

Relative Search

Requirements and Best Practices
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Quarterly Supervisor's Forum
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Introduction and Purpose

- Overview
 - First placement consideration
 - 2004 State Legislature amends Relative Search Statute 260C.212 subdivision 5
 - Minnesota Children and Family Service Review Findings
 - Federal Children and Family Service Review Findings
 - 75% of children placed in family foster care settings are with adults they are not related to nor had a relationship with prior to out of home placement

Supervisor's Role in Supporting Relative Search

- Things to Consider:
 - What factors may be impacting your staff's ability to conduct a comprehensive relative search?
 - What assessment process is your staff using to make placement decisions? What are the reasons for not placing with relatives?
 - Is your staff documenting their relative search efforts?
 - How do you provide quality assurance in this practice area?

A Primary Factor

- Social worker's attitudes, beliefs and own experience with their family.
 - For example, if a social worker places a high value on children being raised within their family system, they will be determined to find a relative that can care for the child safely and meet the child's needs.
 - Does the worker complain that the family wasn't involved before so now why all of a sudden do they seem to care? The circumstances may have changed dramatically. The child is no longer being cared for by the parent or relative and has been placed in the child protection system. We do not know the dynamics of that family and may come to know later that their distance from the child's parents was healthy. The social worker may come to understand this as a family strength.
 - Don't penalize relatives who have not been involved in the day to day life of the children. The absence of a close relationship may be considered with all of the other factors in determining a placement decision but should not be the sole reason for not placing with a relative. The only family you are an expert on is your own.

Supervisor's

- Pay attention to how worker respond to relatives and working with relatives.
- Is this an area of their work that brings them the most stress?
- Is this one of the areas that you hear the most complaining and concerns about?
- Or, do they express satisfaction in this area of their work?
- What is the content of your conversations with your staff? Are the fact based or opinions, subjective. Safety concerns based on facts or hearsay?
- If subjective, can they articulate their assessment process and basis for their opinions. How is the worker verifying the information they are receiving? Both negative and positive about the relatives.
- What is the worker's main goal? To rule the relative in or out.
- How is the worker expressing respect towards the family members?
- Is the worker spending more time with the nonrelated foster parents that with searching for relatives or finding ways to support the relative so they can care for the child?

Engaging Relatives

- Working with relatives is not the same as working with nonrelated licensed foster parents.
- Relatives have different expectations of the agency than nonrelated foster parents. Grandparents, aunts, uncles and cousins should have a different perspective than the professionals, foster parents or agency staff.
- Look for areas the agency has in common with relative caregivers.

Working Cross Culturally

- Is your staff working cross culturally with a family?
- What does your worker know about the family's culture? Are they applying their own culture onto the family without realizing it? This can lead to significant misunderstandings and could lead to the family being ruled out.
- Who is the worker consulting with to assist them in their understanding of the family's culture?
- Who has the worker invited to participate on the team? Have they included people who are from the same culture as the family? Or, does the family's culture continue to be in the minority?

ICWA

- Each reservation has their own traditions of child rearing and relative care
- Defer to the tribe
- Make active efforts to place and support relatives

Children with Special Needs

- If a child has special needs, relatives can learn how to care for these needs just as well as nonrelated foster parents.
- In home support that is given to nonrelated foster parents need to be given to relative caregivers.

Organizational Support for Relative Searches

- How does your agency support relative searches?
- How does your agency engage relatives?
- How does your agency support relatives?
- What priority/value does your agency place on children being raised by their family?

Agency Responsibility

- Conducting a relative search
- Documenting agency efforts
- Working with tribal social services
- Notifying relatives
- Informing the court

Minnesota Relative Search Statute
260C. 212 subdivision 5

www.revisor.leg.state.mn.us

- Responsible social services agency must consider placement with a relative **without delay**
- Responsible social services shall identify relatives and notify them of need for foster care placement – temporary and/or permanent

- Relative search shall be reasonable and **comprehensive** in scope and
- May last up to six months or until a fit and willing relative is identified
- **Relative search shall include both maternal and paternal relatives of the child, if paternity is adjudicated**

- **Decision by a relative not to be a placement resource at the beginning shall not affect whether the relative is considered for placement later**
- If parent refuses to provide information, the agency shall ask the juvenile court to order the parent to provide the necessary information.

- However, if a parent makes an explicit request that the agency not contact relatives, the agency shall bring this request to the court to determine if this is in the child's best interests
- Agency can ask court to modify the requirements of the relative search or
- Ask the court to completely relieve the agency of relative search efforts

Notification to Relatives of Permanency Hearing and TPR

- When the agency determines it is necessary to prepare for the permanent placement hearing or in anticipation of filing a termination of parental rights petition or unless required under ICWA or agency has been relieved of this duty
- The agency shall send notices to
 - Relatives
 - Any adult with whom the child is currently residing
 - Any adults with whom the child has resided for one year or longer in the past, and
 - Any adults who have maintained a relationship or exercised visitation with the child as identified in the agency case plan

- The notice must state that within 30 days of receipt of the notice an individual receiving the notice must indicate to the agency their interest in providing a permanent home or they may lose the opportunity to be considered for permanent placement for the child
- Relatives must be informed when they are first contacted that they must keep the agency informed of their current address in order to receive future notices about the child.

• DHS shall develop a best practices guide and specialized staff training to assist the responsible social services agency in performing and complying with the relative search requirements under this subdivision

Benefits of Relative Kinship Care

- Family preservation
 - Placement with relatives results in timely reunification
 - More frequent contact with parents
 - Placement stability
 - Child's relationships and connections preserved
- Family system maintains their role as the primary provider of care for their children
 - Day to day decisions continue to be made by adults the child already understands to be their family
 - Child continues to participate in family life such as holiday celebrations, traditions, reunions, outings, births and deaths of family members
- Reduces loss and trauma
 - Loss of parent is not compounded by loss of entire extended family

Placement Decisions Best Interest of Child
MS 260C.212 subdivision 2

- Consider placement with relatives and important friends in the following order:
 - With an individual who is related to the child by blood, marriage, or adoption; or
 - With an individual who is an important friend with whom the child has resided or had significant contact

- Factors the agency shall consider in determining the needs of the child:
 - child's current functioning and behaviors
 - Medical, educational and developmental needs
 - Child's history and past experience
 - Child's religious and cultural needs
 - Child's connection with a community, school and church
 - Child's interests and talents
 - Child's relationship to current caretakers, parents, siblings, and relatives and
 - Reasonable preference of the child

- Placement Decisions for American Indian Children**
- Indian Child Welfare Act of 1978
25 United States Code 1901 – 1963
 - Minnesota Indian Family Preservation Act 1985
Minnesota Statute 260.751 to 260.835
 - Tribal State Agreement 1998

ICWA

Congressional Declaration of Policy

"The Congress hereby declares that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs." 25 USC 1902

ICWA: Foster Care or Preadoptive Placements

Any child accepted for foster care or preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which his special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In any foster care or preadoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with –

- A member of the Indian child's extended family;
- A foster home licensed, approved, or specified by the Indian child's tribe;
- An Indian foster home licensed or approved by an authorized non-Indian licensing authority ; or
- An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs

25 USC 1915 (b)

Cultural Considerations

- Tradition of relative/kin caring for children is part of all cultural, racial and socioeconomic communities
- How kinship care is understood and carried out may vary from community to community and from one family to another
- Relatives who decline to care for children at the beginning may do so out of respect for the parents not because they are not interested or do not have the capacity to care for the children

Kinship care ... supports the transmission of a child's culture, ethnicity, and family identity and legacies, components vital to the child's psychological development and emotional integrity.
Sondra Jackson, Black Administrators in Child Welfare, Inc.
www.blackadministrators.org

When Parents Disagree Minnesota Rule 9560.0535 subp 2

- Agency must consider the request of a parent to not contact relatives or to not contact specific relatives
- Assessment is needed to determine if this is in the best interests of the child
 - Ask the parent about their concerns
 - Consider the individual circumstances
 - Child's and the parent's preferences and reasons;
 - If there are specific relatives the parent does not want contacted, are there other relatives who may be contacted;
 - Whether any relatives have offered to care for the child;
 - Whether placement with relatives would interfere with the parent's ability to follow a placement plan; and
 - In the case of an Indian child, the tribe's position on contacting the relatives.

- Consult
- If parent continues to object
 - Agency shall ask the court to order the parent to disclose necessary information if the parent refuses
 - Agency must notify court of parent's reasons for objection for the court to determine whether the parent's request is in the child's best interests
 - Agency must send each parent a copy of the notification to the court
 - Agency may not contact the child's relatives unless ordered to do so by the court
 - In the case of an Indian child, the agency must seek a relative placement unless the court has determined that there is good cause under ICWA, 25 USC, Chapter 21, Subchapter I, Section 1915, not to do so.
 - The preference of the Indian child, parent or custodian must be considered in accordance with ICWA.

Fathers

Children with involved fathers are significantly more likely to do well in school, have healthy self-esteem, exhibit empathy and pro-social behavior, and avoid high-risk behaviors such as drug use, truancy, and criminal activity compared to children who have uninvolved fathers.

National Fatherhood Initiative
www.fatherhood.org

We believe that government should recognize the unique and irreplaceable contributions of mothers and fathers to the lives of their children. Research has shown that mothers and fathers, on average, tend to parent differently in some important ways, offering their children unique skills and gifts. Thus, American family policy seeks to strengthen the bonds connecting fathers to their children, while also supporting the role of motherhood as an esteemed and respected institution in society.

Dr. Wade F. Horn, U. S. Department of Health and Human Services Assistant Secretary for Children and Families, December 6, 2004 Address to the United Nations

Parental Considerations: Noncustodial MS 260C.201 Subd 1

- When a child is in placement, the local social services agency (LSSA) shall make diligent efforts to identify, locate, and where appropriate, offer services to both parents of the child.
- If a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child, the LSSA may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child.
- If the parent is not an adjudicated parent, the LSSA shall require the nonadjudicated parent to cooperate with paternity establishment as part of a case plan.
- If, after the provision of services, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was removed, the agency may petition on behalf of a noncustodial parent to establish legal custody with that parent under MS 260C.201, subdivision 11. If paternity has not already been established, it may be established in the same proceeding.

Finding Fathers

- Talk with mothers, relatives, kin and others
- When appropriate talk with the child
- Consult and work with child's tribe
- Follow up on leads
- Document when agency efforts are not possible (i.e., parent is deceased)
- Document diligent efforts and consult with county attorney's office
- Use existing resources
 - Phone book/online directory No Fee
 - Child Support MAXIS search No Fee
 - SSIS SWNDX search No Fee
 - Father's Adoption Registry \$25 fee
 - www.health.state.mn.us/divs/chs/registry/top.htm
 - Internet people search organizations Costs vary
 - Court records No Fee
 - Social service records No Fee
 - Request birth certificate Minimal Fee

Engaging Fathers

- Assume that fathers want to be involved
- Assess fathers for their ability to parent based on how fathers parent not on how mothers parent
- Ask them what they need to successfully parent

Practice Recommendations

- Family-centered practice includes the mother and the father. Mothers are often the gatekeeper to the father, so mothers will need to hear and believe that children benefit from the involvement of their father.
 - Outreach programs are critical to engaging fathers.
 - In order for fathers to comply with case plans, they need services designed specifically to meet their needs.
 - Child welfare programs need to establish links with employment programs as employment is a predictor of an absent father's involvement with his children.
 - How a worker communicates with parents impacts the outcome of services provided. Workers need to use empowering and validating communication skills.
 - Attitudes, beliefs, and stereotypes about fathers need to be addressed.
 - Father's strengths should be identified and utilized in case planning.
- National Family Preservation Network, Fatherhood Training Curriculum, Funding provided by Annie E. Casey Foundation, 2001

Conducting a Relative Search

- Gather and document information
- Assess information
- Consult
- Make placement recommendation based on best interests of child
 - Document reasons why agency selected specific family
- Definition of Relative and Kin
 - MS 260C.007 Subd. 25 "Relative" means a person related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact. For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of law or custom, nieces, nephews, or first or second cousins, as provided in the ICWA of 1978, USC, Title 25, Section 1903.

When to Consider Relatives

- Consideration of relatives or kin as possible caregivers for a child in foster care shall be done every time the child enters foster care.
- Consideration of relatives or kin as possible caregivers needs to be done every time the child experiences a change in their placement during a continuous out of home placement episode to ensure that when it is appropriate for the child to be placed in a family setting that relatives are considered if they cannot return to their parents.
- Consideration of relatives and kin when the agency is no longer considering reunification as the permanency plan for the child
 - Transfer of permanent legal and physical custody
 - Adoption
 - Long term foster care when appropriate
 - Alternative permanency plan
- Consideration of relatives and kin at annual permanency hearings for children court ordered into long term foster care who are being raised by non relative foster parents

- Defining “without delay”
- Defining “reasonable” and “comprehensive”
- Reunification efforts can impact agency decision to not place with relatives
- Assessment of best interests
- Consideration of child’s individual needs
- Ruling in rather than ruling out
- Immediate and life long needs of children

- ### Tools
- Genogram
 - SSIS SWNDX
 - Child Support MAXIS
 - Phone book and online directory
 - Internet people search organizations
 - Court records
 - Social service records
 - Birth certificate
 - Family Group Decision Making
 - Team meetings
 - Supervisor consultation
 - County Attorney consultation
 - Tribal social services and tribal enrollment offices

- ### Resources
- Custodial parent or legal guardian
 - Child
 - Tribe
 - Relatives and kin
 - Other professionals that have been or are currently working with the family
 - Previous foster parents
 - Guardian ad litem

Relative Search Checklist

Name of child: _____
Date of out of home placement/TPR/Adoption/LTFC _____
Date agency began relative search/consideration _____

- Genogram
- Completed SSIS 41 or SSIS 44
- Sent notice to required parties
- Notified, involved and consulted with child's tribe
- Contacted immediate and extended maternal relatives
- Contacted immediate and extended paternal relatives
- Contacted child's kin
- Utilized family group decision making

Documentation

- SSIS 41 or SSIS 44
- Chronology in SSIS
 - Document conversations and meetings with parents, family members, child, tribal representative or others
- Letters to family and kin
- Notify court
- Notification to tribe of agency efforts

SSIS and Viewing Information

- Copying clients from another county using SWNDX
- http://www.dhs.state.mn.us/main/groups/county_access/documents/pub/dhs_id_029511.pdf
- Viewing information for clients in another county and PRISM information for a child in SWNDX
- http://www.dhs.state.mn.us/main/groups/county_access/documents/pub/ds_id_016359.pdf

Q and A

- Question: Does the relative search requirement apply to voluntary placements?
- Answer: Yes. The statute does not exclude children who are placed voluntarily.
- Question: When the county has a foster parent that is going to adopt, do we need to notify the relatives?
- Answer: Yes. The agency is required to notify relatives, any adult with whom the child is currently residing, any adult with whom the child has resided for one year or longer in the past, and any adults who have maintained a relationship or exercised visitation with the child as identified in the case plan of the permanency hearing or in anticipation of filing a termination of parental rights petition. Unless the agency asked the court to modify or relieve the agency of this requirement.
