

# Child Protection Removals and Reunifications

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LEGISLATIVE AUDITOR



## Key Findings

- Minnesota's child protection system is very decentralized
- Most child removals begin with emergency law enforcement holds, but training and expectations vary
- "Reasonable efforts" to prevent removals vary
- Judicial Branch performance measures are limited
- Plans provided to parents can be difficult to understand

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State of Minnesota  
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## Outline

- **Background**
- Decentralized System
- Law Enforcement Holds
- Efforts to Prevent Removals
- Placements and Reunifications

## Minnesota's Child Protection Goals

- **Protect children's safety**  
"The paramount consideration in all juvenile protection proceedings is the health, safety, and best interests of the child."  
*Minn. Stat. 2023, 260C.001, subd. 2(a).*
- **Keep families together**  
"The purpose of the laws...is...to preserve and strengthen the child's family ties whenever possible and in the child's best interests."  
*Minn. Stat. 2023, 260C.001, subd. 2(b).*
- **Balancing these priorities can be difficult**

## Child Protection Has Many Components

### Different Circumstances

Children at risk from parents

Children at risk outside the home

Children who pose a danger to others

Children who run away

Children who are truant

### Different Responsibilities

Screening reports

Assessments and investigations

Education and outreach

Family services and prevention

Removing children from homes and returning them when possible

Foster care

## Authority to Remove a Child

- Child protection agencies do not have independent authority to remove a child from the home
- Child removal can only be authorized by:
  - Law enforcement (72-hour emergency hold)
  - Courts
  - Parents
- Courts must authorize any long-term placement of a child out of the parents' custody

## Three Paths After an Emergency Hold



## Placements

- Once a court has ordered an out-of-home placement, the child enters long-term foster care
- Only the court can determine how the placement ends

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## Decentralization

- Minnesota provides child protection services at the county level
- Local officials and individual courts have substantial discretion
- Some services—particularly law enforcement activities—are provided at the city level

## Many Entities Have Child Protection Roles

- Attorneys for parents and children
- County attorneys and tribal attorneys
- County child protection agencies
- District courts and tribal courts
- Guardians ad litem
- Law enforcement agencies
- Minnesota Department of Human Services (DHS)
- Tribal representatives

## Fragmented Oversight

- DHS and the federal Children’s Bureau primarily review system-level outcomes, not individual cases
- Courts review individual cases, but only those that advance to a court hearing
- No outside agency reviews or assesses law enforcement actions related to child protection

## Recent Trends

- Just over 6,000 children removed from homes in 2019
- Most common reasons: caretaker drug abuse (26%) and alleged neglect (23%)
- American Indian and African American children more likely than other children to be removed from home
- Law enforcement emergency holds are the most frequent form of removal

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## Law Enforcement Emergency Holds

Some localities use far more holds than others

Percent of removals beginning with holds	Child protection agencies
More than 80%	12
60 - 80%	31
40 - 60%	24
Less than 40%	11

## Outcomes Following Holds Vary

County	Percent of emergency holds with no further out-of-home placement
Beltrami	<1%
Clay	12
Ramsey	21
Washington	38
<b>Minnesota</b>	<b>13%</b>

## Limited Data and Training

- No data available on the use of holds by specific law enforcement agencies
- No ongoing training requirements for law enforcement

## Recommendations

- DHS should track which law enforcement agencies place emergency holds
- DHS should convene a working group to make recommendations to the Legislature on law enforcement training

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## Required Efforts to Prevent Removals

- Under state and federal law, agencies must make “reasonable efforts” to avoid removals
- Statutes do not clearly define how child protection agencies should demonstrate reasonable efforts
- A higher, more well-defined standard, “active efforts,” applies for American Indian children

## Prevention Efforts Vary

- The prevention services provided to families before a child's removal from the home varied widely
- Courts accepted many different actions and levels of activity as "reasonable efforts"
- Some court orders found that reasonable efforts occurred without explaining what they were

## Federal Initiative

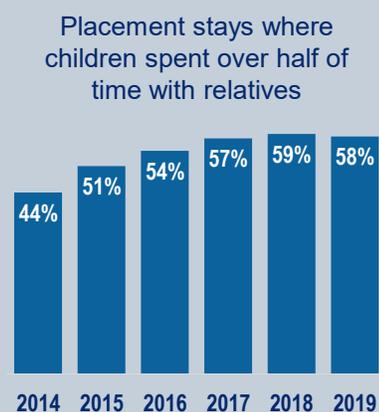
- The 2018 Family First Prevention Services Act mandates states meet new requirements regarding prevention services
- In response, both DHS and the Judicial Branch have taken additional steps to address prevention efforts
- We encourage both DHS and the Judicial Branch to continue addressing prevention

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## Placement Data

- Within two years of most removals, children were reunified with a parent or placed long-term with relatives
- Out-of-home placements with relatives increased between 2014 and 2019
- Increase in relative placements was largest for African American and Hispanic children



## Court Performance Measures

- Judicial branch performance measures related to child protection all involve time deadlines
- However, courts have responsibilities other than timely processing of cases

**Recommendation:** The Judicial Branch should consider adding other performance measures

## Parent Information

- Our review of cases suggested out-of-home-placement plans are lengthy and complex
- Parents may have difficulty understanding what is required to pursue reunification

**Recommendation:** The Legislature should require child protection agencies to provide parents with short, easy-to-understand summary documents

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