that is exactly the point.

All the needless removals steals time from finding the relatively few children in real danger – the worst thing Minnesota can do is to keep doubling down on its failed approach, as some have suggested.)



Everyone has a stake in ensuring Minnesota's Child Protection system is fair and equitable.

We're calling on our legislators to support the following legislative action:



The MN African American Family Preservation and Child Welfare Disproportionality Act would serve to

- Protect Children and Strengthen Families
- Reduce the Overall Cost of Child Welfare Services and Out of Home Placement
- Reduce Law Enforcement and Judicial Systems Costs for Intervention
- Improve the Mental Health and Social Functioning of African American families and their community



What is AAFPA

An act that declares it is the policy of this state to protect the best interests of African American and disproportionately represented children.

An act that promotes the stability and security of these families by the establishment of standards to prevent the unnecessary removal of children from their homes and communities.

Bill Overview

A responsible social services agency shall make **active efforts** to prevent the out-of-home placement of an African American or disproportionately represented child, eliminate the need for a child's removal from the child's home, and reunify an African American or disproportionately represented child with the child's family as soon as practicable.

Prior to petitioning the court to remove an African American or disproportionately represented child from the child's home, a responsible social services agency must work with the child's family to allow the child to remain in the child's home while implementing a safety plan based on the family's needs.

Bill Overview

Prior to or within 48 hours of the removal of an African American or disproportionately represented child from the child's home, the responsible social services agency must make **active efforts** to identify and locate the child's noncustodial or nonadjudicated parent and the child's relatives to notify the child's parent and relatives that the child is, or will be, placed in foster care, and provide the child's parent and relatives with a list of legal resources.

The responsible social services agency must maintain detailed records of the agency's efforts to notify parents and relatives under this section.

Bill Overview

The responsible social services agency must inform selected relatives and the child's parent or custodian of the difference between informal kinship care arrangements and court-ordered foster care.

If a selected relative and the child's parent or custodian request an informal kinship care arrangement for a child's placement instead of court-ordered foster care and such an arrangement will maintain the child's safety and well-being, the responsible social services agency shall comply with the request and inform the court of the plan for the child.

The court shall honor the request to forego a court-ordered foster care placement of the child in favor of an informal kinship care arrangement, unless the court determines that the request is not in the best interests of the African American or disproportionately represented child

Bill Overview

- The responsible social services agency must make active efforts to support relatives with whom a child is placed in completing the child foster care licensure process and addressing barriers, disqualifications, or other issues affecting the relatives' licensure, including but not limited to assisting relatives with requesting reconsideration of a disqualification

Bill Overview

Preference for transfer of permanent legal and physical custody.

If an African American or disproportionately represented child cannot be returned to the child's parent, the court shall, if possible, transfer permanent legal and physical custody of the child to:

- (1) a noncustodial parent
- (2) a willing and able relative

Bill Overview

Termination of parental rights restrictions.

A court shall not terminate the parental rights of a parent of an African American or disproportionately represented child based solely on the parent's failure to complete case plan requirements.

A court shall not terminate the parental rights of a parent of an African American or disproportionately represented child in a child placement proceeding unless the allegations against the parent involve sexual abuse; egregious harm as defined in section 260C.007

Bill Overview

A parent of an African American or disproportionately represented child whose parental rights have been terminated may appeal the decision within 90 days of the service of notice by the court administrator of the filing of the court's order.

Bill Overview

Responsible social services agency conduct.

A responsible social services agency employee who has duties related to child protection shall not knowingly:

- (1) make untrue statements about any case involving a child alleged to be in need of protection or services;
- (2) intentionally withhold any information that may be material to a case involving a child alleged to be in need of protection or services;
or
- (3) fabricate or falsify any documentation or evidence relating to a case involving a child alleged to be in need of protection or services.

Any of the actions listed in paragraph (a) shall constitute grounds for adverse employment action.

Bill Overview

Case review. (a) Each responsible social services agency shall conduct a review of all child protection cases handled by the agency every 24 months, after establishing a 2024 baseline.

The responsible social services agency shall report the agency's findings to the county board, related child welfare committees, the Children's Justice Initiative team, the African American Child Welfare Oversight Council, the commissioner, and community stakeholders within six months of gathering the relevant case data.

Any responsible social services agency that has a case review showing disproportionality and disparities in child welfare outcomes for African American and other disproportionately represented children and families, compared to the agency's overall outcomes, must develop a remediation plan to be approved by the commissioner.

Bill Overview

The commissioner shall establish an African American Child Welfare Oversight Council to formulate and recommend policies and procedures relating to child welfare services for African American children to ensure that responsible social services agencies provide African American families with culturally relevant family preservation services and opportunities to care for their children safely in their homes.

Bill Overview

The commissioner shall establish an African American Child Well-Being Unit within the Department of Human Services, to assist counties and monitor child welfare processes and outcomes to address and mitigate child welfare disparities for African American children in Minnesota.

Bill Overview

The commissioner shall establish direct grants to organizations, service providers, and programs owned and led by African Americans and other individuals from communities disproportionately represented in the child welfare system to provide services and support for African American and disproportionately represented children and families involved in Minnesota's child welfare system, including supporting existing eligible services and facilitating the development of new services and providers, to create a more expansive network of service providers available for African American and disproportionately represented children and families.

Bill Overview

The county attorney or a parent whose parental rights were terminated under a previous order of the court, an African American or disproportionately represented child who is ten years of age or older, the responsible social services agency, or a guardian ad litem may file a petition for the reestablishment of the legal parent and child relationship.

The court may grant the petition ordering the reestablishment of the legal parent and child relationship only if it finds by clear and convincing evidence that:

- (1) reestablishment of the legal parent and child relationship is in the child's best interests;
- (2) the child has not been adopted;
- (3) the child is not the subject of a written adoption placement agreement between the responsible social services agency and the prospective adoptive parent,
- (4) the child desires to reside with the parent;
- (5) the parent has corrected the conditions that led to an order terminating parental rights; and
- (6) the parent is willing and has the capability to provide day-to-day care and maintain the health, safety, and welfare of the child

Bill Overview

Maintaining Connections In Foster Care Best Practices- The commissioner of human services shall develop and publish guidance on best practices for ensuring that African American and disproportionately represented children in foster care maintain connections and relationships with their parents, custodians, and extended relative and kin network.



The commissioner of human services shall work with the African American Child Welfare Oversight Council to establish a method to disaggregate data related to African American and other disproportionately represented children and begin disaggregating data by January 1, 2025.



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