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Chair Rep Jamie Becker-Finn

MN House of Representatives Judiciary Finance and Civil Law Committee

MN House of Representatives, St Paul, MN

Dear Chair Becker-Finn, Vice Chair Frazier, and Committee Members,

Thank you for the opportunity to present this support letter for HF 912 (Rep Agbaje), The African American Family Protection Act. I am a retired practicing pediatrician and member of Doctors for Early Childhood (D4EC), an education and advocacy group, formed in the aftermath of the George Floyd murder.

Doctors for Early Childhood strongly urge you to pass HF 912. The American Academy of Pediatrics (AAP), of which D4EC are members, developed a position paper in 2021 at the height of the COVID-19 Pandemic. The paper reported on studies showing large disparities in how child welfare laws and their application, at both the federal and state levels, disadvantage poor people in general and people of color in particular. While the Pandemic exacerbated these effects, the Pandemic did not cause them. Startlingly, one study “revealed 4.9% of white children will enter the system while 11% of African American children and 15.4% of Native American children will experience foster care in their lifetime”.(1)

The AAP urges prompt state and federal reforms to address these disparities, their underlying root causes and downstream effects of often unnecessary family disruption and separation, the generational trauma caused, and the need for family supports. For the first time, recognizing the importance of having people with lived experience be integral to the development of AAP policy, a panel of such diverse members was convened leading to these AAP recommendations.

Please pass HF 912 so African American Families can heal, and their children can thrive.

Sincerely,

Dale Dobrin, MD, FAAP

Ada Alden, EdD

Mary Meland, MD, FAAP

Roger Sheldon, MD, FAAP

Together, Doctors for Early Childhood

(1) Reimagining Child Welfare: Recommendations for Public Policy Change; www.aap.org

April 5, 2024

Chair Representative Jamie Becker-Finn (40B)

Vice Chair: Rep. Cedrik Frazier (43A)

Dear Chair Becker-Finn and members of the Judiciary Finance and Civil Law Committee,

My name is Victor Obisakin. I write in support of (HF. 912) (Agbaje), the African American Family Preservation Act aka Layla Jackson Law. I write to you as a concerned Minnesotan, Immigrant, and Father. I am not here to throw numbers and facts at you all because I feel people have done that already. I am just very concerned about what is going on with our children.

I've heard testifiers and stories of children removed from their parents because there is a flaw in our system. Removed because people don't have the basic knowledge of the family system and culture. Removed because of the lack of humanity in people. These are children we are talking about. There are major ramifications when things about culture such as food, language, music, and clothes are taken away from our children, a part of them dies. Their community is now affected. They now become foreign to a new world, leaving the culture they've known all their lives behind. This is mentally and physically damaging. Children who are or will be traumatized because they are in a foster home that would not even relate to the culture they were removed from. These families and children deserve better. This law will address the racial disparities that exist within the child protection system.

We are a family-minded culture, and we must fight and take care of our children. Keeping family together is important. I am a big supporter of mental health, so this Bill improves the mental health and social functioning of African American children. The fact that barriers are going to be identified and parents and children now have access to culturally informed mental health and substance abuse services and treatment is huge.

I do ask that you please pass the Layla Jackson Law.

Thank you.

Victor Obisakin

St. Paul, MN

obivik84@gmail.com

April 9, 2024

Representative Becker-Finn, Chair
House Judiciary Committee
559 State Office Building
St. Paul, MN 55155

RE: HF 912 – Layla Jackson Law - the Minnesota African American Family Preservation Act (MAAFPA)

Dear Representative Becker-Finn and Members of the House Judiciary Committee:

The Association of Minnesota Counties (AMC) and the Minnesota Association of County Social Service Administrators (MACSSA) thank Representative Agbaje for authoring HF 912, the Minnesota African American Family Preservation Act (MAAFPA) and are supportive of the goal of the MAAFPA to protect the best interests of African American children. With this in mind, we are concerned that implementation of the law will not be successful without substantial investments in the following areas: workforce, programs and services, training, and technology. We estimate that this legislation will result in 80 – 85% of cases requiring Active Efforts, significantly stressing an already under-resourced system. These concerns and an example of a relatively common situation with reasonable and active efforts illustrated is detailed in an addendum.

We value the tireless work of legislative leaders, advocates and the many others involved, to address inequities in Minnesota's child welfare system that have led to an over representation of African Americans in the system. Counties recognize the urgency around addressing racial disparities in the child welfare system. Fundamentally, we believe all children have the right to be safe and protected from maltreatment, abuse and neglect.

The child protection system is one of the most complex social systems in our society, governed by both federal and state policy, involving a myriad of partners including law enforcement, judges, attorneys, child welfare workers and community partners. In Minnesota's county administered system, counties stress the importance of acknowledging the role that each entity serves in ensuring the successful implementation of AAFPA, including the unique role that Minnesota counties play in program development and financing of active efforts. If the necessary investments aren't made by our state leaders, county levies will be impacted across our 87 counties.

In times of program scarcity, increased mental health and substance use needs, workforce shortages and woefully inadequate information systems it is critical to make data informed investments that are culturally responsive, and family centered while also fostering more partnership and coordination between systems. Without significant investment in culturally responsive programming, our county-based child welfare workforce, and the modernization of technology systems, we are concerned that that MAAFPA will not be successfully implemented, and that disproportionality will be further exacerbated.

We strongly support developing increased capacity in the child welfare system to deliver more intensive home-based services and wrap around services, establish community-based supports such as

Community Resource Centers (CRC's), and ensure kinship programming is resourced. Furthermore, we encourage lawmakers to be mindful of the impact of this law on the workforce – Minnesota's county-based child welfare workforce is fragile and experiences high rates of turnover, all of which are compounded by overly burdensome administrative requirements and an archaic technology infrastructure. Implementation of this law will require that county-based staff have the time, resources, technology, and training needed to ensure successful implementation of the law.

As legislators take important steps to address racial disparities in the child welfare system, we strongly encourage utilizing data to inform decision making – and investments in the areas of training, education, processes, programs, services, and system technologies to correspond with any policy changes. We implore legislators to ensure investments are made available throughout each of Minnesota's 87 counties and are funded in an equitable and sustainable manner, with the state as a partner in ensuring program viability.

Sincerely,



Angie Thies - Child Wellbeing Policy Analyst, Association of Minnesota Counties

Cc: Representative Agbaje, Assistant Majority Leader

Attachment

HF 912 – AMC and MACSSA Identified Needs for Successful Implementation

AMC and MACSSA remain committed to working with lawmakers and our state agency partners to address racial disparities that exist within the child protection system.

- Research indicates that time spent supporting a family is a predictor of successful family outcomes. The existing workforce will struggle to keep up with the demands of implementing the Act, while also meeting the existing administrative and paperwork demands, thereby requiring the need for additional staffing at the local level to support case reviews and administrative requirements, while remaining focused on serving children, youth and families.
- MACSSA share's concerns raised by the Minnesota County Attorneys' Association regarding the Act's impact on achieving permanency for the youth.
- Current funding is inadequate and unsustainable at the local level to fully implement active efforts as called for in the Act. Furthermore, we have significant concerns that if any or all of the Act faces legal challenges, federal revenue such as Title IVE will be jeopardized, ultimately impacting the financial stability of our system and program/service sustainability.
- The application of language that would apply the Act to any child disproportionately represented in the system creates the need to clarify how we define this category, how eligibility is determined, what culturally appropriate services are, and what the local capacity is to meet the staffing and service needs throughout the Minnesota.
- We are concerned that the passage and implementation of the Act will further stress (potentially break) the existing technology system SSIS. Technology supports, including a comprehensive child welfare data system that is CCWIS compliant to foster reporting and data keeping requirements is critical to support the Act. Notably, without investing in technology supports, redaction, reviews and the qualitative assessment are largely manual processes and require significant amounts of staff time.
- The Act will necessitate increased training capacity and resourcing at the state and local level, including expanded utilization of collaborative safety with attention focused on ensuring that regardless of leadership changes or staffing turnover, that staff across Minnesota have access to consistent and real time training and supports to foster culturally responsive relationships and practice with families. Additionally, the need for sustained equity programming and funding that builds relationships between the state, counties and community is critical to fostering environments that are family, youth and culturally responsive. We have made strides in the past years in our work with the Equity Partnership and would like to see this work continue in a thoughtful, deliberate, and sustained manner, especially as we consider changes in state agency formation.

SF 716/HF 912 require active efforts be applied to individuals of African American descent and all populations that are disproportionately represented in Minnesota's child protection system. An example of active efforts in comparison to reasonable efforts is provided below. Reasonable efforts is the present standard for all cases where MIFPA/ICWA do not apply.

Reasonable Efforts:

In the early stages of this case, the worker and parents meet to discuss how to achieve this goal. The worker will inquire if the parents have an existing or prior relationship with a mental health professional for whom they'd wish to continue. If so, the worker will ask the parents to set up or continue appointments among other coordinating activities. If not, the worker will provide the parent with a list of local/regional mental health providers. The worker will ask the parents to make calls, select a provider, complete any paperwork, and schedule appointments. The worker will inquire if there are any barriers for the parents to independently complete these tasks and attempt to address those barriers by exploring alternatives. A barrier example is that the parents need transportation. The worker will provide them with ideas (i.e. phone number to their health plan to get a ride; suggest they find a relative, friend or neighbor who can help; provide bus schedules). When the worker regularly meets with the parents, they will check on their progress on this goal which will include continuing to discuss barriers and providing ideas on how to overcome them. Sometimes if the steps are not being pursued, the worker may break down the steps more simply and check-in more frequently on goal attainment.

Active Efforts:

As with reasonable efforts much of the work is the same as described above. Workers will rely on the preferences of the parents as to whom they wish to receive these services. Active efforts could result in the worker making the calls, filling out the paperwork and setting up appointments alongside the family, with the parent's permission. To overcome the transportation barrier, active efforts could result in the agency providing gas cards/vouchers, making several calls to find a ride or to drive the parents themselves to their appointments. Given the distance and frequency to access culturally specific services (currently such services are not locally available to all counties), this could mean the worker is spending half to a full day transporting the parents to weekly therapy. As a result, the other families on the worker's caseload will experience delays in response times and action for their own needs.

T H E M I N N E S O T A
C O U N T Y A T T O R N E Y S
A S S O C I A T I O N

April 8, 2024

Rep. Ester Agbaje
437 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Re: HF0912 Minnesota African American Family Preservation Act

Rep. Agbaje:

Thank you for meeting with representatives from the Minnesota County Attorneys Association (MCAA) and the opportunity to provide additional feedback and discuss possible amendments to HF 912 which addresses both important and complex issues.

MCAA strongly supports the effort to reduce disparities in the child protection system and keep child safety at the forefront of our work. We offered to share suggestions to some of the child safety and permanency concerns we discussed. We also appreciate your recent amendments regarding exceptions to safety planning. Below are further suggestions we hope you will consider as you move forward with this legislation.

1. We recommend amending the definition of “best interests of the African American or disproportionately represented child” to include language that the best interest of the child may require out of home placement. Specifically, in line 3.3, the following could be added at the end of the sentence: “or to support an out of home placement.”
2. We recommend that the qualifiers “safe” or “safely” and/or “in the child’s best interests” be added to the language for placements with a noncustodial parent or relative. The word “safely” could be added to line 9.22 so that a noncustodial or non-adjudicated parent is “willing and able to safely provide daily care...” Similar language could be added to line 14.1, so that a transfer of custody is made to “a safe, willing and able relative...” Adding this language will keep the safety of the child as a focus if the child must be placed out of the home.
3. Finally, to address some of the safety issues we discussed where serious physical or sexual abuse or psychosocial harm could be harmful to visitation situations, we recommend language be added at the end of line 22.8 to include “if visitation is in the best interests of child” which could address these concerns.

MCCA also strongly supports permanency being established for children in a timely manner and including families in planning regarding what type of permanency is in the best interests of the child and who the proposed permanent caregivers may be. We recognize that while a preference for a transfer of custody may be appropriate in some situations, there are situations where a

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