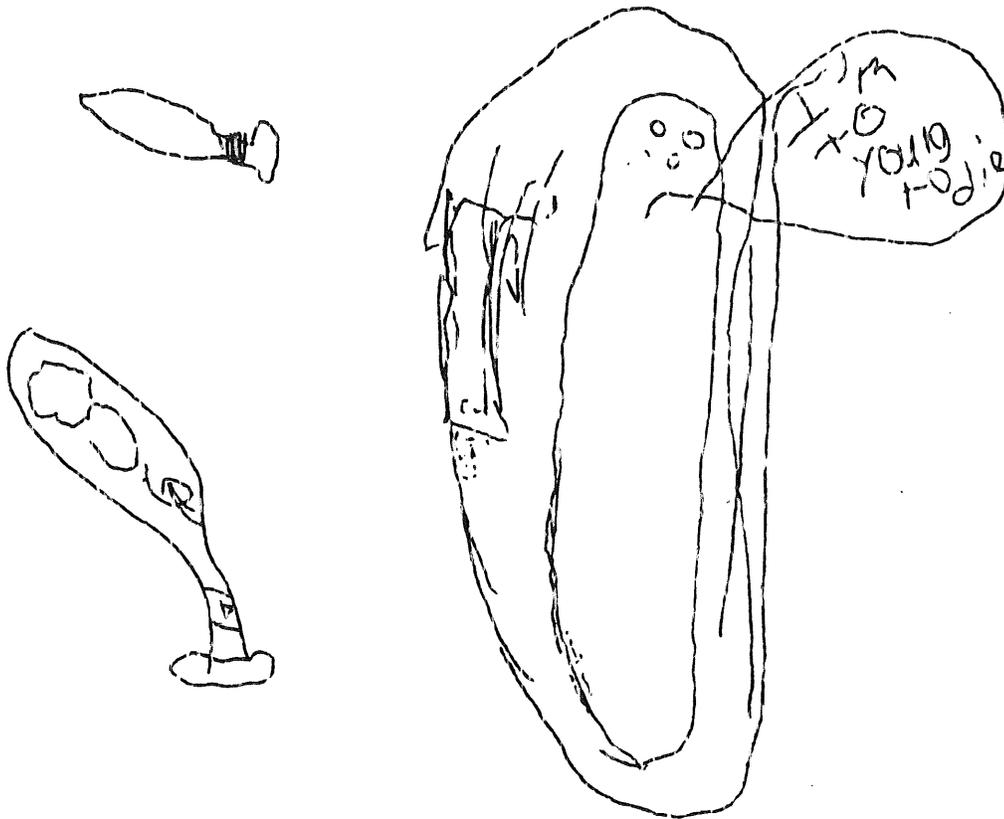


2 copies

This document is made available electronically by the Minnesota Legislative Reference Library as part of an ongoing digital archiving project. <http://www.leg.state.mn.us/lrl/lrl.asp>

990142



Executive Summary

Child Protection System Study Commission Final Report
 The Minnesota Legislature
 February, 1990

Drawing by Minnesota child suffering abuse and neglect.

MINNESOTA LEGISLATIVE REFERENCE LIBRARY
 400 WEST WASHINGTON STREET
 SAINT PAUL, MINNESOTA 55102

HV
 742
 .M6
 F572
 1990
 EXEC.
 SUMM.

Pursuant to 1989 Laws, chap 290
 section 20, subd 3

Minnesota's child-protection system has enormous and immediate unmet needs. The price we pay for ignoring them goes beyond the loss of life and health our children suffer. Children who survive abuse often become violent adults, so we pay for their maltreatment in increased violent crime and law enforcement and prison costs. Maltreatment decreases children's ability to learn, so we pay in higher special education costs, strained school resources, and a workforce of diminished ability.

If nothing changes, Minnesota's child-protection system will be incapable of meeting the needs of children and their families--and children will continue to be abused and neglected.

Need 1: Prevention.

Minnesota does not focus on maltreatment prevention. Yet we are able to identify many children who are at risk from the day they are born--those whose parents need help from the start because of chemical abuse, low parenting abilities, and stressful economic circumstances. Getting help to these families before they become violent is critical to relieving pressure in the system.

Funding Priorities in 1990:

- Add family-planning funding for targeting supportive services to groups at risk for unplanned pregnancies and for abuse--without eliminating funding for mainstream efforts. Tie family planning to anti-drug funding. (One dissent)
- Provide for a statewide, centralized, toll-free, 24-hour helpline for the purpose of providing assistance in resolving parenting crises, preventing child abuse and promoting healthy family relationships. (One dissent)
- Increase funding for self-help support programs for parents, such as Parents Anonymous. (One dissent)

Further Recommendations:

- Provide tax incentives or credits on a phase-out basis for employers who don't have employee assistance plans, thus enabling them to offer prenatal care and parenting education classes.
- Require the Dept. of Administration to develop worksite curricula for government employees to educate them in parenting and home-management skills, non-violent discipline measures, and child development and behavior. Request that Parents Anonymous provide guidance on referring at-risk parents to additional services.

- Encourage Early Childhood Family Education programs to recruit and provide transportation to families at risk for child abuse to better reflect the demographics of their school districts.

For Funding in 1991:

- Provide group "independent-living" homes for minor mothers as an alternative to living in isolation or in a stressful family environment.
- Establish a Legislative Commission on Children in 1991 to coordinate activities among the Judiciary, Health and Human Services, Education and Appropriations committees on issues affecting child welfare. Examples of issues to be studied by the Commission include:
 - setting weighted caseload maximums for child-protection workers;
 - the coordination of federal, state, and county funding and its effects on child protection (with the assistance of the Legislative Audit Commission);
 - solutions to the statewide shortage of foster care families;
 - lack of minority representation among professionals in the child-protection system and resulting concerns about ethnic insensitivity.

(One dissent)

Need 2: Early intervention.

Children in danger too often don't get help even when their maltreatment is reported, unless their circumstances are considered life-threatening. The result is that families most likely to benefit from early intervention don't get it until it's too late for the children, the parents and the system.

Funding Priorities for 1990:

- Provide permanent state funding for increased home-based child-protection services to ensure that such programs will continue when federal funding ends in July, 1991.
- Fund school social workers and guidance counselors in the school system for the purpose of early intervention in child-protection cases before court involvement. Require that such workers be in communication with the child-protection agency while maintaining confidentiality in the school system and community.

Further Recommendations:

- Encourage the channeling of federal drug-prevention funds to purchase elementary-school self-esteem courses and maltreatment-awareness curricula. Request that the Dept. of Education promote the use of such curricula in schools.
- Aggressively recruit existing minority agencies and community groups to provide services.
- Revise the "faith-healing" exceptions in the Child Abuse Reporting Act and criminal neglect statute to require parents who use prayer as a means of medical treatment to also seek traditional medical care.

- Require all counties to have child-maltreatment teams for sharing information, composed of all the professionals who have contact with a child, including a physician, psychologist, and attorney to oversee case management.

Need 3: Training and education.

Professional preparedness to protect children is inadequate and has not kept up with changing demographics. Sensitivity to ethnic and cultural differences is a crucial component in creating a responsive and effective system.

Recommendations:

- Require relevant and appropriate ongoing training for child protection workers. Require that child-protection workers be trained to recognize cases in which one of the parents is a victim of domestic abuse and to refer the abused parent to appropriate legal and emergency services. Require that any caseplan for the family coordinate services for the child(ren) with services for the abused parent.
- Require maltreatment recognition training as part of the state Board of Medical Examiners licensure renewal process for physicians who work with children.
- Increase child-development/child-protection class offerings in the Minnesota higher education system and encourage a state university to offer a degree in Child Welfare.
- Encourage local municipalities to train law-enforcement and child-protection personnel together and to pursue "cooperation in development" of these human resources, as statute requires. Encourage municipalities to fund a juvenile specialist as liaison between child-protection staff and local law enforcement.
- Recruit and provide incentives to minority students to obtain degrees in social work. Use non-degreed paraprofessionals--with special attention to recruit minorities--as part of child-protection teams, together with educational opportunities to obtain social work degrees.

Need 4: Child-centered focus in the courts.

The court process currently reflects the needs and schedules of adults, not the best interests of children.

Recommendations:

- Articulate that the "child's best interest" is paramount.
- Require that before granting a continuance, the court make specific findings that a continuance would be in the best interest of the child.
- Define mental injury as maltreatment in the Child Abuse Reporting Act.

- Permit removal of judges in alleged child-maltreatment cases only for cause.
- Develop and enforce minimum standards with respect to guardian-ad-litem training, supervision and performance. Allocate resources to support GAL programs and to ensure that a GAL can be appointed in every appropriate case. (Fund in 1991)
- Increase the penalty for making a false report of child abuse to influence a custody proceeding from a misdemeanor to a gross misdemeanor.
- Increase the penalty for malicious child punishment resulting in great bodily harm.
- Amend assault law to make it a felony to inflict injuries that may be less than substantial but that demonstrate a pattern of abuse.
- Create a presumption, following a finding of child maltreatment, favoring removal of children from parents who (1) have failed in chemical-abuse treatment twice and continue to test positive for drug use, or who have refused treatment, or (2) have had parental rights to another child involuntarily terminated as a result of a maltreatment finding.
- Add to the definition of CHIPS (children in need of protective services) "children whose parents have had their parental rights to other children terminated."
- Amend the juvenile code to provide that the killing of one child is grounds for termination of parental rights with regard to other children.
- Encourage that CHIPS and parental rights termination processes not be placed "on hold" during the time a parent is incarcerated.

Need 5: Data practices clarification.

Data practices laws are confusing and often misinterpreted, and at times information is not transferred or retained properly. Confusion about the laws too often prevents communication among the professionals most able to help children.

Funding Priorities for 1990:

- Request that the Attorney General's office, in consultation with a multidisciplinary team, clarify data practices issues as they relate to child protection. Their tasks would include:
 - Providing plain-language interpretation of existing laws and recommending needed changes to the Legislature with regard to ambiguities and inconsistencies in the law. In particular review differences between the way social services agencies and law enforcement handle child abuse data.
 - Creating a statewide, standard child-maltreatment report form.
 - Exploring whether to define false and unfounded reports in statute.
 - Providing a standard form statement of the "Tennessee Warning," tailored for child-protection purposes.

- Provide in a bonding bill a means by which child protection departments could purchase computers to reduce paperwork and allow for better tracking of cases. Provide that domestic violence data would be tracked along with child maltreatment data.

Other Recommendations:

- Amend Minnesota Statute 260.171 to change the requirement that an officer who takes a child into emergency custody immediately inform the parents of the time, date and place of the detention hearing. Instead, require that an officer inform the parents of this information as soon as it becomes available.
- Include data on endangered children in the Bureau of Criminal Apprehension's state criminal justice computer information system to facilitate emergency protective holds by law enforcement agencies.
- Create an avenue for sharing data with other states on alleged abuse.

Funding Priority for 1991:

- Establish a state register for counties to exchange information about child protection and domestic abuse cases. (One dissent)

Need 6: Stability and safety in shelters.

Minnesota's ultimate goal should be to prevent children's removal from the home by helping troubled families early on with home-based services. For families so troubled that children are endangered by remaining in the home, our system currently relies on out-of-home shelters. Children who are removed from their homes are given little in the way of stability and predictability, moved as they are among various homes and "drifting" in the shelter system for extended periods while awaiting a permanent solution.

Funding Priority in 1990:

- Adapt Rule 40 procedures (governing the use of aversive and deprivation techniques) for Rule-5 facilities and appropriate funds to have them monitored.

Other Recommendations:

- Encourage child-protection workers or law-enforcement officers to allow a child to stay with relatives instead of in an emergency shelter, if the child must be removed from the home and if such a placement is in the best interests of the child.
- Amend 260.161 to allow a juvenile background check on children of foster parents.
- Encourage professionals to exercise their authority, whenever feasible, to remove abusive parents—rather than children—from a troubled home as is provided in current statute.
- Provide subsidies or tax incentives to foster families whose only barrier to adoption is financial.

Funding Priority for 1991

- Create permanent group foster homes for "unadoptable" children who cannot live at home, and legally recognize "long-term substitute care" as an option to give children a home when termination of parental rights cannot or should not be accomplished.

Need 7: Treatment.

Helping maltreated children and their abusers to recover from patterns of family violence is actually a brand of prevention. Yet the importance of therapy services to these populations is largely underestimated, and the services underfunded.

Funding Priority for 1990:

- Make funding available to chemical-dependency treatment programs that wish to provide a childcare option to their clients. In 1991, in require that they provide it. (One dissent)

Other Recommendations:

- Amend the distribution of the Consolidated Fund to provide for family counseling and support services, such as psychological evaluations and case-management services, in culture- and language-specific chemical-dependency treatment environments.
- Coordinate therapy services with the special treatment needs of juvenile prostitutes.

Funding Priorities for 1991:

- Increase chemical-dependency treatment programs for pregnant women.
- Provide special treatment services for adult survivors of abuse. (One dissent)
- Require that the State of Minnesota's employee assistance/insurance plan cover treatment costs for child maltreatment. (Two dissents)

Need 8: New sources of revenue.

The child protection system is vastly underfunded, in part because of its reliance on property taxes and in part because of our failure as a state to make it a priority.

Priorities for 1990:

- Designate a percentage of a new excise tax on alcoholic beverages to be spent on child protection. (One dissent)

- Request that the Legislative Audit Commission examine county child-protection budgeting. Provide that the LAC's findings be reviewed by the Legislative Commission on Children. (One dissent)
- Designate a percentage of the drug forfeiture distribution to fund prevention and treatment of child maltreatment. (Two dissent)

Further Recommendations:

- Eliminate child protection from County Social Services Act funding and give it its own funding source.
- Designate part of the "grass tax" to fund prevention and treatment of child maltreatment.
- Devise a method of funding for 1991 child-protection services that will require the Legislature to match any new money spent on child protection-related intervention equally with funding for prevention and treatment.

Need 9: Community Cooperation.

Neither Minnesota's professional workers nor its communities can alone address the needs of violent families. All Minnesotans must recognize their responsibility to prevent and respond to child maltreatment, and must insist that it become a funded priority to give children permanent, safe homes with adults who can care for them.

- Stress the use of minority-operated and minority-sensitive service providers.