

IN THE MATTER OF THE ADOPTION OF
12 MCAR 2.2045 STATE GOAL FOR
NUMBER OF CHILDREN IN FOSTER CARE

STATEMENT OF NEED AND
REASONABLENESS

This goal statement is necessary so that the State Agency can comply with the requirements of M.S. 257.071, subd. 5 (Chapter 553 of the 1982 Session Laws) and Public Law 96-272, sec. 427 and sec. 471 (14) which requires the state to have a goal for the number of children who will remain in foster care over 24 months.

During the state fiscal year 1982, there was a total of 17,300 child placements. Of this total, 2,877 placements were funded under Title IV-E of the Social Security Act. Based on the state-wide inventory of children in substitute care conducted in October, 1981, approximately 40% of all children in placement had been in care for 24 months or longer. Applying this same percentage to the Title IV-E population (40% of 2,877 children), approximately 1,151 children have been in placement 24 months or longer. This number of 1,151 could be further reduced by a count of the number of these children who may be in permanent foster care as a result of a judicial determination that permanent foster care is the best plan for the child. For example, state wards over the age of 14 who have chosen not to be adopted would be in permanent foster care and a significant number of mentally retarded children who are currently placed in community facilities and foster homes and for whom their placement goal is one of permanent foster care would not be impacted by this goal of reducing out-of-home placements. In a two year period, 1979-81, the local agencies were able to reduce the number of placements by +900. The agencies have been developing successful programs to help children remain in their own homes through the provision of preplacement preventive services. For those children already in foster care, the agencies have developed a program of family reunification services which help to reunite the family at the earliest possible time. We anticipate a reduction in out-of-home placements by another 500 during fiscal year 1983 as a result of these locally based programs. For these reasons and based on the data provided, the goal as stated in this rule is both reasonable and achievable.

Although there is no federal fiscal sanction if the state is unable to achieve this goal, there is a sizeable fiscal sanction if we fail to establish the goal. This fiscal sanction could be as great as the total amount of the state's Title IV-B allotment (+\$2 million).

Originally this goal statement was made a part of the proposed amendments to 12 MCAR 2.204, Foster Care Service. It is now clear to the Department that the amendment of Rule 204 will be delayed beyond the time frame allowed in P.L. 96-272 to establish the required goal statement. For this reason the Department has elected to propose this non-controversial rule and utilize the expedited rule-making procedure.

Quint E. Lewis

COMMISSIONER
DEPARTMENT OF PUBLIC WELFARE

12-8-82

DATE