

# Bulletin

September 19, 2005

Minnesota Department of Human Services ■ 444 Lafayette Rd. ■ St. Paul, MN 55155

## OF INTEREST TO

- County Directors
- Social Services Supervisors and Staff
- Tribal Social Service Directors
- Tribal Social Service Supervisors
- Corrections

## ACTION

Implement changes.

## DUE DATE

Effective date July 1, 2004.

## Relative Search Best Practice Guide

### TOPIC

Relative Search Best Practice Guide.

### PURPOSE

Announce amendments to relative search statute and recommend best practices.

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### SIGNED

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## **Background**

In July 2004, the Minnesota Legislature amended Minnesota Statutes, section 260C.212, subdivision 5 to strengthen and improve timely identification and notification to relatives and provide definition to the scope of the search. The following amendments were made to the relative search statute:

- The relative search shall begin without delay once the responsible social services agency identifies the need for foster care
- The relative search shall be comprehensive in scope
- The relative search shall consist of contacting and considering both paternal and maternal relatives; and
- A relative must be considered for placement of a child regardless of whether the relative chose not to become a foster parent for the child when out-of-home placement was first made.

## **Relative Search Best Practice Guide**

The Minnesota Legislature during the 2004 legislative session mandated the Department of Human Services to develop a best practice guide for relative search and to provide specialized training for child welfare social workers.

The purpose of this guide is to assist county social service agencies in performing relative searches when a child is removed from the home.

The Minnesota Child Welfare Training System currently provides training on conducting relative searches in CORE 105. The Department is in the process of developing an advanced specialized training curriculum that includes the recent legislative amendments.

## **Legal References**

Minnesota Indian Family Preservation Act, Minnesota Statutes, section 260.761, subdivisions 3, 4 and 5

Minnesota Statutes, section 260C.181, subdivision 2

Minnesota Statutes, section 260C.193, subdivision 3 (d)

Minnesota Statutes, section 260C.201, subdivision 1 and 10

Minnesota Statutes, section 260C.212, subdivision 2 and 5

Minnesota Statutes, section 260C.215, subdivision 1

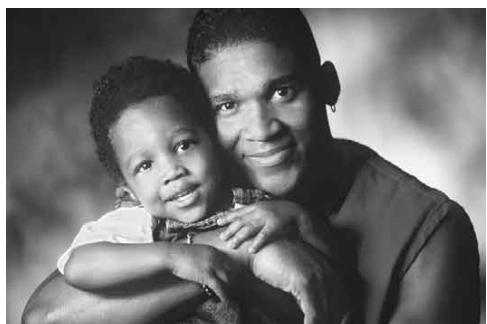
Minnesota Rule 9560.0535 subparts 2 and 3

Indian Child Welfare Act of 1978, United States Code, Title 25, Chapter 21, Sections 1902, 1903, 1912 (a) (f) and 1915 (b)

Code of Federal Regulation, Title 45, Part 1356.21 (g) (3)

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# Relative Search Best Practice Guide

June 2005

## Table of Contents

Chapter 1	<b>Introduction</b>	3
	A. Benefits of Relative Placement	3
	B. Definition of Relative	3
	C. Statutory Authority	4
	D. Family-Centered Practice	4
	E. Concurrent Permanency Planning	5
Chapter 2	<b>Conducting a Relative Search</b>	5
	A. Identifying and Contacting Relatives	5
	Reasonable and Comprehensive Efforts	6
	Fathers and Locating Paternal Relatives	7
	When a Parent Objects to a Relative Search	8
	Cultural Considerations in Identifying and Finding Relatives	9
	Tools	10
	Documentation	12
	B. Assessment and Placement Decisions	12
	Placement Decisions Based on Best Interest of the Child	12
	Placement Preference for American Indian Children	13
	Tools to Assist with Placement Decision-Making	14
	C. Notice Requirements Regarding Permanency Hearing	15
Chapter 3	<b>Supervisor’s Role in Supporting Relative Search Efforts</b>	16
Chapter 4	<b>Organizational Support for Relative Search Efforts</b>	17
References		19
Appendix A		22

## **Chapter 1 Introduction**

Minnesota Statutes, section 260C.212, subdivision 5, requires that social service agencies identify and notify a child's relatives when the child needs foster care and possibly a permanent placement out of the home.

The purpose of this guide is to assist social service agencies in performing relative searches when a child is removed from the home.

### **A. Benefits of Relative Placement**

Relative placements provide for a child's need for safety, well-being and permanency, and can play a pivotal role in achieving reunification. The federal Children and Family Service Reviews found that placements with relatives result in more frequent contact between the children in foster care and their parents. Factors associated with timely reunification include child visitation with parents and siblings. Relative placement promotes timely reunification, and placement stability, as children placed with relatives experience fewer placement disruptions than children placed with non-related foster parents. Preserving the child's existing connections and relationships to familiar adults is achieved with relative placements. In many instances, relative placement preserves the continuity of care, relationships, culture and environment that are essential to a child's overall well-being. Relative placement maintains the family system as the primary provider of care for the child, as day-to-day decisions continue to be made by adults that the child already knows and understands to be their family. The child continues to participate in family celebrations, traditions, vacations and activities. *(U.S. Department of Health and Human Services Administration for Children and Families, 2001-2004 Children and Family Service Review Findings)*

Relative placements facilitate the development of positive self-image, self-esteem, identity, and consequently, may help children to avoid the double jeopardy of feeling abandoned by both parents and family. Children placed in relative care continue to feel a sense of belonging, worth, history and value to others. *(Excerpts from Relatives Raising Children: An Overview of Kinship Care, Joseph Crumbley & Robert L. Little, (1997), Child Welfare League of America)*

### **B. Definition of Relative**

Family members are the first placement consideration for children who are not able to live with their parents or guardians. Relative, as defined in Minnesota Statutes, section 260C.007, subdivision 27, 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 member's of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law,

niece or nephew, first or second cousin, or stepparent. (*Indian Child Welfare Act of 1978, United States Code, Title 25, Chapter 21, Section 1903*)

The majority of children that are placed in family foster care or pre-adoptive families in Minnesota are not living with adults to whom they are related, or with whom the child had a significant relationship with prior to entering foster care. **From 2000 to 2004, only 26 percent of children were placed with relative family foster parents or relative pre-adoptive parents.** (*Minnesota Department of Human Services Child Welfare Reports 2000-2004*)

### **C. Statutory Authority**

The responsible social service agency must conduct a relative search to ensure that relatives are given first consideration for placement of children who are not able to live with their parents. The agency is required to:

- Notify relatives of the need for temporary and/or permanent care of the child
- Conduct a relative search for court ordered and voluntary placements
- Consider placement with a relative without delay
- Conduct a reasonable and comprehensive search lasting up to six months or until a fit and willing relative is identified
- Contact both maternal and paternal relatives of the child
- Consider a relative as a placement resource for any subsequent placements, even if the relative declined to care for the child at the beginning of the child's foster care placement
- Provide notice to relatives when preparing for the permanency hearing, or in anticipation of filing a termination of parental rights petition
- Work with tribal social services to identify and engage family members
- Inform and request that the court make a finding that the agency has made reasonable efforts
- Document relative search efforts (*Minnesota Statutes, section 260C.212 subdivision 5*)

### **D. Family-Centered Practice**

The values and principles of family-centered practice provide a framework for conducting relative searches. The primary purpose of family-centered practice is to strengthen the family's potential for carrying out their responsibilities. Social workers partner with families to use their expert knowledge throughout the decision-making process and provide individualized, culturally-responsive and relevant services for each family. Family-centered interventions such as Family Group Decision-Making assist in mobilizing resources to maximize communication, shared planning and collaboration among the several agency and community systems that are directly involved with the family. Families are engaged in ways relevant to the situation and sensitive to the values of their culture. The assessment protocols of this approach look at families' capabilities,

strengths and resources throughout the life of the case and are continuously assessed and discussed. (*National Child Welfare Resource Center for Family-Centered Practice, Summer 2000*)

## **E. Concurrent Permanency Planning**

Relative search and placement with a relative is consistent with concurrent permanency planning. An immediate search, identification and placement with relatives can reduce the number of moves for a child; particularly in the event that reunification is subsequently ruled out.

## **Chapter 2 Conducting a Relative Search**

The process of conducting a relative search includes the elements of gathering and documenting information, assessing the information, consulting and making a placement recommendation based on the best interests of the child. The agency must document the reasons the specific family was selected. Best practice includes:

- Identification of maternal and paternal relatives as soon as the child enters foster care
- Consideration of relatives as potential caregivers any time the child enters foster care
- Consideration of relatives as caregivers when it is necessary for the child to move from the current foster home to a new foster home
- Consideration of relatives when the agency is no longer considering reunification as the permanency plan for the child, such as in the case of :
  - Transfer of permanent legal and physical custody
  - Adoption
  - Long-term foster care, when appropriate.

And, as long as the child remains in foster care, the agency will review the appropriateness of renewing relative search efforts during the annual permanency review hearings. Children ordered into long-term foster care with non-related foster parents may achieve permanency with relatives because of the renewed relative search efforts.

## **A. Identifying and Contacting Relatives**

The most valuable resources in identifying, locating and engaging family members are the parents or guardians, the child, the child's tribe, relatives and kin themselves, previous foster parents, guardians ad litem and other professionals that have past or current experience with the family.

The agency must begin the search for relatives without delay. This means that as soon as the agency has knowledge of a need for out-of-home placement they must begin efforts to identify maternal and paternal family members who can safely care for the child, and must continue the search for six months following the child's first placement, even if the

child's current placement is with a relative. After six months, the agency may continue the search if the agency determines that it is in the best interests of the child or if the court orders it. If the child returns home and later returns to foster care the local agency must renew the search for relatives who may be available as foster care providers. Pursuant to Minnesota Statutes, section 260C.201, subdivision 10, the court will review the agency's efforts to search for relatives and may order the agency to continue recruitment of relatives if the agency has not performed the search properly. (*Minnesota Rule, section 9560.0535 subpart 3*)

The agency must make special efforts to recruit a foster family from among the child's relatives. The special efforts that the agency must make include:

- Asking the child, the child's parents or guardians, and the child's guardian ad litem, who the child's relatives are, and preferences regarding which relatives should be considered for placement
- Requesting that the child's tribe provide the names of the child's extended family in accordance with the Indian Child Welfare Act, United States Code, Title 25, Chapter 21, Section 1915. The local agency must defer to tribal judgment as to suitability of a relative's home when the tribe has intervened pursuant to the Indian Child Welfare Act
- Contacting relatives and sharing only information necessary for them to consider possible placement and requesting names of other relatives
- With the written consent of the parent or guardian for release of information about the child, or by order of the court, consulting with: (1) persons, other than those in the local agency, providing services to the child or the child's family; and (2) other persons who know the child's family.  
(*Minnesota Statutes, section 260C.215, subdivision 1*)

### **Reasonable and Comprehensive Efforts**

Minnesota Statutes, section 260C.212, subdivision 5 (a) requires that the agency conduct a reasonable and comprehensive search for relatives. This means contacting family members and adults the child has lived with or with whom they have a significant relationship; providing written notification to relatives; and agency follow up when relatives are named regardless of where they live, their relationship with the child or past history with the agency.

To be comprehensive, the agency must identify and contact both:

- Immediate and extended family members, and
- Maternal and paternal relatives.

The relatives that must be identified and contacted are:

- Grandparents
- Aunts and uncles

- Great grandparents
- Great aunts and uncles
- Adult siblings
- Other relatives or individuals the family considers important
- Individuals who have a significant relationship with the child
- Previous foster parents for the child

In the case of siblings who have been adopted, the agency contacts the adoptive parents when the minors are under age 18.

For an American Indian child, an extended family member would also include nieces, nephews, brother- or sister-in-laws, first or second cousins, stepparent or relatives or other persons as defined by the law or custom of the Indian child's tribe. [*Indian Child Welfare Act, United States Code, Title 25, Chapter 21, 1903 (2)*]

For children who have relatives that live out of state, begin the Interstate Compact on Placement of Children (ICPC) process as soon as the child enters foster care to ensure timely consideration of these relatives. A preliminary assessment should be conducted to determine if this is a fit and willing relative. This assessment includes the social worker contacting the relative directly to find out if they are interested in a relationship with the child and if there may be issues that would prevent the relative from meeting foster care licensing standards.

### **Fathers and Locating Paternal Relatives**

Identifying and notifying fathers early in the process is important for children who are in foster care. Working with fathers will lead to locating paternal relatives who may become a placement resource or provide support for the family.

When a child is in out-of-home placement, the responsible social services agency shall make diligent efforts to identify, locate and where appropriate, offer services to both parents of the child. If a non-custodial parent or non-adjudicated parent is willing and capable of providing for the day-to-day care of the child, the agency may seek authority from the custodial parent, or the court, to have that parent assume care of the child. If the parent is not an adjudicated parent, the agency shall require the non-adjudicated 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 the court on behalf of a non-custodial parent to establish legal custody with that parent under Minnesota Statute 260C.201, subdivision 1. If paternity has not already been established, it may be established in the same proceeding. (*Minnesota Statutes, section 260C.201, subdivision 1*)

For American Indian children, the local social services agency, private child-placing agency, the court, petitioner, or any other party, has reason to believe that a child who is a subject of an adoptive placement proceeding, is or may be, an Indian child but the father

of the child is unknown, the agency or person shall provide to the tribe believed to be the Indian child's tribe, information sufficient to enable the tribe to determine the child's eligibility for membership and to assist in possible identity, tribal affiliation, or location of the birth father. (*Minnesota Statutes, section 260.761, subdivision 4*)

Diligent efforts to identify, locate and engage fathers include:

- Talking with mothers, relatives, kin and others
- Talking with the child, when appropriate
- Consulting and working with the child's tribe
- Following up on leads
- Documenting efforts and consult with the county attorney's office
- Documenting when agency efforts are not possible (i.e., parent is deceased)
- Using resources, tools, including
  - Phone book/online directory
  - Child support and MAXIS search
  - SSIS and SWINDX search
  - Father's Adoption Registry  
[www.health.state.mn.us/divs/chs/registry/top.htm](http://www.health.state.mn.us/divs/chs/registry/top.htm)
  - Court records
  - Social service records
  - Birth certificate
  - Department of Corrections.
  - U.S. military armed forces (air force, army, marines, navy)

The National Family Preservation Network provides some practice recommendations for working with fathers. For example:

- Family-centered practice includes both the mother and the father.
- Outreach programs are critical to engaging fathers.
- 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.
- Fathers' strengths should be identified and utilized in case planning.

### **When Parents Object to Relative Search**

The responsible social services agency must consider the request of a parent to not contact relatives or to not contact specific relatives.

If a child's parent objects to the search for relatives, the local agency must, without contacting relatives, evaluate and address the parent's concerns by considering:

- The child's and the parent's or guardian's preferences about relatives and the reasons for those preferences
- The child's current relationships with relatives and impact of placement with people the child does not know
- Whether there are other relatives who may be contacted if there are specific relatives the parent does not want 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 case plan
- The tribe's position on contacting the relatives, in the case of an Indian child.  
(*Minnesota Statutes, section 260C.212, subdivision 5; Minnesota Rule 9560.0535, subpart 2*)

When a child's parent objects to the search for relatives, the agency may not contact the child's relatives unless ordered to do so by the court. Ask the parent about their concerns and consider the individual circumstances.

Consult with the supervisor and county attorney if the parent continues to object. The agency must notify the court of the parent's request so the court can determine whether the parent's request is in the child's best interests.

### **Cultural Considerations in Identifying and Finding Relatives**

The tradition of relative/kin caring for children is part of all cultural, racial and socioeconomic communities. How kinship care is understood and experienced may vary from community to community, from family member to family member, and parent to parent.

During the conversation with parent(s) about identifying and locating relatives, the worker should be mindful that culture is one of the lenses that we use to help us interpret, interact and respond to others and situations. Culture is defined as a system of shared beliefs, values, customs and behaviors that members of society use to cope and interact with their world and with one another and that are transmitted from generation to generation from learning. Culture impacts our communication, the assumptions we make and our relationships. From the very beginning, the social worker needs to be knowledgeable of the family's culture and what that means for being able to effectively communicate and develop a relationship with them.

After locating relatives, workers should be mindful of the role culture may play in relatives' perception of what the relative is being asked to do. Concepts of ethnographic interviewing may help guide the worker in this conversation. Ethnographic interviewing is a method to meet with a person of another culture in order to begin understanding his or her worldview, beliefs and life situation. Ethnographic interviewing helps a person

understand another culture while avoiding stereotypes. Workers should also be mindful of fully and openly discussing options, roles and responsibilities to help alleviate any misunderstandings between the relative and the worker. A relative may be interested in providing temporary care, however, decline initially out of respect for the parents. They may feel that by giving the parent more time the parent will be able to resolve the issues that brought their children into foster care on their own.

Kinship care supports the transmission of a child's culture, ethnic and family identity and legacies, components vital to the child's psychological development and emotional integrity. (*Shondra Jackson, Black Administrators in Child Welfare, Inc.*)

The following are some questions to consider when beginning a relative search:

- What are the roles, hierarchy and authority of relatives in the raising of children, in both the presence and absence of parents?
- What is the family's hierarchy of responsible relatives (e.g., godparents, grandparents, siblings) in the temporary or permanent absence of parents?
- Does the family practice or reject formal or informal placement of relative's children (e.g., adoption, guardianship)?
- How do gender and cultural traditions affect the family's decision-making structure, child-rearing practices and selection of a family spokesperson?
- What has been/is the family's experience and attitude towards social service professionals and institutions?
- How have environmental conditions or changes affected the family's socioeconomic stability, child-rearing practices and family members (e.g., unemployment, migration, housing, rural or urban settings, language)? (*Relatives Raising Children: An Overview of Kinship Care, Crumbley and Little, 1997*)

According to Carolyn Maple, National Indian Child Welfare Association, extended family systems in many Native American communities traditionally shared the tasks of parenting. For example, aunts or uncles might have the primary responsibility for discipline, a grandmother may have a primary role of teaching cultural customs or skills, and an elder cousin might have a role of teaching different skills. These extended family systems have reciprocal responsibilities to each other to provide mutual support and allow a family to mobilize a system of care around a child that no one family member might be able to meet. Relatives hesitate to step forward to provide care for a child if relinquishment of parental rights is involved but may step forward to assume the overall responsibility for the care of the child knowing that they have the support from the broader extended family network.

## **Tools**

Conducting a relative search can be time consuming. The following tools can be used to facilitate the process of successfully identifying and locating family members and kin:

- Genogram – visual diagram of family relationships

- SSIS – statewide search capability with SWINDEX and tools for documenting search efforts
- Phone book and online directories
- Social Security Administration
- Court records – may contain family information
- Social service records – may contain family information
- Birth Certificate
- Family Group Decision Making – an opportunity for family members to be involved in placement and permanency decisions for their family
- Team meetings – an opportunity for case managers to discuss placement decisions with colleagues and other professionals involved with the case
- Supervisor consultation
- County attorney consultation
- Tribal social services and tribal enrollment offices – may have extensive knowledge of child’s family
- Interstate Compact on Placement of Children (ICPC).

The following are three examples of how different agencies in the United States have developed systems to successfully identify and locate relatives.

Casey Family Programs in San Diego, California contracts with a professional search agency. The company is a private investigation firm that uses computers to scan a variety of data bases to locate family members. The typical cost of this type of search is between \$70 and \$100. The time investment is scanning the child’s records for any data (e.g., names, last known address of parent or grandparents, social security numbers of family members, last employer, etc.). The more information the social worker is able to provide the professional search agency the more likely the outcome will be successful.  
[www.casey.org/FriendsAndFamilies/Communities/CaseyOffices/SanDiego/default](http://www.casey.org/FriendsAndFamilies/Communities/CaseyOffices/SanDiego/default)  
 619-543-0774

Catholic Community Services of Western Washington in the State of Washington has developed a relationship with the International Red Cross. Catholic Community Services began exploring the methods that Red Cross uses for locating family members and applying that to searching for family members for youth in foster care.  
[info@ccsww.org](mailto:info@ccsww.org)  
 206-328-5696

Cuyahoga County in Ohio (Cleveland) has an in-house parent/relative locator. The service is operated in conjunction with the county prosecutor’s office and utilizes both law enforcement and general data resources. There is a protocol and form the agency workers follow in order to provide information that will be helpful in the search process. For information, contact the Legal Department of Cuyahoga County Department of Family and Children Services 216-431-4500.

## **Documentation**

Agency documentation includes the list of identified relatives, their interest in caring for the children, and if the agency has determined a specific relative is not an appropriate placement resource for the child, reason(s) for the determination.

The agency must maintain copies of the required written notification to relatives and the child's tribe. The agency case file will also include copies of progress reports and disposition review reports informing the court of the agency's efforts.

Agency relative search efforts can be documented in SSIS in chronology and by using the following SSIS forms:

- Relative-Kinship Search and Placement Considerations (SSIS 41)
- ICWA Child Welfare Placement Preference and Considerations Documentation (SSIS 44)

## **B. Assessment and Placement Decisions**

The child's best interests are met by requiring an individualized determination of the needs of the child and selecting a family that will meet those needs. Relatives cannot be ruled out solely or primarily because they have declined to care for the child previously. The absence of a significant relationship with the child cannot be the sole or primary reason for denying placement.

### **Placement Decisions Based on the Best Interest of the Child**

The authorized child-placing agency shall place a child, released by court order or by voluntary release by the parent(s), in a family foster home selected by considering placement with relatives and important friends in the following order:

- (1) With an individual who is related to the child by blood, marriage, or adoption; or
- (2) With an individual who is an important friend with whom the child has resided or had significant contact.

Among the factors the agency shall consider in determining the needs of the child are the following:

- The child's current functioning and behaviors
- The medical, educational, and developmental needs of the child
- The child's history and past experience
- The child's religious and cultural needs
- The child's connection with a community, school, and church
- The child's interests and talents

- The child's relationship to current caretakers, parents, siblings, and relatives
- The reasonable preference of the child, if the court, or the child-placing agency in the case of a voluntary placement, deems the child to be of sufficient age to express preferences. (*Minnesota Statutes, section 260C.212, subdivision 2*)

Additional factors that must be considered when making a placement decision:

- Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster parent or the child. [*The Howard M. Metzenbaum Multi-Ethnic Placement Act of 1994; Minnesota Statutes, section 260C.193, subdivision 3 (d)*]
- Siblings should be placed together for foster care and adoption at the earliest possible time, unless it is determined not to be in the best interests of a sibling, or unless it is not possible after appropriate efforts by the responsible social services agency. [*Minnesota Statutes, section 260C.212, subdivision 2 (d)*]
- The out-of-home placement plan for each child must include a discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive (most family-like) setting available. This setting should be in close proximity to the home of the parent(s) when the case plan goal is reunification, and, include a discussion of how the placement is consistent with the best interests and special needs of the child. [*Code of Federal Regulation, Title 45, Part 1356.21 (g)(3) and Minnesota Statutes, section 260C.181, subdivision 2*]
- For children with special needs, relatives can learn to care for those needs and should be given the same level of training and support that a non-related foster parent would receive.

### **Placement Preference for American Indian Children**

Congress declares that it is the policy of the United States 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. (*Indian Child Welfare Act, United States Code, Title 25, Chapter 21, Section 1902*)

When seeking foster care placement for American Indian children, the responsible social services agency shall notify the parent or Indian custodian and the Indian child's tribe, by registered mail with return receipt requested, of the pending proceedings and of their right of intervention. [*Indian Child Welfare Act, United States Code, Title 25, Chapter 21, Section 1912 (a)*]

Children in foster care or with a pre-adoptive family shall be placed in the least restrictive setting, which most approximates a family and in which the child's special needs, if any, are met. The child shall be placed within reasonable proximity to their home, taking into account any special needs of the child. In any foster care or pre-adoptive placement, a

preference shall be given, in the absence of good cause to the contrary, to a placement with:

- (1) A member of the Indian child's extended family
- (2) A foster home licensed, approved, or specified by the Indian child's tribe
- (3) An Indian foster home licensed or approved by an authorized non-Indian licensing authority
- (4) 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. [*Indian Child Welfare Act, United States Code, Title 25, Chapter 21, Section 1915 (b)*]

When seeking foster care placement of American Indian children, the responsible social services agency shall contact the child's tribe to determine if they have a family available to provide foster care. County social services and the following private child-placing agencies have a history of licensing American Indian families in Minnesota: 1) American Indian Family and Children Services, 2) Division of Indian Works, 3) Minnesota Chippewa Tribe, 4) Professional Association of Treatment Homes and 5) Upper Midwest American Indian Center.

In voluntary adoptive or pre-adoptive placement proceedings in which a county social services agency, private placing-agency, petitioner in the adoption, or any other party has reason to believe that a child who is the subject of an adoptive or pre-adoptive placement proceeding is, or may be, an "Indian child," as defined in Minnesota Statutes, section 260.755, subdivision 8, and the United States Code, Title 25, Section 1903 (4), the agency or person shall notify the Indian child's tribal social services agency by registered mail. A copy of the registered mail notification must be filed with the adoption petition as proof that the child's tribe or the Secretary of Interior was notified of the voluntary adoptive or pre-adoptive proceedings. (*Indian Child Welfare Act, United States Code, Title 25, Chapter 21, Section 1912 (a); Minnesota Indian Family Preservation Act, Minnesota Statutes, section 260.761, subdivisions 3 and 5*)

### **Tools to Assist with Placement Decisions**

Placement decisions for children are life changing for them and their families. This requires social workers to exercise good judgment and demonstrate good assessment and communication skills. Social workers need to consult with supervisors and placement review teams to ensure appropriate placements are made for children.

The following are resources and tools that are available to assist in the placement decision-making process:

- Interviews with parents, grandparents, child, tribal representative, guardian ad litem, foster parents, other professionals involved in the case – placement preference
- Structured Decision Making Child Well-Being Tool – documentation of child's strengths and needs

- Child's social history – family history and child specific information
- Child's special education plan – identification of child's education needs
- Child's mental health assessment/evaluation – identification of child's mental health needs
- Placement screening/review team –agency review and approval of child's placement
- Family Group Decision-Making – family input into placement and permanency planning for the child
- Case planning meetings – input from professionals
- Case consultation with county attorney - legal advice

### **C. Notice Requirements Regarding Permanency Hearings**

When the agency determines it is necessary to prepare for the permanent placement hearing, or in anticipation of filing a Termination of Parental Rights (TPR) petition, the agency shall send notices to the following individuals:

- Relatives
- Adult with whom the child is currently residing
- Adults with whom the child has resided for one year or longer in the past
- Adults who have maintained a relationship or exercised visitation with the child as identified in the agency case plan.

The notice shall state that within 30 days of receipt of the notice an individual receiving the notice must indicate their interest in providing a permanent home or they may lose the opportunity to be considered for permanent placement. In some cases the court may relieve the agency of the duty to provide notice to those individuals at the time of the filing of the termination of parental rights petition or in preparation for a permanency hearing. For example, when the court has made a previous finding that the agency has made reasonable efforts to identify relatives and the agency has identified an appropriate adoptive family.

Cases involving American Indian children must follow ICWA requirements. In any involuntary proceeding in a State court, where the court knows or has reason to know that an Indian child is involved, the party seeking termination of parental rights to an Indian child shall notify the parent or Indian custodian and the Indian child's tribe, by registered mail with return receipt requested, of the pending proceedings and of their right of intervention. No termination of parental rights may be ordered in such proceeding in the absence of a determination, supported by clear and convincing, including testimony of qualified expert witnesses that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. [*Indian Child Welfare Act, United States Code, Title 25, Chapter 21, Section 1912(a), (f)*]

Relatives must be informed when they are first contacted they are required to keep the agency informed of their current address in order to receive future notices about the child. [*Minnesota Statutes, section 260C.212, subdivision 5(a)*]

### Chapter 3 Supervisor's Role in Supporting Relative Search Efforts

Supervisors have an important role in ensuring that reasonable and comprehensive relative searches are conducted in all cases. Supervisors can do this by communicating the policies and values of the agency, and supporting current research and best practice in relative searches. Some overall practice areas to consider:

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

An individual social worker's attitudes, beliefs and their own family experience can influence the relative search process. 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. The social worker will consider both the immediate needs of the child and the life long needs of a child. The worker understands that children who are placed outside of their family system will be raised differently than had they grown up with relative caregivers. They realize that placement decisions early in the case may have life long implications for the child.

Supervisors need to have a clear concept of what knowledge, skills, and abilities workers should possess in order to conduct relative searches. Supervisors can assist workers in exploring how their own bias may enter into their practice.

**Example:** A social worker complains that the family has not been involved in the child's life before or has failed to demonstrate an interest in the child since the agency became involved and approaches the relative with suspicion or judgment.

**Supervisor Response:** The supervisor encourages the worker to talk with the relative about how the agency makes placement decisions for children and the worker's need to know more about their relationship with the child. Unknown to the worker, the relative is interested in developing a relationship with the child but had a falling out with the parent. The supervisor takes the opportunity to explain that the absence of a close relationship between the child and relative may be considered as one of the factors in determining a placement decision but should not be the sole reason.

**Example:** A social worker has developed a close working relationship with the foster parents. In the process of jointly caring for the child and through direct observations of the foster parents, the social worker knows that the foster parent has the capacity to meet the needs of the child. So when a relative is identified, it is difficult for the social worker to believe that an unknown relative can meet the same standard of care they have observed in the foster home. The social worker is also concerned about moving the child

to another home since the child has attached to the foster parents, the family situation is stable and the child's needs are being met. The foster family has expressed an interest in adopting the child. The social worker is reluctant to place the child with the relative.

**Supervisor Response:** The supervisor meets with the social worker to discuss the out-of-home placement plan for the child and the results of the relative search efforts. The supervisor listens to the reasons the social worker presents for continuing the child's placement with the current foster parents and reasons for not placing with the child's relative. Together they answer questions such as: Does the relative meet foster care licensing requirements? Can the relative safely care for the child? Is the relative willing to maintain the relationship the child has developed with the foster family? How could the foster family help the child accept the relative as a primary caregiver? What would be an appropriate transition plan to the relative's home? Can the relative meet the needs of the child? If the relative was offered the same level of support and services that the current foster family is receiving, could they meet the needs of the child?

In these situations, supervisor's can provide objectivity and balance to the placement decision-making process. Permanent placement decisions in these cases can be difficult. Considering the life long needs of a child is just as and may be more important than meeting the child's immediate needs.

Overall, supervisors can encourage workers to improve practice in conducting relative searches by providing timely feedback. Here are some questions to consider when assessing the worker's knowledge, skills and abilities to work with relatives:

- Does the worker have knowledge of the requirements for conducting a relative search?
- Does the worker have knowledge of the best practices for conducting a relative search?
- Does the worker have the tools they need to identify relatives?
- Does the worker have the skills to locate maternal and paternal relatives?
- Does the worker have the knowledge of the family's cultural concept of family?
- Does the worker have the skill to engage relatives?

#### **Chapter 4 Organizational Support for Relative Search Efforts**

Relative search efforts require an agency to allocate both staff and financial resources to fully implement the statutory requirements and best practices. Here are some questions to consider.

- How does your agency support the work of relative searches?
- How does your agency ensure compliance with relative search requirements?
- How does your agency engage relatives?
- How does your agency support relatives?
- What priority or value does your agency place on children being raised by their family?
- What are the agency's barriers to conducting relative searches and how can they be eliminated?

Some areas to consider when answering these questions:

- Agency written policies and procedures
- Verbal messages communicated to staff
- Dedication of resources.

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Appendix A

**Relative Search Checklist**

Name of child: \_\_\_\_\_  
Date of out-of-home placement/TPR/Adoption/LTFC: \_\_\_\_\_  
Date agency began relative search: \_\_\_\_\_

Check the items completed for this relative search.

- \_\_\_\_\_ Genogram
- \_\_\_\_\_ SSIS 41 or SSIS 44
- \_\_\_\_\_ Initial relative search notices sent to family members
- \_\_\_\_\_ Notice at permanency or TPR petition 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
- \_\_\_\_\_ Family Group Decision Making conference
- \_\_\_\_\_ Documented relative search efforts