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# Influences on Foster Care Reentry Rate

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INFLUENCES ON FOSTER CARE REENTRY RATE

Thesis submitted in partial fulfillment of Honors

By

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The Honors College  
University Honors Program  
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April 23, 2014

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## INTRODUCTION

The Administration for Children and Families (ACF) is a federal agency that operates under the parent agency, U. S. Department of Health and Human Services. The vision of ACF is to foster “children, youth, families, individuals, and communities who are resilient, safe, healthy and economically secure,” (U.S. Department of Health and Human Services). Their mission is “to foster health and well-being by providing federal leadership, partnership and resources for the compassionate and effective delivery of human services,” (U.S. Department of Health and Human Services). How the mission statement is implemented and vision accomplished is largely left up to the individual states. One service provided by the states is foster care for children who suffer abuse, harm, or neglect. One measure of the success of the state’s implementation and accomplishment of the mission statement and vision is the permanency and sustainability of the child’s residence after exiting foster care.

Besides having federal agencies, the federal government also gives money to the states. In exchange for that money, there are requirements that the state will meet a certain standard. Money going to the states for child welfare means that the state is responsible for caring for the children. It also means that if a state does not meet a standard, it risks losing funding. This idea is set out in the United States Constitution in what is commonly called the Spending Clause found in Article I, Section 8, Clause 1 (U.S. Const. art. I, §8, cl. 1). The idea was upheld by the Supreme Court in *South Dakota v. Dole, Secretary of Transportation* when it allowed Congress to withhold money for highways from states that did not raise their legal drinking age to 21 (*South Dakota v. Dole, Secretary of Transportation, 1987*).

This study was conducted in order to highlight the differences in states’ policies that may contribute to higher rates of reentrance into foster care. Specifically, this study will seek to

discover what general trends are significantly correlated with higher reentrance rates across the United States and then look to three states, very similar in socioeconomic characteristics, yet different in the reentry rates, to compare the state policies as a basis for the difference in reentrance rate. Reentrance rate, for the purpose of this study, is defined as the percentage of children in the state that reentered foster care within 12 months of a prior episode. A child is any person between the ages of 0 and 16 years according to the Social Security Act of 1935 in regard to children in need; however, most states now consider individuals between 0 and 18 years of age as children and thus subject to and beneficiaries of both federal and state child welfare acts and policies. The age range is provided in order to understand who is protected and benefitted by these policies. The age range is not a subject of scrutiny by this study. The goal of this study is to point out differences in each of the three comparison states' policies as possible ways to evaluate current policy in other states and implement changes to those policies that may help create a more stable environment for the children in this nation. A secondary aspect of this study is to critically examine prior notions about who is more likely to be involved with the child welfare system as clients, which is what the families who have been reported or who have children in the system are called, or to establish more evidence that these notions are misconceptions. Research in the field of psychology has shown that children who live in unstable environments and are placed in foster care repeatedly are less likely to graduate high school (Weisman, 2012). These children are also less likely to be involved in extra-curricular school activities and have the opportunities available to them that other students do (Vacca, 2008). Repeated entrance and aging out of foster care is associated with higher risk of drug abuse, promiscuity, and pregnancy (Scott, 2012). These studies are just a few among many in the field of psychology that point to

problems that repetitive reentry into foster care can cause for children in the system and later as they enter adulthood.

Now that some background along with the proposed importance of this study have been established, it is important to provide some additional definitions for terms that will be frequently used or significant to the understanding of this study. The definitions that will be used are the legal definitions of these terms as laid out in the federal law, the Adoption and Safe Families Act of 1997. The federal law has been chosen for definitions because in the United States, federal law reigns supreme over state law. State law can only be more restrictive not less (U.S. Const. art. VI, cl. 2). Therefore, these definitions will be sufficient to cover all states. “The term ‘legal guardianship’ means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision making. The term ‘legal guardian’ means the caretaker in such a relationship” (Adoption and Safe Families Act of 1997). “A child shall be considered to have entered foster care on the earlier of— (i) the date of the first judicial finding that the child has been subjected to child abuse or neglect; or (ii) the date that is 60 days after the date on which the child is removed from the home” (Adoption and Safe Families Act of 1997). The type of adoption with which this study is concerned is labeled foster child adoption. “The term ‘foster child adoption’ means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State” (Adoption and Safe Families Act of 1997). A permanency plan is described as a “plan for the child that includes whether, and if applicable when, the child will be returned to the parent, placed for adoption and the State will file a petition for termination of parental rights, or referred for legal guardianship,

or (in cases where the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement” (Adoption and Safe Families Act of 1997).

It is important that a pathway to permanency is established. In order to establish a pathway, it is vital to understand the factors that contribute to permanency. In a study conducted by Becci A. Akin (2011), four options for permanency were considered—adoption, guardianship, reunification—and two variables—frequency of being placed into foster care and length of time in foster care. The goal was to see if the two variables and the four options for permanency were related. The study found that one in four children remained in foster care or exited without permanency. Akin found that reunification was most likely for children who had the lowest frequency and shortest length of time in foster care. Adoption was most likely for those who had the longest length of time but the median amount of frequency of being placed in foster care. The likelihood of guardianship was greatest for children who had the highest amount of frequency of placements into foster care but the median length of time in foster care, (Akin, 2011).

The Adoption Assistance and Child Welfare Act of 1980, an act passed by the 96<sup>th</sup> Congress in June 1980 as Public Law 96-272, describes many technical terms of the child welfare system and provides an outline of how a case should be investigated by each state’s agency. It gives the minimum standards of filling out the proper paperwork and establishing a plan for permanency for the child along with the instructions for parents. It also establishes that the health and safety of the child is the first priority. This includes a plan for stability whether



that stability be with the parents or by adoption (Adoption Assistance and Child Welfare Act of 1980). It is mandated by the Adoption and Safe Families Act of 1997, a revision of the Social Security Act of 1935, that permanency be established and in a timely manner. This also differs from the Adoption Assistance and Child Welfare Act of 1980 in that while safety of the child is still a priority, there is an additional focus on the rights of the biological parents and reunification of the child with the biological family. It stresses that permanency is the goal even if it means a permanent residence other than the home of the biological family. The Adoption and Safe Families Act of 1997 also provides incentives for the state to find permanent homes for children. Specifically, it provides for adoption incentive payments, which are payments to states that increase their base number of foster child adoptions. There is no provision for incentive payments for reunification. However, there are caps on how much a state can receive, what the money can be used for, and how long the money will be available to the state that is incentive-eligible (Adoption and Safe Families Act of 1997). It can be assumed this is to safeguard against states increasing removals and placements into adoption without giving reasonable and best efforts to reunify the child with the biological family. The Adoption and Safe Families Act of 1997, however, leaves much discretion to the states, the agencies, the courts, and the case workers on how the state's child welfare system will be run and how a permanency plan will be formed and carried out. It may be inferred that there is much inconsistency in the decisions made somewhere in the chain or in multiple links of the chain. What is definite is that there is inconsistency in the resulting permanency. This is reflected by the varying reentrance rates of each of the 50 states. This study looks to answer the question: what explains the inconsistency in foster care reentry rates across the states?

Prior research on reentry rates has looked at key aspects of the child entering foster care and his or her family. According to Barth, Weigensberg, Fisher, Fetrow, and Green (2008), there is a positive correlation between a high score on the child behavior checklist, which includes various child behavioral issues, and the likelihood of reentry into foster care after reunification with the biological parents. They also found a positive correlation between having three or more other children living at the home from which the child was removed and the likelihood of reentry post reunification (Barth, et al, 2008). Substance abuse is a contributing factor to reentry rate according to research done by Jody Brook and Tom McDonald (2008). They were concerned with the effect of the cited reason for removal on reentry rate. The cited reason for removal became their independent variables. They established three independent variables—alcohol and drug abuse, either alcohol or drug abuse, and no abuse. The substance abuse with which this study was concerned was done by the parents in the home from which the child was removed. They found that the variable, alcohol and drug abuse, was correlated with the highest rates of reentry. They also found that abuse of only one or the other of alcohol or drugs was correlated with the second highest rates of reentry. No substance abuse was associated with the lowest rates of reentry (Book & McDonald, 2009).

This study is different than the above studies because instead of looking at the familial and child behavior factors, it will discuss demographic and socio-economic factors along with state child welfare policies as independent variables. The three states that are examined in this study are Minnesota, North Carolina, and Tennessee. The three states were chosen based on their dissimilarities of rank in reentrance rate and their similarities in demographic and economic makeup by using the Most Similar System (MSS) design method. The ranking was arranged with the lowest percentage of reentrance as number one and the highest reentrance as the last number

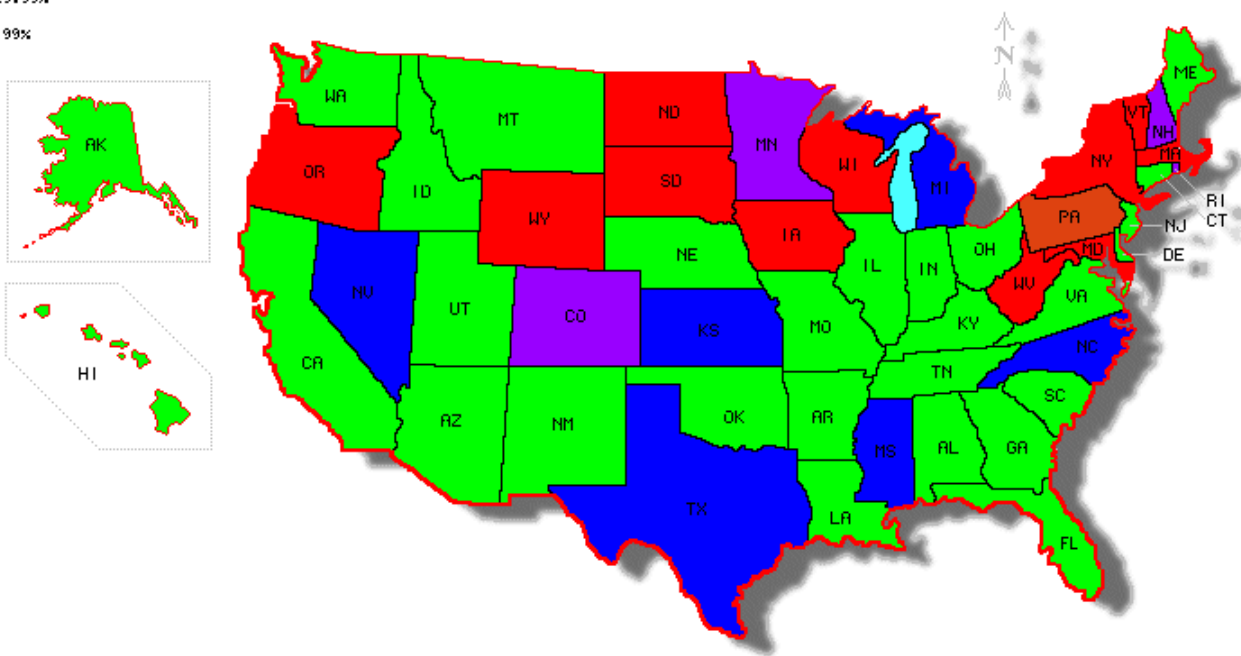
(Children's Bureau (ACYF, ACF) of the U.S. Department of Health and Human Services, 2013). See Figure 1 and Table 1 for the percentages and rankings. The information for demographic and economic comparison is available in Table 5 in Appendix A. The factors compared are the percentage of the population that is white, the percentage of children, which includes individuals between the ages of 0 and 19 years, the percentage of husband-wife families, median income, unemployment rate, the percentage of individuals below poverty level, and the percentage of adults with at least a high school degree. One discrepancy between the data is the time in which it was gathered. The data for reentrance is from the federal fiscal year while the demographic and economic data is from the calendar year. Therefore, the reentrance rates that will be compared are for Fiscal Year 2011, meaning the data was gathered from October 1, 2010-September 30, 2011. The demographic and economic data is from calendar year 2010.

The following map is a visual representation of the reentrance rates across the United States. The goal of this study is to give possible explanations for the range of percentages and provide suggestions on how to lower the percentages of reentrance rates.

**Figure 1: Reentrance Rates Across the United States**

**Reentrance Rates**

- - 0-4.99%
- - 5.0-9.99%
- - 10.0-14.99%
- - 15.0-19.99%
- - 20-24.99%



Source: diymaps.net ©; Child Welfare Outcomes Report to Congress 2008-2011

**Table 1: Ranking of FY 2011 State Reentrance Rates (Low-High)**

Ranking of FY 2011 State Reentrance Rates (Low-High)		
Rank	State	Percentage
1	North Carolina	2.3
2	Texas	2.8
3	Michigan	3.9
4	Kansas	4.2
5	Mississippi	4.5
6	Nevada	4.8
7	Virginia	5.0
8	Connecticut	5.1
9	Oklahoma	5.1
10	Illinois	5.4
11	Alaska	5.6
12	Georgia	5.9
13	Washington	5.9
14	New Mexico	6.4
15	Missouri	6.5
16	Maine	6.6
17	Utah	6.7
18	Indiana	6.8
19	South Carolina	7.2
20	Florida	7.3
21	Delaware	7.3
22	Idaho	7.5
23	Hawaii	7.6
24	Tennessee	7.8
25	Montana	8.0
26	Alabama	8.2
27	New Jersey	8.4
28	California	8.6
29	Arizona	8.7
30	Nebraska	8.7
31	Louisiana	9.1
32	Arkansas	9.4
33	Kentucky	9.5
34	Ohio	9.7
35	Maryland	10.0
36	West Virginia	10.3
37	Vermont	10.9
38	Oregon	11.5
39	South Dakota	11.7
40	North Dakota	11.9
41	Iowa	11.9
42	New York	12.2
43	Massachusetts	12.4
44	Wisconsin	13.0
45	Wyoming	14.8
46	Colorado	16.1
47	New Hampshire	16.1
48	Rhode Island	16.7
49	Minnesota	19.7
50	Pennsylvania	20.1

Source: *Child Welfare Outcomes 2008-2011 Report to Congress.*

## DATA

The dependent variable is the reentrance rate into foster care. The independent variables include the following:

- the percentage of the population that is white in the state
- the percentage of the state's population that is children
- the percentage of husband-wife families in the state
- the percentage of the state's population that is unemployed
- the percentage of the population in the state who is below the poverty level
- the percentage of the state's population with at least a high school degree
- the median income
- the percentage of the population that lives in a rural area in the state
- the percentage of the state's population that lives in an urban area.

The dependent variable is easily established because reentrance rate is what this study seeks to explain. The independent variables were chosen by thinking through what might cause the issues that lead to children being placed in foster care. Race was seen to be indicative of child removal because of risk-taking behaviors and familial breakdown of some races versus others. The thinking behind the percentage of children in the state as an explanatory variable is that the more children in the state may lead to more children in the child welfare system. Variables that are considered to be hardships may also lead to inability to sufficiently care for a child, such as a single-parent home, unemployment, poverty, a lack of education, or low income. Urban areas are sometimes considered to be areas of social problems, such as drug abuse and high crime rates. Thus, it was chosen as a variable that may be associated with another societal problem of higher foster care reentry rates. See Table 2 in Appendix A for the compiled data for each state.

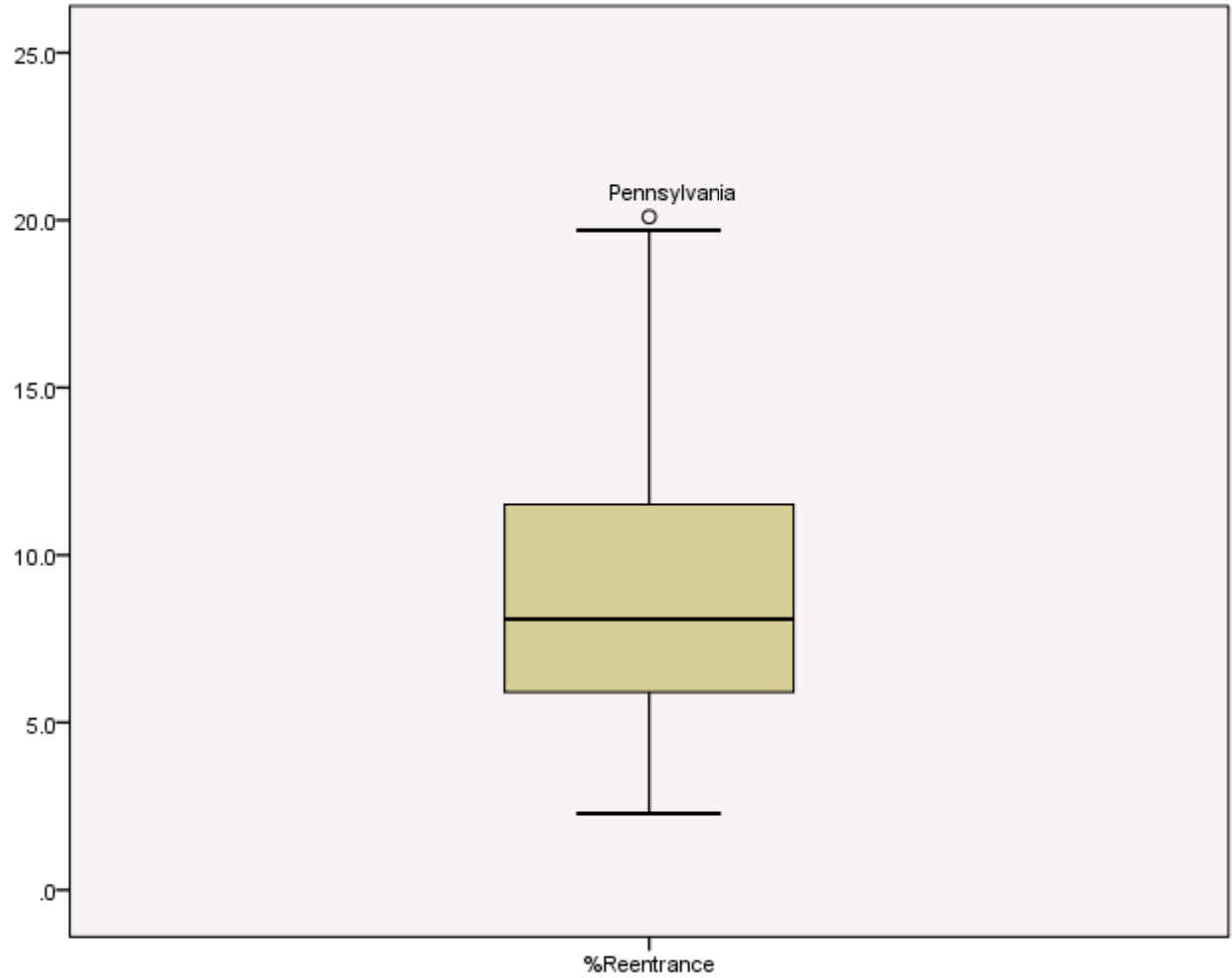
## METHODS

Statistical analysis was conducted on the data to establish any outliers among the dependent and independent variables. Outliers are cases that do not fit into the norm, such as the percentage of reentrance in Pennsylvania, as can be seen in the boxplot in Figure 2. Outliers can be determined by listing all of the data from low-high as is done in Table 1. Then the median of the data is found. These median of each half is found to make quartiles. The medians are known as  $Q_1$ ,  $Q_2$ , and  $Q_3$  from lowest set of numbers to upper set. The  $Q_1$  is then subtracted from  $Q_3$  and is labeled the interquartile range (IQR). Outliers are any numbers that fall outside of the following two equations.

$$Q_1 - 1.5(IQR)$$

$$Q_3 + 1.5(IQR)$$

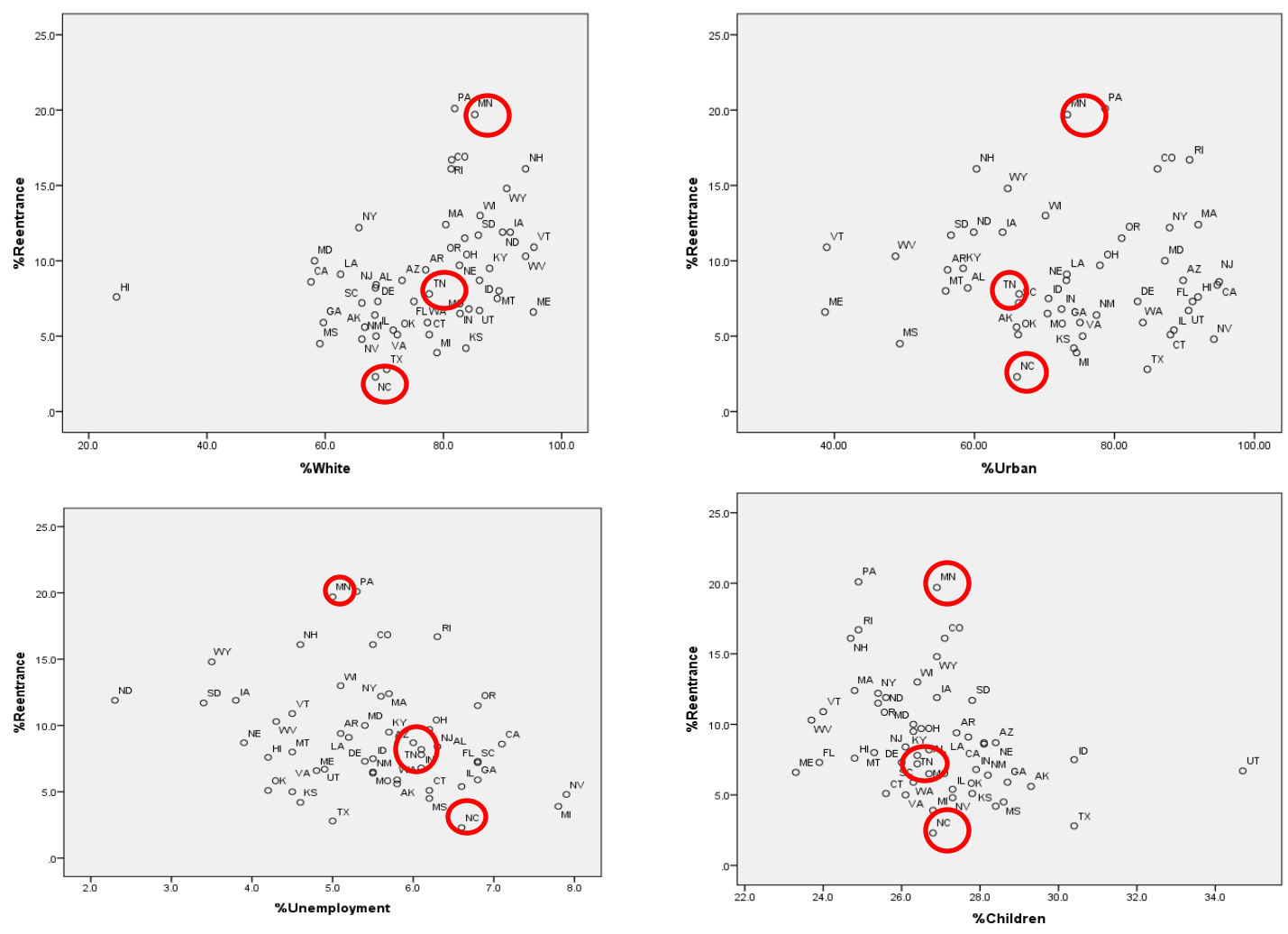
As is determined by the above equations and shown in the box plot in Figure 2, the states whose policies are being used for comparison are not outliers so they are comparable cases.

**Figure 2: Reentrance Rates FY 2011**

A set of scatterplots is provided to give a visual representation of the data in Figure 3. They show the relationship between the independent variables—percent white, percent urban, percent unemployment, and percent children—and the dependent variable—reentrance rate.



**Figure 3: Plotted Independent Variables in Relation to Reentrance Rates**



Next, a linear least-squares regression was conducted on the data gathered from all 50 states to analyze the empirical relationship between the dependent variable, reentry rate, and the following independent variables—percentage of white only individuals in the state, percentage of children in the state, percentage of husband-wife families in the state, percentage of individuals unemployed in the state, the median income of those living in the state, and the percentages of urban populations in the state.

**Table 2: OLS Estimates for Child Reentry Rates**

	B	Std. Error
White (%)	0.141	(0.048)***
Children (%)	-0.503	(0.358)
Husband-Wife Families (%)	-0.251	(0.276)
Unemployment (%)	-1.209	(0.547)***
Median Income (USD)	0.000	(0.000)
Urban	0.085	(0.052)*
Constant	21.117	(11.263)
N	50	
Adjusted R-sqr	.283	

Note: \*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$

## RESULTS

The OLS results are illustrated in Table 2. Using the alpha value of  $p \leq 0.1$ , the independent variable, percentage of individuals that are of the white only race, is strongly related to higher reentrance rates. This means that in areas where there is a higher population of white individuals, reentry rates are higher. This might mean that it is more likely that children from white families are more likely to be returned to their homes than children who come from minority homes. The independent variable, percent of population living in urbanized areas also statistically related with the higher reentrance rates ( $p < 0.1$ ). This relationship says that in states with more people living in the city, there is a higher probability that a child will reenter the foster care system. It may mean that caseloads are higher in the city so children are more likely to return home than children who are removed from homes in rural areas. Although the independent variable, percent of individuals that are unemployed, is statistically significant at  $p < 0.01$  level, the coefficient is negative. A negative coefficient indicates that higher level of unemployment negatively predict the reentry rates, all else being equal. This means that unemployment is not a

predictor of high reentry rate. Median income, percent children and the rate of husband-wife families are not statistically significant.

## **CASE STUDY ANALYSIS**

After exploring the national-level trends, I proceed with focused case study analysis. Specifically, I will analyze three states, in detail, with similar demographics and socioeconomic statistics. This analysis is fundamental in order to explain the factors at play not captured in my previous multi-variable analysis. In other words, it is important to identify and address potential lurking variables; lurking variables are empirically-relevant factors that are sometimes overlooked because they often are immeasurable yet still have an effect on the dependent variable.

In this case, state policies are potentially lurking variables. The three states that will be analyzed are Minnesota, North Carolina, and Tennessee. Again, these states were chosen because of their divergence in reentrance rate rankings and their similarity in the independent variables (i.e., Most Similar System design). See Table 3. The independent variables previously discussed may serve as driving forces for the differences in the reentrance rates of the three states being analyzed. However, because of the vast difference in the reentrance rates of North Carolina, Tennessee, and Minnesota, it is reasonable to look for other variables that may also have an effect on reentrance rate. North Carolina has a 2.3 percent reentrance rate while Tennessee is more than three times that at 7.8 percent. Minnesota has a reentrance rate of 19.7 percent, more than double that of Tennessee and almost nine times that of North Carolina. In comparison to the other forty-nine states, North Carolina is ranked number one with the lowest foster care reentrance rate. Tennessee falls in the middle at number twenty-four. Minnesota has a very high reentrance rate and is ranked forty-ninth.

**Table 3: Independent Variable Values**

<b>State</b>	<b>Percentage White</b>	<b>Percentage Urban</b>
Minnesota	85.3	73.27
North Carolina	68.5	66.09
Tennessee	77.6	66.39

Before the discussion of state policy ensues, it is important to recall that the purpose of this study is to identify factors that influence foster care reentry rate. The goal is analyze the variation in state policies that may explain the foster care reentrance rates so that they may be addressed or changed. It is not to say that one whole state system is good or bad or that one whole state law or group of laws is good or bad. The statutes will be examined and considered in light of future child residence stability.

### **Reporting**

First, to be considered is the reporting of harm. Without a report, there is no investigation and no placement of a child into state's custody. On this level the three states are fairly similar. While using different words and different lengths of statutes, each state says that anyone who in good faith makes a report of harm either because the individual believes that harm has been done or believes that he or she is required to by law cannot be held liable in civil court or in criminal court. This is commonly referred to as the Good Samaritan Law. Persons not immune from liability are individuals that are responsible for the abuse or neglect of the child (Minn. Stat. Ann. § 626.556, Subd. 4; N.C. Gen. Stat. § 7B-309; Tenn. Code Ann. § 37-1-410(a)(5)(B), (6)-(8)).

Minnesota has a much broader mandate than either of the other two states on who is responsible for reporting. The statute in Minnesota states that anyone who notices abuse that has occurred within 3 years of the current date shall report it orally immediately (Minn. Stat. Ann. § 626.556, Subd. 3, 7). The statute goes on to say that the report shall be made in written form

within 72 hours unless the appropriate agency informs the reporter that is unnecessary (Minn. Ann. Stat. § 626.556, Subd. 3, 7) North Carolina, while still requiring anyone that suspects harm to report it, gives options for how a report can be made (N.C. Gen. Stat. § 7B-301). It may be made orally, by telephone, or in writing to the child welfare department (N.C. Gen. Stat. § 7B-301). Tennessee, like Minnesota and North Carolina, requires anyone that suspects harm to report it (Tenn. Code Ann. § 37-1-605(a)). The specifics of how and when to report are not given, however. Tennessee and North Carolina do not include the 3 years preceding as Minnesota does. The important information to note here is that in all three states anyone who suspects or is aware of abuse is legally obligated to report it. The only privilege honored is the attorney-client privilege when the client is being tried for the abuse and that is only in North Carolina (N.C. Gen. Stat. § 7B-310).

Each of the states lists information that should be included on the report. Individuals reporting abuse should fill out the information to the extent that they are capable. Unknown information should not prevent a person from reporting abuse. Minnesota has the most basic report of the three states. The requested information to be put on the report include the child, the person believed to be responsible for the harm, the nature of said harm, and the name and address of the reporter (Minn. Ann. Stat. § 626.556, Subd. 7). Tennessee's requested list of information is more extensive. It includes the name, address, and age of the child, the name, address, and age of the person responsible for caring for the child, the facts that necessitated the report, and any other important information (Tenn. Ann. Code § 37-1-403). North Carolina's report is the most detailed. The requests include the name and address of the child and his or her parents, guardians, etc. the age of the child, the names and ages of other children in the home, the present location of the child—if not at home, the nature of any injury or condition as a result of

the harm, and any other information that the reporter thinks is relevant (N.C. Gen. Stat. § 7B-301). Currently, Minnesota requires the reporting of drug-exposed infants (Minn. Ann. Stat. §§ 626.5561; 626.5562). Although North Carolina and Tennessee do not address drug-exposed infants specifically, it should not be assumed that it is not reported in these states because drug abuse by the parent(s) is listed as a form of child abuse in North Carolina and Tennessee (N.C. Stat. Ann. § 15A-1340.16; Tenn. Code Ann. § 37-1-102(23)(D)). Recently passed and signed by Governor Bill Haslam is a law in Tennessee to charge mothers who give birth to drug-dependent newborns. This law comes just one year after the Safe Harbor Act of 2013, which was enacted in order to help pregnant women be the priority for receiving counseling and other rehabilitative treatments for drug dependency. The act also gave those women protection from custodial intervention if they underwent the counseling and/or other rehabilitation, (Safe Harbor Act of 2013). The new bill amends Tennessee Code Annotated, Section 39-13-107(c) and 39-13-214(c) giving prosecutors the ability to charge mothers who abuse drugs during pregnancy and give birth to a child who is born addicted or harmed by the drug (Tenn. Code Ann. §39-13-107(c); §39-13-214 (c)). It will be only in retrospect that its effects on reentry rates and stability can be determined. The effectiveness of the bill is to be examined in 2016. What should be investigated further is whether more detailed guidelines for reporting and an increased number of criminal penalties for abuse, such as the bill passed in Tennessee, along with more mandates related to parenthood are related to future success in permanency.

### **Screening**

Next, in the process is the decision of which agency should receive the report and the screening of the report. North Carolina specifically states that the report should be made to the Department of Social Services in the county of the child's residence (N.C. Gen. Stat. § 7B-301).

Tennessee and Minnesota give several options of where the report can be made (Minn. Ann. Stat. § 626.556, Subd. 3; Tenn. Ann. Code § 37-1-403). The agency that receives the report is then responsible for forwarding it to the appropriate agency. The child welfare agency, at whatever stage it receives the report is responsible for screening the report in Minnesota and North Carolina (Minn. Ann. Stat. § 626.556, Subd. 7, 10; N.C. Gen. Stat. § 7B-302). North Carolina is even more specific and states that the director of the child welfare agency is responsible for the screening (N.C. Gen. Stat. § 7B-302). Tennessee charges the Department of Children's Services with screening the report and gives them the discretion to change the assessment to an investigation at any time that it seems appropriate during the proceedings (Tenn. Ann. Code § 37-5-604).

### **Assessment/Investigation**

Then, an assessment or investigation is conducted as deemed appropriate. In Minnesota, the agency conducting the assessment or investigation depends on the alleged abuser and/or location of the abuse. The Department of Education is responsible for allegations of abuse at school. The Department of Human Services is to conduct assessments or investigations of abuse that occur in licensed facilities. Abuse that is criminal is to be assessed or investigated by law enforcement. The local child welfare agency is responsible for all other investigations and assessments (Minn. Ann. Stat. § 626.556, Subd. 3b, 3c, 3e, 3f). The child welfare agency is required to investigate or assess the allegations of harm in Tennessee and North Carolina (N.C. Gen. Stat. § 7B-302; Tenn. Ann. Code §§ 37-1-406; 37-1-607). North Carolina charges the director with this responsibility (N.C. Gen. Stat. § 7B-302; Admin. Code Tit. 10A, § 70A.0106). The state of Tennessee mandates that a Child Protective Services Investigator—or Child Protective Services Investigation Team if the abuse is sexual—will conduct the assessment or

investigation as he or she has been trained. This individual cannot be a previously assigned probation officer (Tenn. Ann. Code §§ 37-1-406; 37-1-607). A lack of uniformity in who will conduct the investigation may be where Minnesota's problems truly lie. When there are multiple agencies that are responsible for assessing and investigating, it seems likely that there will also be multiple procedures on how an assessment or investigation will be handled. This may also increase the likelihood that no investigation or assessment will be done at all because of the weak accountability. There is also the risk that multiple agencies with multiple procedures and requirements will not be working together or will be working together without clear communication. This can lead to confusion among agencies and parties. Reunification of a child with the birth family hinges on the successful completion of a permanency plan, which as stated earlier is mandated by federal law. Agencies believing that another agency is monitoring a requirement or other aspect of the investigation, assessment or permanency plan can lead to serious mistakes, incomplete tasks, and other missing key components that can affect later stability.

North Carolina and Tennessee require that investigations or assessments begin within a limited time frame depending on the severity of allegations. These range from immediately to 72 hours (N.C. Gen. Stat. § 7B-302; Tenn. Ann. Code §§ 37-1-406; 37-1-607). Minnesota lists no such stipulation. Minnesota and Tennessee require that a case be completed within 45 days and 60 days respectively (Minn. Ann. Stat. § 626.556, Subd. 10e; Tenn. Ann. Code §§ 37-1-406; 37-1-607). North Carolina does not list a limit. It may be inferred that quick intervention allows for a better assessment or investigation because facts are less likely to be forgotten and evidence less likely to be compromised. It also decreases the chance for a family to relocate, thus evading investigation. Getting an investigator in to the home early also builds rapport with the child and



the family. This trust helps later in the process because the family is more likely to believe the investigator is there to help and wants to maintain the home or reunify the family depending on the need for removal. A time limit on when the case must be closed can lead to two different solutions concerning removal and reunification. Either the family will see the time frame as motivation to complete the requirements quickly and save their family or the time limit will lead to ineffective plans because of a lack of time to complete the plan or a lack of the longitudinal accountability by the family to anyone. Different requirements have different time limits. For instance, a lack of running water or electricity must be rectified before the child can stay in the home. Incompletion increases the chance of removal of the child from the birth family's home. A lack of accountability may mean the family falls back into old habits. It can only be hoped that someone will report the situation for sake of the child's safety. This falling back into the habits that led to the previous removal(s) may lead to subsequent removals, which would serve to drive reentrance rates up.

### **Court Proceedings**

The best interest of the child should always be at the forefront of any investigation or assessment. To accomplish this, Tennessee and North Carolina assign a guardian ad litem (GAL) to every child that is the subject of abuse (N.C. Gen. Stat. § 7B-601; Tenn. Ann. Code §§ 37-1-149; 37-1-610). The guardian ad litem represents the child and his or her best interests in all court proceedings. The qualifications and choice of who to appoint as a GAL differ among the three states. Each state has some sort of guidance for the GALs and takes into account the needs and background of the child (Minn. Ann. Stat. §§ 260C.163, Subd. 5; 518.165, Subd. 4; N.C. Gen. Stat. § 7B-1200; Tenn. Ann. Code § 37-1-149). Besides being in court with or for the child, the GAL must conduct an investigation and fully know the case along with following up to

insure that court orders are met (N.C. Gen. Stat. § 7B-601; Tenn. Ann. Code § 37-1-602; TN Sup. Ct. Rule 40). GALs are compensated in each of the states for their services although the party responsible for the payment is different in each of the states (Minn. Ann. Stat. § 260C.163, Subd. 5; Minn. Ann. Stat. § 260C.331, Subd. 3, 5, & 6; N.C. Gen. Stat. § 7B-603; Tenn. Ann. Code § 37-1-610). Minnesota appoints a GAL when the child is without a parent, with an underage, incompetent, or hostile parent, or when the child is in protective custody (Minn. Ann. Stat. § 260C.163, Subd. 3 & 5). North Carolina goes a step further and appoints legal counsel—when the GAL is not an attorney—to protect the child’s interests (N.C. Gen. Stat. § 7B-601). Tennessee sometimes appoints someone from the Court-Appointed Special Advocate Association (CASA). A CASA appointment, in the state of Tennessee, is different than a GAL in that the individual from CASA is to be with the child before, during, and after the court proceedings and act on the child’s behalf (Tenn. Ann. Code § 37-1-149). Typically, the GAL is an attorney and is more of a legal representative than the CASA representative who fits more of a social worker description. The appointment of someone from CASA is not addressed in Minnesota and North Carolina’s codes. The significance of the GAL is that he or she is separate from everyone else in the proceedings and is to be a neutral and objective party. His or her job is to look at the situation from the best interest of the child and to speak up for the child. This may prevent biases for or against the family from getting in the way of reunifying too early, postponing reunification, refusing reunification, not doing a necessary removal, or removing unnecessarily. This person keeps everyone honest, so to speak, and can lead to more successful permanencies because of that.

## **Permanency**

The case plan for the three states is quite similar along with the dates for review hearings. The case plan is the requirements of everyone involved, the timeline, and the records of the proceedings. It is a way of making the government agency transparent and making it clear to all involved what is expected. The expectations include requirements of the biological parents such as rehabilitation, counseling, visitation rights or the lack thereof, drug screens, and home improvements. It also lists requirements of the agency to keep the biological family informed of decisions and changes, court and meeting dates and times, and any other pertinent information. It also requires the foster family to assist in permanency, such as taking the child to appointments, supervising visits, and keeping the child safe (Minn. Ann. Stat. § 260C.212; N.C. Admin. Code, Tit. 10A, § 70G.0504; Tenn. Ann. Code § 37-2-403). The difference between the three states occurs within the permanency hearings. Minnesota, unlike the other two states, requires that a permanency hearing must be held no later than 6 months after adjudication, when the child was legally placed in foster care, if the child is under 8 years at the time of the adjudication (Minn. Ann. Stat. § 260C.163, Subd. 2, 3). Another difference lies in the purpose of the permanency hearing. While North Carolina and Tennessee are still developing permanency plans at the permanency hearing (N.C. Gen. Stat. §§ 7B-906; 7B-907; Tenn. Ann. Code §§ 37-2-404; 37-3-409), Minnesota treats the permanency hearing as a finalization date of determining the permanent status of the child (Minn. Ann. Stat. § 260C.201, Subd. 11). More children going home in less than 12 months could reasonably lead to higher rates of reentry that are within 12 months of a prior episode just because of timing. A shorter timeframe may also lead, as was discussed earlier, to a lack of effectiveness of components of the permanency plan, such as rehabilitation or parenting classes.

Each of the states lists requirements for foster parents and adoptive parents. Of the three states, Minnesota seems to be the most restrictive. The state's statute includes gross misdemeanors of offenses, such as violence and fraud, up to 10 years prior as disqualifiers for foster parents (Minn. Ann. Stat. § 260C.201, Subd. 11), whereas North Carolina includes up to 5 years prior for felonies and no mention of misdemeanors (N.C. Gen. Stat. § 131D-10.3A; Admin. Code Tit. 10A, § 70E.1115). Tennessee has a select few offenses that may disqualify an individual from being a foster parent, most of which are any offenses toward children (Ann. Code § 37-5-511). Minnesota also looks at all individuals in the home 13 years of age and over for prior records and allegations when making suggestions about an adoptive home (Minn. Ann. Stat. §§ 245C.08, subd. 1; 259.41, subd. 1 & 3). North Carolina considers individuals 18 and over (N.C. Gen. Stat. § 48-3-309; Admin. Code Tit. 10A, § 70H.0405 ). Tennessee focuses only on the adoptive parents (Tenn. Ann. Code § 36-1-116; Code of Rules & Regs. R. 0250-4-9-.09) although the caseworker may choose to consider other factors when conducting the home study. This information is important to consider. The goal is for the child to be safe and to have stability. Moving the child from one abusive home to another does not serve the best interest of the child. It also increases the likelihood of being placed into state's custody once again. See Table 3 for the permanency data for Minnesota, North Carolina, and Tennessee. This data shows that North Carolina has the lowest percentage of reunification and the highest percentage of adoption out of the three states being compared. While it is possible that this is totally unrelated, it may be that the permanency outcomes may be predictors of reentry rates. It may be that Minnesota and Tennessee put an emphasis on keeping the original family together. While there is nothing wrong with this idea, it may not translate well into policy, especially if keeping the family together proves to be unsuccessful in the long-term. Unsuccessful in the long-term would

mean that there is post reunification reentry or reentries. This data may be difficult to track depending on movement of families—biological and adoptive—and name changes after adoption.

**Table 4: Permanency Percentages**

	Minnesota	North Carolina	Tennessee
Adoption	10.2	26.5	14.5
Guardianship	9.3	14.2	2.9
Reunification	67.1	46.5	70.2
Other	13.3	12.7	12.0

**Source:** *Child Welfare Outcomes 2008-2011 Report to Congress.*

A summary of each of the state’s policies at each of the stages listed above is provided in Table 4.

**Table 5: Summary of States' Policies**

<b>Stage</b>	<b>North Carolina</b>	<b>Tennessee</b>	<b>Minnesota</b>
Reporting	<p>Anyone to Report</p> <p>Report of Harm Orally, by Telephone or in Writing</p> <p>Most Detailed Report (of 3 states)</p> <p>Report to the Department of Children's Services</p>	<p>Anyone to Report</p> <p>Report Can Be Made to Different Agencies</p>	<p>Anyone to Report</p> <p>Immediate Oral Report of Harm (preceding 3 years-present)</p> <p>Written Report w/in 72 hours</p> <p>Least Detailed Report (of 3 states)</p> <p>Drug Exposed Infants to be Reported</p> <p>Report Can Be Made to Different Agencies</p>
Screening	Director Responsible	Department of Children's Services Responsible	Child Welfare Agency Responsible
Assessment/ Investigation	<p>Child Welfare Agency</p> <p>Time to Assessment/ Investigation Depends on Allegations</p>	<p>Child Welfare Agency</p> <p>Time to Assessment/ Investigation Depends on Allegations</p> <p>Case Complete 60 days</p>	<p>Depends on Where the Alleged Harm Took Place</p> <p>Case Complete 45 days</p>
Court Proceedings	<p>GAL</p> <p>Appointed Legal</p>	<p>GAL</p> <p>CASA—sometimes</p>	GAL—sometimes

	Counsel When GAL is Not an Attorney		
Permanency	Plan Permanency Hearing (12 mo.)	Plan Permanency Hearing (12 mo.)	Plan Permanency Hearing (12 mo. unless under 8 years—6 mo.)

While there are other differences between the three states' laws that are not included in this case analysis, these differences did not seem to have a relation to reentry rate and stability. Parts of these laws address payments to foster care parents to provide for the foster children, the legal rights of the father, and the giving up of a child at or near birth. Payments to the foster care family are not for services that will assist the biological family and the child in reunification. The father's rights are related to when a mother gives up a child at or near birth. There is a set time when this child can be claimed and the decision reversed. After this point, the child is available for adoption. Unless the adoptive family becomes a client, this is unrelated to reentry. Despite being outside the scope of this study, it does not mean that these differences have no effect on any other part of the process or on the safety of the child. It also does not mean that they are not important differences. It simply means that they were not relevant to this study.

Another important consideration is the adherence to the state's policies. An on-site study of the actual practices of the agencies and courts involved in the child welfare system would lend to interesting information. It would be interesting to note whether the permanency of the child is actually determined as is outlined in the legal code or if it is a much different defacto process. Also important is how well the codes translate into everyday life. It may be that the code does not work so individuals have learned to improvise. The sterile environment of academia and state statutes is great for thought exercises. However, reality is chaotic and often times comes with

situations that no one has thought of yet. Therefore, there is no guideline to call upon to make the decision. An individual is required to make a judgment call. So while the laws are fairly straightforward, circumstances may require a different approach. Consequently, defacto implementation of statutes may further affect reentry.

## **DISCUSSION**

It is not possible to say that the differences in the states' policies are the driving forces in reentry rate. It is reasonable to assume that the rules that govern a system affect how a system is run. Therefore, it is also reasonable to consider the policies of Minnesota, North Carolina, and Tennessee affect the decisions that are made in each of the states.

Out of all the differences in each of the three states' policies discussed in the Case Analysis, some are more concerning than others. The clear cut accountability in North Carolina may be the source of its success. Tennessee and Minnesota are less eager to put the weight of decision-making on the shoulders of the director of their child welfare agency. It may be that making one person responsible for making decisions means those decisions are made more carefully. The lack of accountability that can occur on behalf of the agencies involved during the Assessment and Investigation stage in Minnesota could lead to serious issues. Multiple agencies working together can lead to 'finger pointing' and political mayhem, all of which does nothing to insure the safety of the child and successful exit to permanency. The deadline for closing a case can also be the source of some grief for caseworkers in Minnesota and Tennessee. They may have difficulty locating families and getting them into the proper programs or getting approval for funds. The caseworker may either have to close the case without completing all the steps that he or she would have liked to have taken or run the risk of being reprimanded for having cases open too long. Finally, the requirement in Minnesota that a child under 8 years have a



permanency hearing by 6 months seems significant for permanency outcomes. It is not difficult to imagine that families looking to adopt would rather have a younger child than a teenager. It is also not difficult to imagine that a child who is younger is more demanding. Lastly, because of the higher demands, it is not difficult to imagine that a quick reunification of a child less than 8 years of age with his or her parents may result in the need for another intervention. As the interventions increase and the child continues to age, it may be less likely for that child to be placed with an adoptive family if the parents' rights are terminated. Even if the scenario does not play out as suggested, having a mandate for a permanency hearing by 6 months would logically push up number for reentry rates that look at reentrance into foster care within 12 months of a prior episode just because of the increased opportunity to reenter.

Each of the states addresses many other issues related to child welfare. While these may not be related to reentry rates, they are still related to the well-being of the child and the stability of the child. These other factors to be considered for research and for determination of a child's welfare and permanency are issues related to adoption and foster care. There are several regulations about who can adopt, what expenses can be taken on by the adoptive parents, contact agreements with the birth family, the rights of the father, and the possibility of the birth parent regaining rights. Foster care homes are also regulated. Some of these regulations include certain safety conditions that the home must meet, rules that foster parents must follow, training that the foster parent must obtain.

There are still many situations that this study does not cover. The child welfare system is full of dilemmas and questions. There is plenty of research to be done that falls outside the scope of this study. Several questions can be raised in the realm of reporting. Do individuals report abuse to the correct agency? Does a centralized location for reporting decrease the number of

reports that get lost or forgotten? Does this mean more reports coming in to the agency? Does this have any effect on permanency and reentry rate? Since investigations are for severe harm and family assessments are for situations where the child is not endangered, it can be inferred that investigations lead to more removals, which leads to questions of who should and does make that judgment call and what aspects should be and are included in making the decision. While there are plenty of requirements and regulations for taking care of children, there are still plenty of examples of when these are not enough. There are children who are abused in foster care. There are children who are emancipated with no resources and no life skills. There are adoptive families whose hearts are broken when the court rules that the terminated rights of the biological parent are being reinstated just when the adoptive family thought the adoption was going to be finalized. There are fathers who are unaware that they have a child or that they have rights. There are children abandoned in restrooms and garbage cans while safe haven laws provide immunity for relinquishing parents. These scenarios exist and are probably more prevalent than what citizens see on the evening news. The questions and scenarios are endless.

It is a flawed system. It is a sensitive system. It is an important system. It is a system that protects some of the most vulnerable population. It should be treated as such. This does not mean that it should not be probed and studied to determine what works and what does not and most importantly what is in the best interest of the children.

## Appendix A

Table 6: Compiled Data for Each of the 50 States

N	State_Name	%Reentrance	%White	%Children	%Husband-Wife Families	%Unemployment	%Below Poverty Level	%At Least High School Degree	Median Income US \$	%Rural	%Urban
1	Alabama	8.2	68.5	26.7	47.9	6.1	18.1	82.6	43,160	40.96	59.04
2	Alaska	5.6	66.7	29.3	49.4	5.8	9.6	91.6	69,917	33.98	66.02
3	Arizona	8.7	73	28.4	48.1	6	17.2	85.4	50,256	10.19	89.81
4	Arkansas	9.4	77	27.4	49.5	5.1	18.7	83.3	40,531	43.84	56.16
5	California	8.6	57.6	28.1	49.4	7.1	15.3	81	61,400	5.05	94.95
6	Colorado	16.1	81.3	27.1	49.2	5.5	12.9	89.9	58,244	13.85	86.15
7	Connecticut	5.1	77.6	25.6	49	6.2	10	89	69,519	12.01	87.99
8	Delaware	7.3	68.9	26	48.3	5.4	11.5	87.7	60,119	16.7	83.3
9	Florida	7.3	75	23.9	46.6	6.8	15.6	85.8	47,309	8.84	91.16
10	Georgia	5.9	59.7	28.7	47.8	6.8	17.4	84.4	49,604	24.93	75.07
11	Hawaii	7.6	24.7	24.8	50.5	4.2	10.8	90.3	67,492	8.07	91.93
12	Idaho	7.5	89.1	30.4	55.3	5.5	15.1	88.6	47,015	29.42	70.58
13	Illinois	5.4	71.5	27.3	48.2	6.6	13.7	87	56,853	11.51	88.49
14	Indiana	6.8	84.3	27.9	49.6	6.1	14.7	87	48,374	27.56	72.44
15	Iowa	11.9	91.3	26.9	51.2	3.8	12.2	90.7	51,129	35.98	64.02
16	Kansas	4.2	83.8	28.4	51.1	4.6	13.2	89.7	51,273	25.8	74.2
17	Kentucky	9.5	87.8	26.3	49.3	5.7	18.6	82.4	42,610	41.62	58.38
18	Louisiana	9.1	62.6	27.7	44.4	5.2	18.7	82.2	44,673	26.81	73.19
19	Maine	6.6	95.2	23.3	48.5	4.8	13.3	90.6	48,219	61.34	38.66
20	Maryland	10	58.2	26.3	47.6	5.4	9.4	88.5	72,999	12.8	87.2
21	Massachusetts	12.4	80.4	24.8	46.3	5.7	11	89.1	66,658	8.03	91.97
22	Michigan	3.9	78.9	26.8	48	7.8	16.3	88.7	48,471	25.43	74.57
23	Minnesota	19.7	85.3	26.9	50.8	5	11.2	91.9	59,126	26.73	73.27
24	Mississippi	4.5	59.1	28.6	45.4	6.2	22.3	81	38,882	50.65	49.35
25	Missouri	6.5	82.8	26.7	48.4	5.5	15	87.2	47,333	29.56	70.44
26	Montana	8	89.4	25.3	49.2	4.5	14.8	91.9	45,456	44.11	55.89
27	Nebraska	8.7	86.1	28.1	50.8	3.9	12.4	90.4	51,381	26.87	73.13
28	Nevada	4.8	66.2	27.3	46	7.9	14.2	84.4	54,083	5.8	94.2
29	New	16.1	93.9	24.7	52.1	4.6	8.4	91.4	64,925	39.7	60.3
30	New Jersey	8.4	68.6	26.1	51.1	6.3	9.9	87.9	71,637	5.32	94.68
31	New	6.4	68.4	28.2	45.3	5.5	19.5	83.4	44,886	22.57	77.43
32	New York	12.2	65.7	25.4	43.6	5.6	14.9	84.9	57,683	12.13	87.87
33	North Carolina	2.3	68.5	26.8	48.4	6.6	16.8	84.5	46,450	33.91	66.09
34	North Dakota	11.9	90	25.6	48.6	2.3	12.1	90.5	51,641	40.1	59.9
35	Ohio	9.7	82.7	26.5	47.2	6.2	15.4	88.2	48,246	22.08	77.92
36	Oklahoma	5.1	72.2	27.8	49.5	4.2	16.6	86.2	44,891	33.76	66.24
37	Oregon	11.5	83.6	25.4	48.3	6.8	15.5	89.2	50,036	18.97	81.03
38	Pennsylvania	20.1	81.9	24.9	48.2	5.3	13.1	88.3	52,267	21.34	78.66
39	Rhode	16.7	81.4	24.9	44.5	6.3	13.2	84.8	56,102	9.27	90.73
40	South Carolina	7.2	66.2	26.4	47.2	6.8	17.6	84	44,623	33.67	66.33
41	South Dakota	11.7	85.9	27.8	50.1	3.4	13.8	90.1	49,091	43.35	56.65
42	Tennessee	7.8	77.6	26.4	48.7	6.1	17.3	83.9	44,140	33.61	66.39
43	Texas	2.8	70.4	30.4	50.6	5	17.4	80.8	51,563	15.3	84.7
44	Utah	6.7	86.1	34.7	61	4.9	12.1	90.6	58,164	9.42	90.58
45	Vermont	10.9	95.3	24	48.5	4.5	11.6	91.3	54,168	61.1	38.9
46	Virginia	5	68.6	26.1	50.2	4.5	11.1	86.9	63,636	24.55	75.45
47	Washington	5.9	77.3	26.3	49.2	5.8	12.9	90	59,374	15.95	84.05
48	West	10.3	93.9	23.7	49.8	4.3	17.6	83.4	40,400	51.28	48.72
49	Wisconsin	13	86.2	26.4	49.6	5.1	12.5	90.2	52,627	29.85	70.15
50	Wyoming	14.8	90.7	26.9	50.9	3.5	11	92.1	56,573	35.24	64.76

Source: Child Welfare Outcomes 2008-2011 Report to Congress

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