

May 5, 2024

Representative Liz Olson, Chair
House Ways and Means Committee
479 State Office Building
St. Paul, MN 55155

RE: HF 912 – African American Family Preservation and Child Welfare Disproportionality Act (Layla Jackson Law)

Dear Representative Olson and Members of the House Ways and Means Committee:

The Association of Minnesota Counties (AMC) and the Minnesota Association of County Social Service Administrators (MACSSA) thank Representative Agbaje for her leadership in authoring HF 912, the African American Family Preservation and Child Welfare Disproportionality Act (Layla Jackson Law) and are supportive of the goal to uphold the best interests of African American children and youth who are disproportionately represented within Minnesota's child welfare system. In partnership with Senator Champion, we thank Rep. Agbaje for a willingness to address the need for phased implementation, funding to assist early implementers, funding to support community-based, culturally responsive programming, and focused attention on training. Counties remain committed to being strong partners in addressing inequities within Minnesota's child welfare system. We welcome the shared commitment from legislators and state agency partners to work through policy differences, analyze early data, and explore continued investments to ensure this work is successful.

We look forward to continued collaboration with the authors in the following policy and implementation areas:

Policy:

- We recognize that while a preference for a transfer of custody may be appropriate in some situations, there are situations where a termination of parental rights is in a child's best interests. We think the language contained in HF 912 is promising and would like to continue to work with the authors to address this area. We are worried that without a tool, such as a case plan, there will be ambiguity in the path forward for caregivers. We support efforts to develop and utilize a clear, concise case plan that supports working with families.
- We remain concerned about establishing egregious harm or sexual abuse as the *only* grounds for terminating parental rights. We worry that kids may linger in care if they don't have relatives or their relatives are unable or unwilling to care for them along with situations of chronic neglect, not related to poverty and chronic substance addiction, or where the parent was not the alleged perpetrator and does not believe that that sexual abuse occurred. Counties do not want this language to unintentionally result in more criminal charges being filed, which will have damaging impact on parents and is contrary to the premise of the law and author's intentions.

Implementation:

- Counties reiterate longstanding concerns that without modernization and replacement of the Social Service Information System (SSIS), the documentation and reporting requirements will be a completely manual process involving spreadsheets and workarounds and nearly impossible for most counties to manage without a significant investment and update to SSIS. In most counties, it will be the same staff that will be expected to determine eligibility, provide case management services and conduct active efforts. **Without modernizing these systems, we set our social services and child wellbeing staff up for failure and add to the burdens of hiring and retaining critical staff needed to support the author's goal and vision.** We implore legislators to fund a replacement of SSIS

(estimated by the Department of Human Services to cost \$50 million) and ensure staff capacity exists at the local level before full implementation occurs.

- The ability to do this work throughout all 87 counties is contingent on our ability to attract and retain a highly skilled and trained workforce. Currently, we have counties that have open positions, with no applicant pool to draw from – if we don't address statewide program and service availability and workforce challenges, with the goal of ensuring staff are trained and supported, the intentions of this legislation will not be successful. We support the adoption and availability of training being available and accessible prior to statewide implementation and are concerned that the current timeline of training does not align.
- While the legislature considers investments in staff at the state level, we respectfully ask for similar investments at the local level and encourage legislators to fund training programs like the Equity Partnership – this partnership is a unique initiative that works to elevate equity through policy and practice changes throughout our system. Additionally, we encourage legislators to include and pass legislation that authorizes a comprehensive child welfare fiscal analysis to help inform funding implications that support and sustain statewide implementation of the law.
- We are thankful for the inclusion of AMC and MACSSA representatives on the workgroup that will help inform statewide implementation of the law and respectfully ask for the inclusion of the Minnesota County Attorney Association (MCAA) in the workgroup. It will be critical to ensure a depth of legal expertise and ensure federal and state compliance with statute throughout phased implementation of the law.
- Finally, we respectfully ask for a commitment from our legislative and agency partners to not fully implement the law without the necessary resources and supports in place – including, but not limited to staffing capacity, service and program availability and training. We do not wish to fail in this momentous and monumental opportunity, but as our resources stand today, this is one of our most pressing fears. We believe in the ideals of this legislation and ask for your partnership to ensure success.

Sincerely,

A handwritten signature in black ink, appearing to read "Angie Thies". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Cc:

Senator Bobby Joe Champion, President of the Senate

Representative Esther Agbaje, Assistant Majority Leader

Governor Tim Walz

Erin Bailey, Executive Director of the Minnesota Children's Cabinet

Jodi Harpstead, Commissioner, Department of Human Services