



Out-of-home Placements

Public Policy Brief

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The placement of children outside of their homes is a tremendously complex issue that spans multiple child and family needs, numerous service delivery systems, and a wide array of public policies and family laws. Placing children outside of their homes touches many unsettled public policy issues, while affecting people at many levels. It almost never involves a simple situation. In addition, the issue holds an emotional charge for a lot of people for a variety of reasons. This brief has been written to offer an overview of some of the policies, laws and issues, along with relevant data and research findings to inform decision making.

What is an "Out-of-home Placement"?

Out-of-home placements can affect families across the entire spectrum of the population.

In general, out-of-home placement refers to situations where children under the age of eighteen are removed from their homes and placed in another setting for a period of time. The time span varies widely, from a night in detention or emergency shelter care, to years in treatment facilities or foster care. In the most extreme cases, the legal rights of the parents are terminated and a new, permanent home must be found. Finding permanent homes presents an enormous challenge.

The range of out-of-home placement options includes group homes, foster homes, detention centers, kinship care (with relatives), mental health facilities, correctional facilities, specialized foster homes, and developmental treatment facilities. Key issues include: why, how and when children should be removed; what should be done to meet their needs once they are removed; and how to work toward reuniting them with their families or to seek new places for them to live.

Ideally, everyone wants to prevent the removal of children from their homes. At the same time, no one wants to see children left in unsuitable or hurtful environments. Children deserve to thrive and have their physical and psychological needs met, to be nurtured, loved, educated and supported.

Why are Kids Placed Outside of Their Homes?

"Data reinforce the need for educational and prevention programs that might increase the assets of youth and families at risk for out-of-home placement."²

Children are typically placed outside of their homes because of their needs or the needs of their parents. These needs might be psychological, physical, behavioral or substance abuse related. In the Minnesota human services system, roughly half of children are in placement due to abuse or neglect, parents' death, illness, disability, abandonment, incarceration, substance abuse, temporary absence, inability to cope or termination of parents' rights. The other approximate half of placements result from the child's own physical or mental disabilities or behavior.¹ In the juvenile corrections system, the vast majority are placed as a result of the child's actions or behavior.

Some of our society's most pressing problems, such as alcohol and drug abuse, family violence, poverty, and failed personal relationships are major contributing factors to families not succeeding and, ultimately, to children being placed outside of their homes.

Placement options vary tremendously throughout the state. Often, children are placed out of their homes, or stay in temporary placement longer than would otherwise be necessary because other options are not available. "Community-based services" or "in-home services" refer to the array of services that support children and families so they are able to stay together in their own homes. If these services are available at a scope and level that meets the needs of the child/family, it is almost always considered the preferred option. The lack of these services at an appropriate level and degree contributes to the use of out-of-home placement.

Which Kids are Placed in Out-of-home Placement?

"We found a dramatic difference in rates of child placement among various racial and ethnic groups." ¹

Minnesota children who are placed out of their homes span the age, gender, racial, ethnic and socio-economic population. However, statistics shed light on the disparities that exist in this system. Data indicate there is a significant over representation of children of color in the placement system. Over a third of children in placement are African American or American Indian, yet these groups only constitute 6% of Minnesota children.¹ "African American and American Indian children in Minnesota are more likely to be placed out of their homes--seven times and six times respectively--compared to their white counterparts."³ A supervisor at the Minnesota Department of Human Services observed, "African American families are more likely than white families to be treated with interventions that are very aggressive: with court and with placement. White families are more likely to be treated with counseling and with in-home services."⁴ The age range of children who are placed spans from birth to age eighteen. Boys slightly outnumber girls.¹

Who Decides? Who Pays? Who's Responsible?

"Between 1985 and 1996, total (Minnesota) spending for out-of-home placements increased 160% from \$63 million to \$164 million." ⁶

The majority of placements are made by a court order, although these children typically are being served by the county social services or corrections departments.⁵ Minnesota law allows for "juvenile treatment screening teams" (MN Stat. 260.152) to review the situation of those children who are recommended for placement. It is unclear whether or not these teams really improve the situation, yet the fact remains that many counties do not have these teams.⁵

When the county court orders a placement, payment often becomes the responsibility of county social services, even if they have not been involved in the case or are not recommending out-of-home placement. In some cases, a percent of placement costs may be covered by federal and/or state funding, or by parents, but often costs come solely out of the local social services budget. In general--and this varies across the state--county revenues pay for approximately 59% of placement costs, federal revenues pay for 20% and state and other revenues cover the remaining.³

During 2000, close to 19,000 Minnesota children were placed in out-of-home placements through Human Services and over 22,000 were placed through the Juvenile Corrections.^{1,7,8} With costs for their care and treatment rising as dramatically as 160% in a decade, the issue of funding is critical.⁶

What is the Expected Result of an Out-Of-Home Placement?

"There is not consolidated, reliable, statewide data available on out-of-home placements such that meaningful public policy can be promulgated"³

In 1998, approximately 81% of children who were placed were ultimately reunited with their birth parents or placed in permanent kinship care.¹ Yet, we don't know whether or not their living situations improved, or what outcomes were achieved. Across the board, the outcomes that can be expected from an out-of-home placement are not clearly defined. There are no requirements for facilities or foster families to track outcomes.¹ Even on the front end, assessments and case plans are often lacking. Child protection workers with large caseloads often use similar case plans for all families, rather than developing truly personalized case plans that include desired outcomes tailored to the specific needs of each family.

From a public policy perspective, one of the greatest failures of the out-of-home placement situation is that while millions of dollars are spent every year on placements and the lives of thousands of people are deeply affected, the results for the child and family remain largely unknown.² This leaves policy makers guessing about which types of placements work best for which types of child/family needs and what results are achieved for the dollars spent. Are families better off? Are children better off? What options might have better results? A Minnesota Legislative Auditor's report on juvenile placements states, "The taxpayers of MN, the families involved, the placing agencies, the courts and all other stakeholders, including the facilities themselves, should have a sense of whether or not a particular program is working for individual juveniles or certain types of juveniles."² This issue is made more complex, however, by the need to protect individual and family confidentiality and by data privacy laws.

A closely related issue is determining "completion" of an out-of-home placement. When specific desired outcomes are not stated, a lack of clarity results about when a placement is finished. It is believed that many children stay in placement longer than necessary--or not long enough--because no one has defined what criteria should be used to determine when the purpose of the placement has been fully addressed.

Laws that Guide Out-of-Home Placement Policies

"The public policy of this state is to assure that all children live in families that offer safe, permanent relationships with nurturing parents or caretakers."

- MN Family Preservation Act

The "pendulum has swung" back and forth a number of times on how to address the range of issues regarding out-of-home placements. How, where, and when to place children to best meet their needs is at the heart of the policy debate. A considerable number of state and federal laws have been passed in an effort to create sound public policy around out-of-home placement. Examples include:

- ***The federal Indian Child Welfare Act of 1978*** was passed into law in an effort to stop the "...alarming high percentage of Indian families broken up by the removal, often unwarranted, of their children by nontribal public and private agencies."⁹
- ***The Adoption Assistance and Child Welfare Act of 1980*** requires "permanency planning" which means that a plan for permanent placement of the child must be created and in place, even while the child is in temporary care. "Reasonable efforts" must be made to keep the child with or return the child to biological parents as soon as possible.
- ***The Adoptions and Safe Families Act of 1997*** was passed by Congress to address what were considered shortcomings of the Adoption Assistance and Child Welfare Act, and to encourage the adoption of children that continue to live in foster care after termination of their parent's rights. It requires timely permanency planning for children, including authorizing concurrent permanency planning, and states that the "reasonable efforts" to keep families together do not have to be made in cases of extreme abuse, neglect or other circumstances.
- ***The Minnesota Family Preservation Act of 1994*** requires that community based services be utilized before placements are considered. It also states that the over-arching policy of the State should be directed toward:
 - (1) preventing the unnecessary separation of children from their families, by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family if it is desirable and possible;
 - (2) restoring to their families children who have been removed, by continuing to provide services to the reunited child and family
 - (3) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and
 - (4) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

While the law attempts to spell out how to determine when families should be kept together and when restoration is not possible, this decision becomes a real balancing act of law, rule, clinical judgement and legal precedent. The resulting judgement presents one of the immense challenges and debates of this policy issue.

Recommendations from Recent Research

At the policy making level,

- Evaluations should be completed regarding the effectiveness of various types of placements for the varying needs of children.^{2,3, 5}
- Policy makers need high quality research data to assist in formulating solutions to complex problems. Accurate research and data systems must be developed and maintained.^{3,5}
- Research identifies assets and protective factors that aid children and youth in their healthy development. Youth in placement tend to have lower asset scores, lacking many of those assets that are thought to have a positive influence on their development. Every effort must be made to strengthen assets with high quality, community-based programs and services.^{2,1}
- Children and youth of diverse racial and ethnic backgrounds who are living in families that are experiencing problems are at particular risk of out-of-home placement. Communities, government and private sector must work together to create effective systems of support.³
- In smaller counties, inter-county collaborations offer increased access to services, more service options and social service professionals and a generally higher quality of services.²

At the community level,

- Communities need a broader base of high quality treatment options, including additional community based-services, that offer effective alternatives to out-of-home placement.⁵
- Mental Health professionals must be available in all urban and rural parts of the state, creating a network of culturally appropriate professional providers to *all* Minnesotans.^{3,4,5}
- Prevention and early intervention educational services make a positive difference on outcomes for youth and should be further developed.^{2,9,10}
- The service delivery system needs to be further integrated at the administrative and operational levels, resulting in coordinated, timely care and support for all families.^{2,5}

At the level of higher education,

- Direct service workers need current, state-of-the-art research results to continually enhance their competence and support their decision making on a day-to-day basis.^{3,5}
- College and university curricula must incorporate current practices regarding service integration, preparing students to work collaboratively with families and professionals in other disciplines.^{2,5}
- All students must be educated about cultures that are different from their own. Students in the helping professions must also develop skills to work with people from all cultures.¹¹

At the judicial--and placement decision--level,

- Further explanation is needed to determine *why* youth of color are over-represented in the placement system, and adequate and effective responses must be made.^{3,4}
- Clear outcomes should be defined, regularly monitored and reported for every court ordered placement.^{3,5}

At the family level,

- Work to improve the assets of children and families in order to reduce the likelihood of out-of-home placement.²
- Attachment to a consistent, loving care-giver is fundamental to healthy child development.¹²
- Help families seek out appropriate community and professional resources. Waiting until problems become unbearable can lead to more difficult resolutions.¹¹

At the service delivery level,

- Professionals who work with families must be culturally capable. Training alone is not enough--on-going support and information regarding all cultures must be available.⁴
- Generalizations about various cultures are not the type of information that is needed.¹¹
- Thorough assessments, including psychological and drug/alcohol evaluations, should be used in a developing personalized case plans that include desired outcomes and are tailored to the specific needs of each family.^{3,4,5}

Footnotes:

- 1 Department of Human Services Fact Sheet, Foster Care and Out-of-Home Placement in Minnesota. <http://www.dhs.state.mn.us/newsroom/facts/fosterca.htm>, 2001.
- 2 Center for Rural Sociology and Community Analysis, University of Minnesota, Out-of-Home Placement: Assessing the Needs and Assets of Children. 1998.
- 3 Commissioners of MN Depts. of Corrections and Human Services, Juvenile Out-of-Home Placement Task Force Report. January, 2001.
- 4 Proceedings of the Gamble-Skogmo Lecture and Issues Forum, Breaking the Silence: A Candid Discussion on the Disproportionality of African American Children in Out-of-home placement. November, 2000.
- 5 Office of the Legislative Auditor, State of Minnesota, Juvenile Out-of-Home Placement. January, 1999.
- 6 Center for Advanced Studies in Child Welfare, School of Social Work, University of Minnesota, Website. Overview of Funding Sources and Trends. http://sww.chc.umn.edu/cascw/Jefferies/funding_overview.htm.
- 7 Minnesota Department of Corrections, Inspection and Enforcement Unit, Juvenile Facility Data Survey.
- 8 These numbers may contain some duplicated counts, and in Corrections may represent some undercounting due to missing numbers.
- 9 Pub.L. No. 95-608, 92 Stat. 3069, Indian Child Welfare Act of 1978.
- 10 U.S. Department of Health and Human Services. Mental Health: A Report of the Surgeon General. Rockville, MD, 1999.
- 11 University of MN faculty advisory groups; mental health and out-of-home placements. Children, Youth and Family Consortium, 2001. Contact CYFC for individual names of faculty and staff.
- 12 National Academy of Sciences, From Neurons to Neighborhoods: The Science of Early Child Development. 2000.

For additional information, contact the Children, Youth and Family Consortium at (612)625-7849.

For links to on-line studies and resources, visit the Consortium's out-of home placements website at:

<http://www.cyfc.umn.edu/policy/issues/placement.html>