Children’s Services

Single Benefit Package for Children in Out-of-Home Placements

Report to the 2002 Minnesota Legislature

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Minnesota Department of Human Services
MINNESOTA DEPARTMENT OF HUMAN SERVICES
REPORT
TO THE LEGISLATURE
ON THE
SINGLE BENEFIT PACKAGE
FOR CHILDREN
IN OUT-OF-HOME PLACEMENTS

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TABLE OF CONTENTS

Executive Summary ........................................................................................................................................... 4

I. Introduction .................................................................................................................................................. 6

II. Background ................................................................................................................................................ 6

A. Statement of the problem
B. Historical differences among the Foster Care, Adoption Assistance and Relative Custody Assistance Programs
C. A picture of children with special needs waiting for homes
D. Changing social work practice – Concurrent Permanency Planning
E. Program cost trends in Minnesota

III. The complex and disparate benefit structure of Foster Care, Adoption Assistance and Relative Custody Assistance ........................................................................................................... 12

IV. Key Issues and Findings ...................................................................................................................... 16

A. Establishing a single program system that follows the child and creates a continuum of care
B. Creating a single assessment tool for all children in the system
C. Shifting the benefit paradigm to reimbursement based on meeting the child’s needs
D. Creating a uniform menu of special benefits for all programs
E. Recognizing the importance of other non-financial support as an incentive toward permanency
F. Recognizing that use of a uniform assessment tool will reduce some county variation, but that disparities will continue to exist

V. Reform – Program Options and Their Projected Costs ......................................................................... 20

A. Comprehensive reform for existing and new beneficiaries
B. Offer new program to new entrants only
C. Freeze cost of living increases and apply to adoption assistance and relative custody assistance

VI. Reform – Funding Options and Impacts .............................................................................................. 22

A. Legislative appropriation
B. Reduce foster care rate
C. The impact of payor cost shifts under reform
VII. Recommendations ..........................................................................................24
Attachment I, Legislation ......................................................................................25
Attachment II, Committee members.....................................................................26
Attachment III, Survey of county foster care special benefits.............................28
EXECUTIVE SUMMARY

As required in Laws of Minnesota, First Special Session, chapter 9, the Minnesota Department of Human Services created a Single Benefit Package Advisory Committee to examine “the feasibility and cost of creating a single benefit package for all children removed from the care of a parent or guardian.” The committee met four times and was made up of a diverse cross-section of almost thirty members including child placing agencies, attorneys, legal custodians, policy experts, parents, and practitioners at the local, county and state level in Minnesota. The committee examined benefit and other disparities in the current system, and developed recommendations to create a single system that combines Foster Care, Adoption Assistance and Relative Custody Assistance Programs into one continuous and unified program of support for children.

The Problem
Due to historical, legislative, policy and attitudinal differences over time, Foster Care, Adoption Assistance and Relative Custody Assistance Programs have evolved as three fairly distinct programs with different benefit rates, assessment tools and supportive services. These differences have created a significant disincentive to adopting children with special needs and discourage permanency for children. Central to the problem is the disparity among the reimbursement rates for Foster Care, Adoption Assistance and Relative Custody Assistance Programs.

Children in the foster care system are eligible for government subsidized adoption assistance and relative custody assistance because they have special needs. Unlike private infant adoptions, these are often older children with intense psychological, physical and behavioral problems. Without government assistance, they are unlikely to be adopted. Increasingly, foster parents and relatives who already have a vested interest in the children are most likely candidates to adopt the children. Ironically, the very system designed to promote permanency is discouraging it. Facing the dramatic rate drop in adoption assistance and relative custody assistance, may foster parents and relatives who are lovingly motivated, cannot afford to adopt or transfer legal custody. So, the children remain in the foster care system. Six hundred fifty-seven children with special needs are ready and waiting to be adopted in the Minnesota child welfare system.

Key Findings
Over the course of the advisory committee meetings, the department and committee members identified key elements for a new single benefit package. These include:

- **Establishing a Single Program System.** A single program system that treats all children the same, irrespective of their legal status would eliminate the disincentive to permanency.
- **Creating a Single Assessment Tool.** All children should be evaluated the same way across programs.
- **Shifting the Benefit Paradigm.** A single benefit system must shift the focus away from calculating how much a caretaker is spending and toward a reimbursement package that ensures the adequate care of children and encourages permanency.
Creating a Uniform Menu of Special Benefits. Special benefits would be defined and uniform for all children. Reimbursement would be based on actual use.

Recognizing the Importance of Support. Non-financial supports are essential for adoptive parents and relative caretakers and play a significant role in the decision to adopt or transfer legal custody.

Recognizing That Disparities Will Continue to Exist. A single benefit package will not address the benefit disparities across counties influenced by county budgets and leadership but a uniform assessment tool could enhance consistency and reduce the level of subjectivity.

Options for Reform
The committee and the department identified three program models for a single benefit system.

Comprehensive Reform for Existing and New Beneficiaries. The comprehensive reform model creates a single program system with a single benefit rate (replacing the old maintenance and supplemental rates); a single assessment tool to evaluate all children; a uniform special benefits menu, and eliminates the means-test for relative custody assistance families. Total State costs for the comprehensive model are projected at $37.5 million in 2003; $46.6 million in 2004; and $57.8 million in 2005.

Offer New Program to New Entrants Only. As a means of reducing the overall cost of reform, this option offers the comprehensive model as a new program only to new foster care, adoption assistance, and relative custody assistance entrants into the system beginning in 2003 and on. Under this model, the department would continue to pay current benefit rates to adoption assistance and relative custody assistance beneficiaries. The state total costs of this option would be $3.7 million in 2003; $10.5 million in 2004; and $17.8 million in 2005.

Freeze Cost of Living Increases and Apply to Adoption Assistance and Relative Custody Assistance. Another option would be to freeze the cost of living adjustment for foster care and apply these funds to adoption assistance and relative custody assistance. This option maintains the three separate programs and offers no structural change. Assuming an annual two percent foster care cost of living adjustment increase, a freeze would make available $1.7 million in 2003; $3.5 million in 2004; and $5.3 million in 2005. If these funds were applied to increase the adoption assistance and relative custody assistance rates, it would take a number of years to eliminate the disparity between the programs.

Recommendations
The department recommends that the state move to a single system that combines the Foster Care, Adoption Assistance and Relative Custody Assistance Programs into one continuous and unified program of support for children. While comprehensive reform would be ideal, the department should continue to work with the legislature to further develop one program for new entrants and identify the resources needed to implement this reform. Public hearings would provide legislators and key stakeholders to opportunity to learn more about this issue. Due to state fiscal restraints and
comprehensive reform costs, the department recommends the creation of a new program for new entrants.

I. Introduction.

On September 11, 2001, the Minnesota Department of Human Services convened the first meeting of the Single Benefit Package Advisory Committee to examine “the feasibility and cost of creating a single benefit package for all children removed from the care of a parent or guardian.” Over the course of four meetings, the committee analyzed the policy impact of current benefit rate and other program disparities on children and families in the Foster Care, Adoption Assistance and Relative Custody Assistance Program. This report provides background information, principal findings on key underlying issues, a cost analysis, and recommendations on single benefit package reform.

As required in 2001 Laws of Minnesota, First Special Session, chapter 9 (See Attachment I), the committee was made up of a diverse cross-section of almost 30 members including child placing agencies, attorneys, legal custodians, policy experts, parents, and practitioners at the local, county and state level in Minnesota. (See Attachment II for a list of advisory committee members) In addition to the advisory committee meetings, the department held a special focus group for foster and adoptive parents, and individually contacted relatives in the relative custody assistance program to solicit additional perspectives and gain a better understanding of the impact of potential policy changes on parents.

II. Background.

A. Statement of the problem
The goal for every child unable to return home in the child welfare system is to be placed in a permanent home through adoption or placement with a relative. The Minnesota child welfare system serves children removed from their home through three programs - Foster Care, Adoption Assistance and Relative Custody Assistance. Due largely to historical, legislative, policy and attitudinal differences over time, these evolved as three fairly distinct programs with different assessment tools, supportive services and benefit rates. These differences in services and benefit rates create a significant disincentive to adopting children with special needs and thereby discourage permanency for children.

Central to the problem is the disparity among the reimbursement rates for the Foster Care, Adoption Assistance and Relative Custody Assistance Programs. A foster parent decision to adopt and provide permanency to a child can result in a benefit rate reduction (averaging 50 percent). In many cases, foster parents feel they cannot assume the lifetime responsibility for the complex needs of these children at the reduced adoption reimbursement rate. Advocates point out that the needs of a child do not change, just because the legal status of that child has changed. Indeed many caregivers question the

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1 Children for whom parental rights have been terminated are eligible for adoption. Children for whom parental rights have not been terminated remain in foster care, or transfer of legal custody is made to a relative.
basis for the benefit reduction when the diagnosis of their children with special needs and the consequent cost of caring for the child stays the same, or may in fact may increase, over time.

Many fear that children are staying in the foster care system out of financial necessity, despite foster parent/relative willingness to adopt them. Good social work practice and state and federal law make it clear that permanency is the goal for children in the system. For children with birth families beyond rehabilitation, adoption or relative care is their only opportunity for permanency. Increasingly, foster parents are a child’s best option for adoption. In a recent report, the Casey Family Programs National Center for Resource Family Support noted that “the reality is that foster parents, and not newly recruited adoptive parents, have come to serve as the most consistent and viable option for permanence for children in out-of- home care.2” The irony is that the financial structure of the Minnesota system may, in effect, be discouraging families from choosing adoption and providing permanency to children.

In comparison to other states, the Minnesota basic foster care rate is over 20 percent more than the national mean for foster care payment rates. On the opposite end of the spectrum, the Minnesota basic adoption assistance benefit rate ranks in the lowest quartile of States.3 By federal law, the adoption assistance payment rate must be less than or equal to the foster care rate. According to the North American Council on Adoptable Children,4 24 states have adoption subsidy rates that are equal to foster care rates. Minnesota is one of 16 states that reported a lower adoption assistance rate.

It is difficult to assess the exact impact of lower adoption assistance rates. According to the Child Welfare League of America, of all the children adopted out of the public system in Minnesota, 31.9 percent5 are adopted by their foster parents.6 Nationally, the average is significantly higher at 62 percent. While no analysis has been conducted to identify a causal effect between lower adoption benefit rates and the number of foster parents that choose to adopt, critics speculate that the rate structure may play a factor. In fact, Minnesota families have reported an inability to adopt children due to the fiscal and resource disparity between the programs. Significantly, in a recent Children and Families Services Review, the federal Department of Health and Human Services cited Minnesota as having a structure that potentially discourages permanency for children.

Six hundred fifty seven children are ready and waiting to be adopted in the Minnesota child welfare system. The state has terminated the parental rights of these children. They wait only for someone willing to accept them as a family member and assume responsibility for their lifetime care.

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4 Ibid.
5 This excludes cases where children are placed with a relative. It is unclear whether national statistics include relatives in their overall numbers of foster parent’s adopting.
B. Historical differences among the Foster Care, Adoption Assistance and Relative Custody Assistance Programs
As a result of differences in the timing of federal and state legislative changes, variation in program and policy development, and the impact of prevalent theories of social work practice, Minnesota has historically operated Foster Care, Adoption Assistance and Relative Custody Assistance as three fairly discrete programs. These differences are evident in program and policy guidance, assessment tools and most significantly in the widely ranging benefit rates and supportive services provided.

The Foster Care Program
The purpose of the Foster Care Program is to provide substitute family care for a child while an intensive effort is made to correct or improve the conditions causing placement and to reunite the family; or if the child cannot be returned home, to provide some other permanent plan. The vast majority of children do reunite with their families. In 2000, approximately 82 percent of children who left out-of-home care were reunited with their birth parents or found homes with relatives. For some children, however, the safest temporary placement is in a licensed foster care home. In the year 2000, 4,100 foster parents provided care to almost 11,500 children.7

The federal government and Minnesota counties share the cost of administering the Foster Care Program. Counties also collect fees from biological parents. For children that meet federal Title IV-E eligibility requirements of the Social Security Act, the Foster Care Program is an entitlement. Under the Foster Care Program, licensed families receive monthly maintenance and supplemental payments to cover the cost of care and living expenses for the child. The payments are designed to cover all of the expenses related to caring for the child so that, in theory, the foster care parent should incur no additional expense. Foster care agencies use the Difficulty of Care Assessment Schedule to make supplemental payments for children with mental, physical or emotional handicaps who require additional supervision or assistance. The counties administer and fund the Foster Care Program in Minnesota and are responsible for assessment, foster parent selection and oversight of all placements.

In addition, the county, not the foster parents, has the custody of foster care children and is responsible for decision making regarding the child. The child welfare agency provides support, services, supervision and monitors the care the child receives. The foster parents must sign and adhere to a foster care agreement that outlines the multiple foster care parent responsibilities. In addition to providing the day-to-day care and supervision, foster parents advocate to ensure that the full range of medical and behavioral health needs are met. By law, children who meet federal Title IV-E foster care eligibility requirements are entitled to Medical Assistance. Foster parents report behaviors and other important information to the placing agency, facilitate visitation with the birth family and/or siblings according to a visitation plan, and more.

The Adoption Assistance Program
The primary goal of the Adoption Assistance Program is to provide financial support to families who adopt difficult-to-place, children with special needs from the public child welfare system. These are children who would otherwise grow up in foster care if an adoptive parent could not be found. Children with special needs are those who have or who are at high risk of having, physical, emotional or behavioral disabilities that make it hard for them to be adopted. The federal government and the state share the expense of the program. The state has administrative control of the program. Because the state of Minnesota has opted into the federal Adoption Assistance Program, all Title IV-E eligible adopted children are entitled to Medical Assistance. Unlike foster care, the family has full legal custody and is responsible for all decisions regarding the health and welfare of the child. The adoptive parents sign an adoption assistance agreement with the state. Different from the foster care agreement, the adoption assistance agreement does not dictate a list of required activities because the individual is assuming the permanent and legal parental responsibility for the child.

Under federal law, states may choose to pay adoptive parents basic and supplemental monthly payments, up to or equal the foster care benefit payment rate. In addition to the basic rate, agencies use the Supplemental Adoption Assistance Needs Assessment to make supplemental payments for children with a diagnosed physical, mental or emotional/behavioral problem requiring care, supervision and structure beyond that ordinarily provided by a family. Although receipt of benefits may never be means-tested in adoption assistance, by federal law, adoption benefit payments are individualized for each family.

The Administration for Children and Families, in the federal Department of Health and Human Services issued a Policy Announcement in 2001 stating that “the amount of the [overall] payment is determined through the discussion and negotiation process between the adoptive parents and a representative of the state agency based upon the needs of the child and the circumstances of the family.” Of course, the negotiated amount cannot exceed the prescribed adoption assistance benefit level for that child. The announcement goes on to state that “consideration of the circumstances of the adopting parents has been interpreted by the federal government to pertain to the adopting family’s capacity to incorporate the child into their household in relation to their lifestyle, standard of living and future plans, as well as their overall capacity to meet the immediate and future needs (including educational) of the child.” Individually negotiated benefit amounts mean that families with the same incomes or in similar circumstances will not necessarily receive the same benefit payments. Based on advisory committee comments it is not clear to what extent this negotiation takes place.

The Relative Custody Assistance Program
The Relative Custody Assistance Program was created by the state in 1997 to offer another permanency option for children in foster care, where lack of family resources is a barrier. Under the program, financial support may be available when legal custody for a

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child is transferred from the county to a qualified relative or close family friend with whom the child has resided or had significant contact. In situations involving transfer of legal and physical custody to a relative, parental rights are not terminated.

The Relative Custody Assistance Program is means-tested. To receive the full benefit, the family’s gross income must be less than or equal to 200 percent of the Federal Poverty Level (FPL). If eligible, custodial relatives receive basic and supplemental monthly benefit payments equal to the adoption payment. The county uses the Adoption Assistance Assessment Tool to determine supplemental benefits. Different from adoption assistance, however, relative custody assistance benefits are offset by receipt of other government payments such as the Minnesota Family Investment Program or Supplemental Security Income received for the child. Relative Custody Assistance Program is not an entitlement, and is subject to availability of state funds. The counties administer the program, with the state providing reimbursement to the counties.

The Relative Custody Assistance Program is especially important among the Indian tribes in Minnesota under the Indian Child Welfare Act. Most tribes will not approve a termination of parental rights, unless there is an adoptive resource already in place. As a result, transfer of legal custody to a relative, with support from relative custody assistance, is the preferred permanency option. The rate reduction from foster care to relative care assistance has been a particularly significant barrier to permanency in this community.

C. A picture of children with special needs waiting for homes
When most people learn that the government pays a benefit to certain adoptive families, they are often surprised. They immediately draw upon an adoption scenario familiar to them, such as an infertile couple privately adopting a healthy infant. The reality of the Adoption Assistance Program serving children with special needs is a dramatically different story. The picture of the children with special needs is one of older child, with behavioral, developmental, physical or medical conditions requiring ongoing interventions. These are children with severe enough problems, that without government support few families would take on the responsibility of their lifetime care. In Minnesota, typical recruitment efforts have been particularly difficult for older male children; sibling groups that need to be placed together; and children with moderate to severe emotional or behavioral problems. Most families waiting for a match want younger children with more mild problems.

For many of the waiting children, their special needs are rooted in early childhood experiences. Many have been exposed to parental alcohol and drug abuse. These abuses leave their mark at birth affecting children with lifelong mental and developmental delays. Many have been physically, sexually and emotionally abused. These children have an overwhelming sense of abandonment and attachment disorders are common. Almost all children in the system need long-term psychological treatment. Emotional and behavioral symptoms range from bedwetting and extreme tantrums to fire starting and inappropriate sexual behavior. Adoptive parents willingly take on the intensive and

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9 Northwest Adoption Exchange Information Sheet on Special Needs Children.
sometimes overwhelming care and treatment for these children whose needs often require comprehensive medical, emotional and psychological treatment. For most children, adoption assistance benefits stop when the child turns 18. While the child may then be eligible for other government benefits such as Supplemental Security Income, adoptive parents assumes total responsibility for lifetime care.

When asked to relate her experience raising a children with special needs, one parent member of the advisory committee described the following:

“I adopted a sibling group. I can have over ten separate medical appointments per child, in one month. We see occupational therapists, psychiatrists, orthopedists, optometrists, cardiologists, neurologists, urologists, neurosurgeons and more. Everyday events take time, care and patience…things like getting dressed, eating, toileting, bathing, as well as behavioral issues, positioning equipment, moving from room to room. I have over 20 years experience working with child and adult disabilities, and we still find it difficult to access systems and services to assist these children. I have to fight for services like swimming at the community pool and deal with issues like rehabilitation agencies that don’t provide appropriate equipment and follow up on equipment that doesn’t last. The first specialized chair we got him broke on day one; foot straps don’t fit on his shoes; the stool that never goes low enough. It is especially frustrating to deal with medical personnel that don’t get it right, like not x-raying his hip and missing a dislocation.

We have had to change our entire lifestyle. It redefines any trip outside the house. Going to a family friend’s house, we will need a plan to get into the house, special equipment for eating and drinking, and an evacuation plan in case there is a behavioral problem. Planning for trips is overwhelming with equipment needs like meds, toilet seat, bed rail, stander, bench, knee immobilizers and more. Forget about a night sleep. Many kids in the adoption system have neurological or emotional problems and can’t sleep easily or through the night. All of our plans for the future have to be adjusted. They will never be able to stay home alone, even in their 20’s. Who will take care of them when we are too old?

D. Changing social work practice – Concurrent Permanency Planning
Social work practice and attitudes toward foster parents have evolved considerably over the last decades. According to the Casey Family Programs, National Center for Resource Family Support, “historical child welfare practice did not allow foster parents to adopt, or it strongly discouraged them from doing so through written and unwritten rules.”10  Case workers feared that if foster families wanted to adopt, it would undermine the goal of reuniting the child with the birth families. Selections of foster families were often made on the basis of available space and not necessarily whether it was the best possible match for a child. With extremely limited pools of foster care parents, social workers have been reluctant to lose a foster parent to adoption.

Current social work practice, reinforced by new federal and state laws imposing time limits on foster care stays, has shifted dramatically with Concurrent Permanency Planning. Under this approach, the social worker simultaneously develops two permanency plans for children: a plan for safe reunification with a parent and a plan for permanent placement away from their parents – such as in an adoptive home – if they cannot safely return home. In 1998, the Minnesota Legislature authorized Concurrent Permanency Planning and all 87 Minnesota counties have implemented it for children in foster care. This has changed social workers’ views toward foster care parents as potential adoptive parents. This reinforces the importance of having a single benefit package that provides a continuum of care and consistency in benefit support to foster and adoptive parents.

E. Program cost trends in Minnesota
In recent years, foster care caseloads and costs have remained fairly stable. Caseloads in 2001 averaged 10,000 cases with total expenditures of $84 million. In contrast, adoption assistance caseloads and costs have increased steadily in the last five years, with a marked upward swing beginning in 1999. In 2001, adoption assistance expenditures totaled $23 million, with a caseload of just over 5,000. This is a roughly $11 million increase in expenditures since 1998. Overall, the state has made significant progress promoting special needs adoptions with an increase of almost three thousand adopted children since 1995. Much of this success is a result of increased, targeted funding and the involvement of private adoption agencies promoting special needs adoptions. These efforts have been particularly successful with younger children. Many of the remaining children tend to be older with more intensive needs. The Relative Custody Assistance Program has shown a fairly steady increase with cases doubling since 1999. Caseloads averaged just over 1,000 in 2001, with expenditures of over $3 million. One cost component of particular note is the rise in the adoption assistance special benefits. These expenditures for childcare, respite care, transportation and more have been on the rise, albeit somewhat erratically. Policy makers have not been able to fully explain the increase, except to assume that adoptive parents are looking for additional supports to their basic and supplemental benefits.

III. The complex and disparate benefit structure of Foster Care, Adoption Assistance and Relative Custody Assistance Programs.

The goal of unifying a benefit package across the three programs is a complex endeavor due to the fairly extensive variation in the assessment process, supportive services and the benefit rates in each of the programs. The chart below presents a matrix of the three programs, their allowable benefits, payment rates and financing entity.
Table I – Benefit Structure for Foster Care, Adoption Assistance and Relative Custody Assistance.

<table>
<thead>
<tr>
<th></th>
<th>Maintenance</th>
<th>Supplemental</th>
<th>Special Benefits</th>
<th>Payor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Foster Care</strong></td>
<td>Basic rate: $500-$607 per month based on age.</td>
<td>Difficulty of Care payment for children with mental, physical or emotional problems. Range of 225 points: Each point is 19 cents per day. Maximum is approximately $1,282 per month. Also included: Clothing allowance in first 60 days $341-$653 depending on age.</td>
<td>Limited services provided at county option: transportation, childcare, respite care.</td>
<td>Federal, county, parental fees IV-E ratio: 56.02 percent for state fiscal year 2001</td>
</tr>
<tr>
<td></td>
<td>Cost of living adjustments.</td>
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</tr>
<tr>
<td><strong>Adoption Assistance</strong></td>
<td>Basic rate: $247-$337 per month based on age.</td>
<td>Supplemental Adoption Assistance based on diagnosed physical mental or emotional/behavioral problem. Level I-IV $150-$500</td>
<td>Services: respite care, child care, camp, transportation, special medical, training. State and federal payments cover special benefits</td>
<td>Federal, state IV-E ratio: 82.40 percent for SFY 2001</td>
</tr>
<tr>
<td></td>
<td>No cost of living adjustments.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Relative Custody Assistance</strong></td>
<td>Basic rate: $247-$337 per month based on age (Same as adoption basic rate, but is means-tested. Payment offset by MFIP or any other income that child has access to.) No cost of living adjustments.</td>
<td>Supplemental Relative Custody Assistance based on diagnosed physical mental or emotional/behavioral problem. Level I-IV $150-$500</td>
<td>No special benefits</td>
<td>100 percent state funded</td>
</tr>
</tbody>
</table>
Different Assessment Tools

The Foster Care, Adoption Assistance and Relative Custody Assistance Programs use different assessment tools to determine the scope of the physical, psychological and emotional needs of the children requiring specialized care and supervision. The Foster Care Program uses the Difficulty of Care Assessment Schedule that evaluates the child across seven levels, and has 225 points. The Adoption Assistance and Relative Custody Assistance Programs use the Supplemental Adoption Assistance Needs Assessment to evaluate the child across four levels. The assessment tools produce not only different rating scores, but also completely different benefit amounts associated with those scores. As a result, a child with the same set of problems will be assessed differently, and the family paid a different benefit amount, depending upon the tool used.

Different Maintenance and Supplemental Rates

Established at different times, the Foster Care and Adoption Assistance and Relative Custody Assistance Programs have completely different rate schedules for basic and supplemental rates. In addition, the two different assessment tools produce distinct supplemental payment rate schedules. The foster care rates are substantially higher than the adoption subsidy rates. As an example, the average basic and supplemental rate for a typical child eligible for adoption assistance is approximately $427 per month. A similar child in foster family care would be $819 per month, almost a 50 percent difference. Thus, a foster care parent or relative willing to assume legal custody would lose around $390 a month in support to adopt a child.

The growing benefit gap between the programs has evolved largely because of the cost of living increases in the foster care program. In 1982, the Minnesota Legislature added a cost of living increase to the foster care program using the United States Department of Agriculture “Estimates of the Cost of Raising a Child.” Using these estimates, the department annually reviews and revises the foster care maintenance and supplemental rates. The legislature has not provided for cost of living increases in the Adoption Assistance or Relative Custody Programs. The result is a wide and growing gap between foster care that has been allowed to increase over the years to reflect actual costs, and adoption assistance and relative custody assistance that remained level and in effect, lost value. As illustrated in the next chart, the adoption assistance basic rate, which is the same as relative custody assistance, is well below the USDA estimated cost of raising a healthy child for a family earning less than $38,000 a year and substantially below the cost of raising a child in a family earning less than $64,000 a year.\footnote{The basic rates for Adoption Assistance and Foster Care were calculated using the age midpoint. The USDA estimates were calculated for a child age 6-8.}
Different Special Benefits
The fourth column of Table I reveals the complicated and disparate allocation of special benefits across the three programs. Special benefits, as they are commonly referred to, include childcare, respite care, transportation, camp, and other supports provided to families. Special benefits are individualized to meet the specific needs of the child and serve as critical support services for families. The average special benefit level was $640 per child in 2001. Because of the high need for these services, the state offers special benefits to all families in the Adoption Assistance Program. In foster care, the delivery of special benefits is left to county discretion and funded by county dollars. A survey of foster care special benefit policy shows wide variation in benefit receipt across counties. (See Attachment III) The Relative Custody Assistance Program does not provide special benefits.

Different Administrators and Payors
The fifth column of Table I outlines the different payors for each of the programs. In general, the counties bear the administrative and cost responsibility for foster care and the state has the administrative and cost lead for adoption assistance. The federal government, under the Title IV-E program pays for 50 percent of the cost for both the Foster Care and Adoption Assistance Programs, for those individuals that meet federal eligibility requirements. From a federal reimbursement perspective, a key difference between the Foster Care and Adoption Assistance Programs is that 56 percent of the more varied group of foster care children is eligible for federal reimbursement, as opposed to an 82 percent eligibility rate in the Adoption Assistance Program. When a child moves from foster care to adoption assistance, the federal government pays more of the benefit costs and the state assumes financial responsibility from the county. The federal government does not provide any reimbursement for relative custody assistance and it is paid for exclusively by the state.
IV. Key Issues and Findings

Over the course of the advisory committee meetings, the department and committee members examined a number of issues central to the design of a new single benefit package. Principal findings include:

A. Establishing a comprehensive single benefit package that follows the child and creates a continuum of care.
B. Creating a single assessment tool for all children in the system.
C. Shifting the benefit paradigm to reimbursement based on meeting the child’s needs.
D. Creating a uniform menu of special benefits for all programs.
E. Recognizing the importance of other non-financial support as an incentive toward permanency
F. Recognizing that use of a uniform assessment tool will reduce some county variation, but that disparities will continue to exist.

A. Establishing a single program system that follows the child and creates a continuum of care.

The goal is to create a single program system that eliminates the policy differences among the Foster Care, Adoption Assistance and Relative Care Programs and treats children consistently, irrespective of their legal status. A single program system would operate under uniform policy guidance, a single assessment tool and a single benefit reimbursement structure.

The current system treats children differently, based on their legal and program status. The reality, is that a child’s needs do not change, just because their legal status has changed. An adoptive family or relative will need the same kind of financial support to meet the educational, medical and emotional needs of a physically challenged, mentally troubled child, as a foster parent. As emphasized in federal adoption assistance guidance\textsuperscript{12}, the purpose of adoption assistance is to provide incentives for parents to take on the responsibility of adopting “difficult-to-place, special needs children from the public child welfare system…who otherwise would grow up in foster care if an adoptive parent could not be found.”

A single program system will require financing and administrative entities to create a seamless continuum of care. As children move from foster care placement to adoption or relative care, the administrative structure should be virtually invisible. A single program system would be an enormous improvement to current practice and would remove existing barriers and create significant incentives for parents to adopt and relatives to accept permanent placements. Without such reform, it will be difficult to fully realize the goal of finding a loving, safe, permanent home for every child.

B. Creating a single assessment tool for all children in the system.
Early in the committee discussions, it became clear that whole scale reform of the system would be required, rather than just addressing the disparity in benefit rates. In particular, the committee found that reform of the assessment tools for children entering the Foster Care and Adoption Assistance Programs was a critical element to single benefit system reform. Agencies evaluate the special needs of children using the different assessment tools that yield different supplemental benefit rates. A foster parent who adopts a child will be reassessed using the adoption assistance evaluation tool and will, in almost all cases, lose financial support.

From an equity and continuity perspective, as well as an administrative simplicity standard, children should be evaluated consistently across programs. The committee discussed at length the possible use of a modified Child Needs-Provider Intervention (CNPI) assessment tool for Foster Care, Adoption Assistance and Relative Custody Assistance Programs. The tool evaluates children across 17 domains assigning one of five levels for each domain. Experts believe that the CNPI more accurately assesses the needs of the child. A statewide field test of the CNPI found it to be a “reliable, valid, and equitable tool for assessing the needs of foster care youth and computing per diem foster care levels.”\textsuperscript{13} Those familiar with the tool find it reduces subjectivity in the evaluation of a child and enhances consistency in the determination of the special needs of the child. Advisory committee members also noted that the CNPI would reduce a certain level of manipulation that occurs based on demands for a specified higher benefit rate as a condition for accepting a child into a foster care home.

Significantly, the CNPI produces only one benefit level amount for the child; replacing the dual track system of basic and supplemental rates. The CNPI was not tested for adoptive or relative custodial cases, but theoretically could be used to evaluate the needs of these populations with some modifications. The committee identified the modified CNPI as an integral component to creating a single benefit package. Not only would the modified CNPI offer a reliable tool for evaluating all kids, but it would also produce a single consistent set of benefit rates, based on the needs of the child, as opposed to their legal status.

C. Shifting the benefit paradigm to reimbursement based on meeting the child’s needs.
Historically, all three programs have made a distinction between base and maintenance rates. The foster care maintenance rates were originally designed to reimburse parents for room, board and other basic needs. Agencies pay supplemental rates to reimburse parents for the additional costs of dealing with the individualized special needs of the child. The original design in adoption assistance and relative custody assistance, distinguishing between basic and supplemental rates, is less clear.

Underlying the adoption assistance and relative custody assistance policies is the intent that parents/relatives should assume some of the basic maintenance costs of children in

\textsuperscript{13} Becker, Lance. “State-Wide Field Test of the Child Needs-Provider Interventions.” January 29, 2001
their care. This perspective appears to ignore the fact that the special needs of these children create potentially significant barriers to their adoption or assumption of legal custody by a relative. Meeting the continual and sometimes intensive behavioral and medical demands of children with special needs is costly for parents, both in terms of financial support, and their physical and psychological well-being. As the federal guidance points out, without adoption assistance these children who might not be adopted.

The system needs a new reimbursement paradigm that shifts the focus away from calculating how much a caretaker is spending and toward a reimbursement package that sufficiently addresses the needs of children. This further underscores the value of using a uniform assessment tool that produces a single benefit rate. By focusing more exclusively on the needs of the child, the system could move beyond the old policy of “who gets what and how much,” to a reimbursement system that ensures the adequate care of children and encourages permanency.

D. Creating a uniform menu of special benefits for all programs.
Eligibility for special benefits varies widely across three programs. DHS surveyed counties to better understand the scope and availability of special benefits at the county level. (See Attachment III) The Foster Care Program special benefits vary by county; the Adoption Assistance Program offers special benefit for all families, and the Relative Custody Assistance Program does not provide special benefits. To address these wide disparities, the committee recommended the creation of a uniform special benefits menu for all Foster Care, Adoption Assistance and Relative Custody Assistance Program beneficiaries. Under the proposal, families would be offered eligibility for a defined level or amount of each of the services, e.g., 48 hours of respite care. Reimbursement to the family would be based on actual use of the service. The state would likely need to administer the special benefits to ensure uniformity. Decisions would have to be made on, whether and how much, to hold counties responsible for their current spending on special benefits in the Foster Care Program.

There are numerous strategies for creating uniformity of special benefits. The committee wrestled with a proposal to incorporate the value of special benefits into the basic benefit. Some feared that over time, families would become accustomed to the higher rate and then feel the need for additional support for childcare, respite care or transportation. Another proposal was considered whereby the county or state would give vouchers to all families for the different special benefits. The Committee rejected this as a potentially costly proposal because families vary widely in their dependence and use of special benefits. Families should have equal access to special benefits, but reimbursement should be based on needs and use.

Two issues that came up in both the committee meetings and the parent focus groups are the reimbursement levels for respite care and childcare. At $2.00/hour for respite care, members and parents felt universally that this benefit was wholly insufficient as a means of securing needed respite for parents of children with special needs. In addition, members explained that the childcare subsidy rate is not sufficient to secure childcare for
high needs children that require medical or behavioral care. As part of any reform of the system, reimbursement structures for these benefits is important.

**E. Recognizing the importance of other non-financial support as an incentive toward permanency**

The advisory committee and parent group discussions highlighted the important role of non-financial supports for adoptive parents and relative caretakers. While families found the Adoption Assistance and Relative Custody Assistance Programs benefit reduction to be the largest disincentive to adoption, families clearly worry about the loss of system support once the foster care case is closed. As one adoptive parent described it, “the social workers closed up our file, and we were on our own.” The system, overtaxed as it is to respond to active child welfare cases, is neither financed, nor structured to offer adoptive parents the kind of case work and social support they had as foster parents.

During a recent Minnesota Foster Care Parent Conference, the National American Council on Adoptable Children conducted a short survey of foster parents on potential barriers to adoption and transfer of legal custody to a relative. Eighty-one parents responded. Two-thirds identified monthly financial support as a principal barrier. Interestingly, almost half of the parents also identified a potential loss of “system support.” Despite the federal and state guarantee of Medicaid insurance for all adoptive parents, parents are worried about their ability to advocate for, and secure vital medical and psychological supports, without the help of a social worker. Minnesota, like most states, has a limited amount of funding and beds for long-term institutional mental health. One adoptive parent described his herculean effort for his troubled son. His perception was that it would have been easier to get help if the child were in the foster care system.

**F. Recognizing that use of a uniform assessment tool will reduce some county variation, but that disparities will continue to exist.**

The issue of county variation in treatment and benefits came up repeatedly through the course of the Committee meetings. In Minnesota, 87 counties operate under their own leadership, program policies and most significantly under different budget appropriations. While all counties administer the child welfare programs under uniform federal and state law, different budgetary and policy influences, as well as the particular leadership in the county, have an enormous influence on the level and scope of benefits offered to children within each county.

Although this is a significant issue for the child welfare system, the members concluded it would be difficult for the committee to address the variation problem. However, the committee believes that adoption of a uniform assessment tool, such as a modified CNPI, will greatly enhance consistency and reduce the level of subjectivity across Minnesota counties. Members believe that a uniform assessment tool will also significantly reduce variation in assessment of children that can potentially be influenced by budgetary pressure in the county.
V. Reform - Program Options and Their Projected Costs

This report separates the discussion of the program options and their associated costs (section V), from the discussion of financing options to pay for increased costs (section VI). The committee separated this analysis because it involves discrete decision sets, each with distinct program consequences and impacts on children and families. In developing different proposals to unify the benefit package across the Foster Care, Adoption Assistance and Relative Custody Assistance Programs, the committee made a distinction between comprehensive and incremental reforms of the system. The comprehensive approach would involve whole scale program reform. Alternatively, an incremental approach would focus more exclusively on narrowing the gap between the Foster Care, Adoption Assistance and Relative Custody Assistance Program benefit rates over time and would not necessarily involve programmatic changes to the system.

A. Comprehensive reform for existing and new beneficiaries

The comprehensive model attempts to address the underlining problems in the current system. This model would create a single program system to establish underlying unity and equity in the treatment of children and their new families; thereby realigning the system incentives toward permanency and positive outcomes for children. Comprehensive reform would rely on a new assessment tool to evaluate all children and produce a uniform benefit rate assignment (replacing the old maintenance and supplemental rates); create a uniform special benefits menu, and eliminate the means-test for relative custody assistance families.

| Table II. State Cost of Comprehensive Reform Model |
|-------------------------------|--------|--------|--------|
| **Program/Target Group**      | **2003** | **2004** | **2005** |
| **Adoption Assistance**       |        |        |        |
| Current children get rates at foster care (FC) level | $11,986,420 | $11,063,306 | $11,454,870 |
| New children get rates at FC level | $2,355,666 | $6,677,659 | $11,105,852 |
| Current children get special benefits | $4,021,063 | $4,697,140 | $5,486,888 |
| New children get special benefits | $262,343 | $920,195 | $1,791,846 |
| **Relative Custody Assistance** |        |        |        |
| Current children get FC rates | $7,655,942 | $7,807,669 | $7,962,430 |
| New children get FC rates | $1,247,259 | $3,780,032 | $6,375,182 |
| Current children get special benefits | $940,219 | $1,098,302 | $1,282,963 |
| New children get special benefits | $188,376 | $220,651 | $257,046 |
| **Foster Care**               |        |        |        |
| Special benefits added | $8,873,193 | $10,365,078 | $12,107,798 |
| **Total state cost for comprehensive reform of system** | $37,530,481 | $46,630,032 | $57,824,875 |

DHS developed draft cost estimates for this model. The model assumes that the new uniform rate for all children would roughly equal current foster care rates. Total state costs are projected at $37.5 million in 2003; $46.6 million in 2004; and $57.8 million in 2005. These projections assume an annual cost of living adjustment for Foster Care,
Adoption Assistance and Relative Custody Assistance Programs. These cost estimates reflect state dollars and do not include savings to county budgets as children move from foster care of one of the other programs.

B. Offer new program to new entrants only
Develop a program that accepts new entrants to care beginning in 2003 and takes a comprehensive but less expensive approach. Under this model, the department would continue to pay current benefit rates to existing adoption assistance and relative custody assistance beneficiaries. New foster care, adoption assistance, and relative custody assistance entrants into the system would be evaluated with the new assessment tool and receive the higher benefit reimbursement. The state total costs of this option would be $4 million in 2003; $11.6 million in 2004; and $19.5 million in 2005. These projections assume an annual cost of living adjustment under the new program. These estimates do not include county savings in foster care costs as children move to one of the other programs. Over time, this option would eventually achieve comprehensive reform of the system as current beneficiaries age out of the existing Adoption Assistance and Relative Care Assistance Programs over a 15-18 year period. In an attempt to provide current beneficiaries some benefit relief, the committee also discussed the possibility of increasing the benefit rates for current adoption assistance and relative custody assistance beneficiaries by a specified annual percentage. This would increase the cost of this proposal. For example, a one-time 20 percent rate increase for existing adoption assistance and relative custody assistance children would result in an additional $5 million in state costs per year. These projections do not include a uniform menu of special benefits for foster care beneficiaries. Adding state paid foster care special benefits to this proposal would increase the cost by $8.9 million, $10.4 million and $12.1 million for years 2003-2005 (see Table II).

Table III. The State Cost of Providing New System to New Entrants.

<table>
<thead>
<tr>
<th>Program</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adoption Assistance</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New children get rates at foster care (FC) level</td>
<td>$2,355,666</td>
<td>$6,677,659</td>
<td>$11,105,852</td>
</tr>
<tr>
<td>New children get special benefits</td>
<td>$262,343</td>
<td>$920,195</td>
<td>$1,791,846</td>
</tr>
<tr>
<td><strong>Relative Custody Assistance</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New children get rates at FC level</td>
<td>$1,242,385</td>
<td>$3,766,198</td>
<td>$6,372,414</td>
</tr>
<tr>
<td>New children get special benefits</td>
<td>$188,376</td>
<td>$220,651</td>
<td>$257,046</td>
</tr>
<tr>
<td>Total state cost of new system to new AA and RCA entrants</td>
<td>$4,048,770</td>
<td>$11,594,703</td>
<td>$19,527,158</td>
</tr>
</tbody>
</table>

C. Freeze cost of living increases and apply to adoption assistance and relative custody assistance
Another incremental option would be to freeze the cost of living adjustment for foster care and apply it to Adoption Assistance and Relative Custody Assistance Program. This option maintains the three separate programs and offers no structural change. Instead it focuses exclusively on narrowing the benefit rate gap.
Assuming an annual 2 percent foster care cost of living adjustment increase, a freeze would make available $1.7 million in 2003, $3.5 million in 2004 and $5.3 million in 2005. If these funds were applied to increase the adoption assistance and relative custody assistance rates, it would take a number of years to eliminate the disparity between the foster care and adoption assistance/relative custody assistance rates, depending on the rate at which it was applied. A decision to reestablish the cost of living adjustment for foster care at the point the rates were equalized would increase long-term future costs.

VI. Reform – Funding Options and Impacts

The department deliberated extensively over how to pay for the increased costs associated with the different single benefit package proposals. With the state operating under a new fiscal reality with looming deficits of almost $2 billion, the committee recognized that the state will likely be looking for ways to reduce program costs, instead of increasing expenditures through comprehensive reform proposals. Nonetheless, the option of comprehensive reform best addresses the root of the problems highlighted in this report, eliminates the current system’s disincentives to adoption and promotes the best outcomes for children and families.

In addition to the funding options listed below, the department examined a number of other options within the child welfare system for potential savings sources. These included increasing biological parent fees, shortening program length of stay, eliminating certain benefit types and imposing additional means tests. An analysis of these options showed they were either prohibited by federal/state law, would produce limited savings or were inconsistent with program goals.

Comprehensive reform is significantly more costly than the incremental approach of phasing in the program by raising benefits for new entrants. The payment options below may be applied to either program option, albeit by different amounts.

A. Legislative appropriation.
Under this option, the legislature would appropriate the increased costs within either option. While the legislature is operating in a new fiscal environment of deficit, the committee felt this option addressed program inequities and promoted permanency while preserving funding commitments to current program beneficiaries.

B. Reduce foster care rate.
The department and the advisory committee also examined the option of reducing foster care rates. With a limited pool of savings options in the system, foster care funding appears to be the only other potential source of savings to meet the costs of single benefit reform. A 10 percent reduction in foster care rate would produce $8.8 million in 2003; $8.9 million in 2004 and $9.1 million in 2005. This savings, for example, would cover the majority of costs required by development of a new program for new entrants.
As discussed earlier in the report, Minnesota has a generous foster care reimbursement rate in comparison to other states. Under this option, a percentage reduction in foster care could be applied to increase the adoption assistance and relative custody assistance rate and achieve parity, either quickly or over time, depending upon the level of rate cut. The rationale for this option is that although it negatively impacts the Foster Care Program, it enhances the system overall by encouraging permanency and thereby promoting positive outcomes for children.

Committee members and the adoptive/foster care parent focus group strongly opposed this option. The overriding concern is that a reduction in foster care rates would destabilize the Foster Care Program. Under current reimbursement rates, the program is struggling to find foster care parents. Committee members and parents feared that a rate cut would seriously diminish current and potential foster parent willingness to take on the responsibility for children in the system, particularly those with higher needs. Commenters also warned of the potential unanticipated cost consequence of an increase in placements to institutional facilities. If a shortage in foster homes were to occur, children would likely be placed in institutional group homes, which are significantly more expensive than home-based foster care. Moreover, federal and state law dictates that for the typical foster child, home-based placement is preferable to an institution.

C. The impact of payor cost shifts under reform
As discussed, federal, state and county governments fund the child welfare system. Each entity finances a different percentage of each of the programs. Under the current financing structure, the counties pay for the majority of the foster care program and the state pays for the majority of adoption assistance and all of the Relative Custody Assistance Program. The federal government shares the cost of foster care and adoption assistance. The reform proposals alter current financing responsibilities, and potentially create a cost shift from the Foster Care to the Adoption Assistance Program. For example, the reform proposals described increases adoption assistance costs by raising the benefit rate. At the same time, the higher rates will attract more children into the Adoption Assistance Program. This creates a dual level cost increase in adoption assistance for the state and reduces costs for the county.

The Legislature, the department and the counties will need to decide how to respond to the payor cost shifts. The department identified two options. The first would be for the state and counties to accept the cost shifts as they occur in the system. The second is to maintain the current financing obligations of each program and hold its funding obligations constant. Such a maintenance of effort scenario has a fiscal neutrality advantage by creating no new financing winners or losers.

Under a comprehensive reform model, it will have to be determined whether any changes in the administration of the system are needed. These decisions are related and need to be part of the payor cost shift decisionmaking process as well. The cost estimates in Tables II and III do not reflect administration costs that might occur from changing the
assessment tool and/or changing the entities involved in the assessment, payment, authorization or monitoring processes.

VII. Recommendations and Acknowledgements

The department recommends that the state move to a single system that combines Foster Care, Adoption Assistance and Relative Custody Assistance Program into one continuous and unified program of support for children. While comprehensive reform would be ideal, due to state fiscal restraints and comprehensive reform costs, the department recommends the creation of a new program for new entrants.

As outlined in this report, policy reform will require a state investment in the child welfare system. In addition, the department will have to modify and field test the Child Needs Provider Intervention assessment tool for use in all three programs. The department should continue to work with the legislature to further develop the policy reform for new entrants and identify the resources needed to implement this reform. Public hearings would provide legislators and key stakeholders the opportunity to learn more about this issue.

The department supports the principal findings of the advisory committee. The benefit disparity and other differences among the Foster Care, Adoption Assistance and Relative Custody Assistance Programs have created a three-tiered system that does not provide continuity of care and may discourage permanency. Application of a cost of living increase in the Foster Care Program and not the Adoption Assistance and Relative Custody Assistance Programs has created a wide and growing gap in the benefit rates. Use of different assessment tools that create distinctions in the treatment and care of children whose legal status, but not their needs have changed, no longer makes sense. Historical distinctions among foster and adoptive parents and relative caretakers are no longer supportable with a high needs population and a scarce adoptive pool. The department looks forward to the possibility of operating a single program system that motivates and enables families to bring children permanently into their homes through adoption and relative care placements.

Acknowledgements

The department greatly appreciates the comprehensive deliberation and thoughtful contributions of the advisory committee. Committee member insights and experience were invaluable. The department would also like to thank the parents and relative caretakers who participated in the focus group and individual phone calls for their time and commitment.

Lastly, the department wishes to thank Laura Oliven Silberfarb, with whom the department contracted to provide meeting facilitation, research, and preparation of this report. Laura’s experience as a senior policy advisor in the federal Department of Health and Human Services and her expertise in child welfare policy analysis were critical to the success of this project.
ATTACHMENT I

LEGISLATION

Sec. 14. [CHILD WELFARE COST CONSOLIDATION REPORT.]

By January 15, 2002, the commissioner of human services shall report to the
chairs and ranking minority members of appropriate legislative committees the
feasibility and cost of creating a single benefit package for all children removed
from the care of a parent or guardian pursuant to a court order under Minnesota
Statutes, chapter 260C, regardless of a particular child's legal status. Legal
status includes any placement away from the parent or guardian, including
foster or other residential care, guardianship with the commissioner, adoption,
or legal custody with a relative except a birth or adoptive parent. The report
shall be prepared after consultation with public and private child-placing
agencies, foster and adoptive parents, relatives who are legal custodians, judges,
county attorneys, attorneys for children and parents, guardians ad litem,
representatives of the councils on Asian-Pacific, African American, American
Indian, and Spanish-speaking Minnesotans, and other appropriate child
protection system stakeholders. The benefit package addressed in the report
shall include the cost of room and board, additional monthly payments
associated with special efforts a caretaker must make or special skills or training
a caretaker must have in order to adequately address the daily needs of the
child, the availability of respite care, and any other costs associated with safely
maintaining a particular child in a legally secure home and adequately
addressing any special needs the child may have.
ATTACHMENT II

ADVISORY COMMITTEE MEMBERS

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Anoka County Human Services

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Erin Sullivan Sutton  
Assistant Commissioner  
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Department of Human Services

Joan White  
Senate Counsel and Research

Ralph Willenbring  
Minnesota Foster Care Association
## ATTACHMENT III

**SURVEY OF COUNTY FOSTER CARE, RELATIVE CUSTODY ASSISTANCE AND ADOPTION ASSISTANCE SPECIAL BENEFITS**

<table>
<thead>
<tr>
<th>Services Available</th>
<th>For Foster Care</th>
<th>For Relative Custody Assistance</th>
<th>For Adoption Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Counties</td>
<td>Number of Clients</td>
<td>Number of Counties</td>
</tr>
<tr>
<td>Transportation</td>
<td>64 (85%)</td>
<td>719</td>
<td>15 (20%)</td>
</tr>
<tr>
<td>Respite Care</td>
<td>61 (81%)</td>
<td>520</td>
<td>15 (20%)</td>
</tr>
<tr>
<td>Childcare</td>
<td>45 (60%)</td>
<td>239</td>
<td>13 (17%)</td>
</tr>
<tr>
<td>Camp</td>
<td>33 (44%)</td>
<td>180</td>
<td>10 (13%)</td>
</tr>
<tr>
<td>Special Medical</td>
<td>22 (29%)</td>
<td>58</td>
<td>2 (3%)</td>
</tr>
<tr>
<td>Training</td>
<td>19 (25%)</td>
<td>152</td>
<td>4 (5%)</td>
</tr>
</tbody>
</table>

Based on 75 Counties Reporting