
Placement Decisions

CHAPTER 2

State policy requires courts and child-placing agencies to make placements that will meet children's individual needs.¹ To do this, persons involved in the placement process need information about the children involved (and often their families), and they should know about the strengths and weaknesses of various service options. Also, decisions to place children should be made only when alternatives to placement have been fully explored. We asked:

- **How do counties and courts decide which children to place out of home? Is there a need for more explicit placement criteria?**
- **Do counties adequately screen and assess children being considered for placement?**
- **Do court dispositions clearly state the reasons for child placements and the alternatives that were considered?**
- **Do counties have enough information for making placement decisions?**
- **To what extent are children placed out-of-state, and what are the reasons?**

Overall, we found that counties and courts usually do not have criteria that indicate specific circumstances in which placement may be appropriate, so placement decisions depend considerably on the judgments of the professionals involved. Often these decisions undergo scrutiny from multiple staff and agencies, but in many cases they do not. In addition, some human services officials believe that decisions do not sufficiently consider information about juveniles' chemical use and mental health. In general, there is evidence that the screening and assessment process could be improved in many counties, and the courts could do a better job of articulating their reasons for placement.

PLACEMENT CRITERIA

In 1990, a Child Welfare League of America task force said that one of the key challenges facing child welfare agencies nationally was the development of

¹ *Minn. Stat.* §260.181, subd. 3.

criteria to determine (a) when it is in the best interests of a child to be removed from home, and (b) which placement option to select in cases for which out-of-home care is appropriate.² Minnesota laws and rules provide limited guidance about the specific circumstances that justify placement of children out of their homes. For example, child protection agencies are authorized to “seek removal of the child from the home. . . if the child is found in surroundings or conditions which endanger the child’s health or welfare and the child cannot be protected from harm while remaining in the home.”³ In general, state laws and rules give courts and local agencies considerable discretion to determine the specific situations in which out-of-home placement is appropriate.⁴

We examined whether counties or district courts have more detailed policies that outline circumstances that justify child placement. First, in cases involving child maltreatment, we found that:

- **Most county child protection agencies do not have written criteria that identify circumstances that justify out-of-home placement--aside from the very broad criteria in state law and rules.**

Most child placements are not based on detailed, explicit criteria.

In June 1997, we surveyed county human services agencies to obtain criteria that the agencies use to make child protection decisions. We found that only 38 percent of these agencies had screening criteria that helped them determine which allegations of child maltreatment to investigate.⁵ These same criteria are used by some of the agencies to determine what constitutes child abuse or neglect. But even the agencies with maltreatment screening criteria usually did not have specific criteria to help them distinguish which children needed to be removed from their families.

Second, we examined district court policies regarding dispositions of delinquent children. In 1994, the Legislature required each of the state’s ten judicial districts to develop and publish written criteria for making juvenile delinquency dispositions.⁶ We found that:

- **Most judicial districts’ disposition guidelines do not indicate specific circumstances that might justify placement, and many county staff told us that the guidelines have had limited impact on placement decisions.**

Seven of the ten judicial districts’ guidelines consist of lists of factors that could be considered when making a disposition. For example, the eight factors

2 Child Welfare League of America, *Out-of-Home Care: An Agenda for the Nineties, Report and Recommendations of the CWLA Task Force on Out-of-Home Care* (Washington, D.C., 1990), 11-13.

3 *Minn. Rules* 9560.0220, subp. 8.

4 The most specific placement criteria are those for various categories of chemical dependency treatment (*Minn. Rules* 9530.6625-9530.6655). Decisions about which persons meet the placement criteria are made by county chemical dependency assessors.

5 Minnesota Office of the Legislative Auditor, Program Evaluation Division *Child Protective Services* (St. Paul, January 1998), 24-29.

6 *Minn. Laws* (1994), ch. 576, sec. 59.

considered by the Second Judicial District (Ramsey County) are (1) seriousness of the offense, (2) prior offense history, (3) prior interventions, (4) offender's treatment needs, (5) offender's acceptance of responsibility, (6) family and community support, (7) offender's age, and (8) available disposition options. As in most judicial districts, these criteria do not clearly specify how these factors should be used to make decisions or when out-of-home placement may be appropriate.

The other three judicial districts have identified specific disposition options that should be considered, depending on a juvenile's offense and other characteristics.⁷ For example, a point system devised by the Third Judicial District (southeastern Minnesota) offers guidance about which cases are appropriate for in-home services and which merit out-of-home placement. This district's guidelines also recommend the **amount** of punishment or service for each disposition. As in other districts, judges are not required to follow the guidelines.

For the most part, corrections officials told us that judicial districts' disposition criteria have had limited impact on placement decisions. Some county staff told us they were unaware of the guidelines, and some others said that judges (or others involved in the disposition process) have not used the criteria when making placement decisions. Some corrections officials told us that factors such as the juvenile's demeanor and family circumstances can play an important role in placement decisions, even if disposition criteria exist.

Many county officials think that judicial placement decisions are inconsistent.

Given the absence of detailed guidelines for deciding when out-of-home placement is an appropriate option, we wondered whether county officials perceive that judges are making consistent decisions about which children to place. In August 1998, we surveyed the human services director and a juvenile corrections supervisor (or lead probation agent) in each county.⁸ As shown in Figure 2.1, our surveys indicated that:

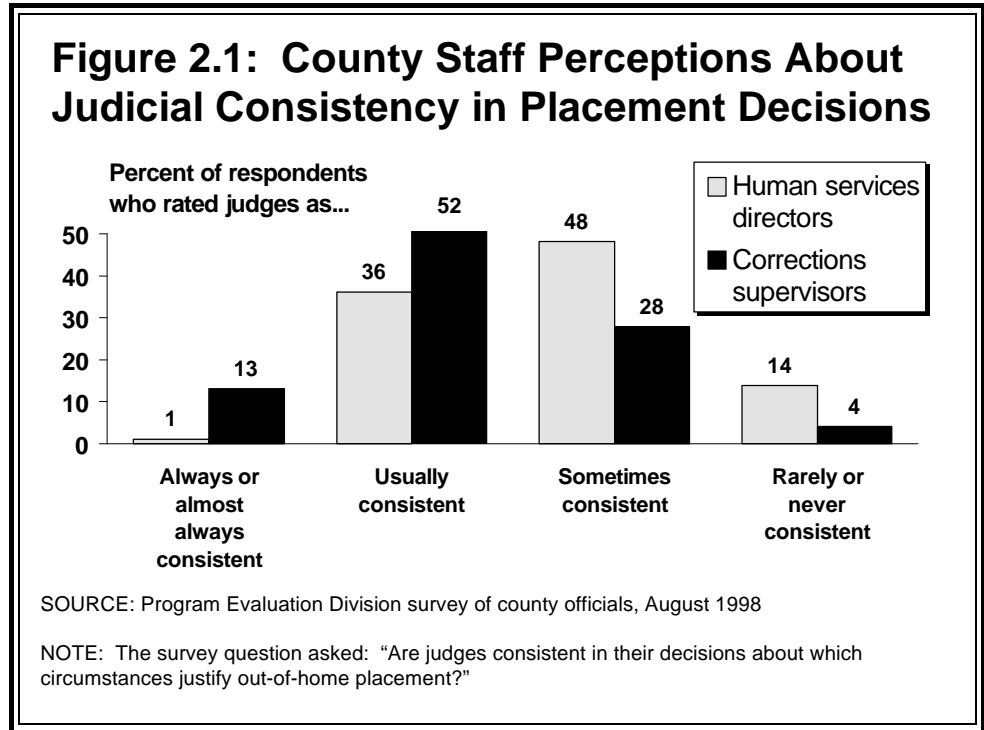
- **Sixty-two percent of human services directors and 32 percent of corrections supervisors said that judges were “sometimes, rarely, or never” consistent in their decisions about which circumstances justify out-of-home placement.**

One option for improving consistency might be the implementation of written placement criteria that are more detailed than the broad criteria in state law. We think that explicit criteria could help counties and courts make more consistent decisions, but our review of literature indicated that no consensus on appropriate placement criteria has yet emerged.⁹ There is a need for further research to

⁷ These districts are the First, Third, and Fourth districts.

⁸ Some of Minnesota's counties jointly administer services or share staff, so we sent surveys to 84 human services directors and 82 juvenile corrections supervisors. We received responses from all of them.

⁹ Brady C. Bates, Diana J. English, and Sophia Kouidou-Giles, "Residential Treatment And Its Alternatives: A Review of the Literature," *Child & Youth Care Forum* 26, no. 1 (February 1997), 11-12.



identify the types of children who benefit (and those who do not) from residential placement.

In addition, county officials expressed mixed feelings about the need for placement criteria. As shown in Table 2.1, only 18 percent of county corrections officials and 35 percent of human services directors expressed support for clearer placement guidelines in state laws. Fifty percent of human services directors said they would support the development of more specific **county** policies on placement, compared with 34 percent of corrections supervisors.

County officials generally do not favor statewide placement criteria.

Table 2.1: County Perceptions About the Need for Clearer Placement Criteria

There is a need for:	Corrections Supervisors (N = 82)		Human Services Directors (N = 84)	
	Agree	Disagree	Agree	Disagree
Clearer placement criteria in state laws	18%	62%	35%	45%
Clearer county placement criteria	34	48	50	29

NOTE: Table does not show the percentages of county officials who responded "neither agree n or disagree" or "don't know."

SOURCE: Program Evaluation Division surveys, August 1998.

COUNTY REVIEW OF PLACEMENT RECOMMENDATIONS

The Minnesota Family Preservation Act (*Minn. Stat.* §256F) requires each county board to establish a “preplacement procedure” to review “each request for substitute care placement.”¹⁰ The law does not specify who should conduct these reviews. Furthermore, DHS staff told us that the law was not intended to apply to cases involving delinquent juveniles.

Another Minnesota law authorizes—but does not require—county social services agencies to establish “juvenile treatment screening teams.”¹¹ For those counties that choose to establish such teams, the law prescribes the composition of the team and its procedures for making recommendations about child placements. The team must include social workers, juvenile justice professionals, and experts in the treatment of emotional disorders, chemical dependency, and developmental disabilities. It must involve parents or guardians “as appropriate.”

Half of Minnesota counties have multi-disciplinary screening teams.

If a court proposes to place a child in a residential facility in order to treat an emotional disturbance, chemical dependency, or developmental disability, it must seek input from the screening team, if one exists. The court may accept or reject the team’s recommendations, but the court is required to justify its decision in writing if it decides to place a child over the objection of the screening team. According to our August 1998 survey of Minnesota’s 84 county human services directors,

- **Fifty-two percent of Minnesota’s county social services agencies have established juvenile treatment screening teams.**

Of the agencies with screening teams, 93 percent said that their teams “usually or always” review cases that the court is considering for placement, and 84 percent said that their screening team’s recommendations to the court are “usually or always” followed.

In addition to the review of potential child placements by multi-disciplinary screening teams, some county agencies have established internal processes to review placement options before recommendations are made to a screening team or a judge. Involving multiple staff from an agency in the decision-making process may help to ensure that the decisions are consistent and appropriate. For example, a panel of three senior probation officers reviews all cases being considered for placement by Anoka County’s probation office. If this panel recommends long-term residential placement, the placement is not made unless approved in a meeting of the county’s juvenile corrections supervisors.¹²

¹⁰ *Minn. Stat.* §256F.07.

¹¹ *Minn. Stat.* §260.151, subd. 3.

¹² Involving multiple staff from an agency may be difficult in Minnesota’s smallest probation agencies. For example, there are some individual counties that are served by just one probation officer.

County supervisory staff do not always review placement decisions.

For cases in which local agencies have made recommendations to the court for placements exceeding one month, our surveys indicated that:

- **Sixty-one percent of county corrections agencies “usually or always” involved two or more probation officers in the decisions;**
- **Eighty percent of county human services agencies “usually or always” involved two or more social services line staff in the decisions;**
- **Ninety-two percent of county human services agencies but only 51 percent of corrections agencies “usually or always” involved at least one supervisor or manager in the decisions.**

Given the importance of placement decisions, we think it is usually reasonable to expect that more than one staff person in an agency will be involved--including at least one supervisor. The findings above suggest that some agencies--especially corrections agencies--should improve their scrutiny of placement recommendations.

SCREENING, ASSESSMENT, AND CASE PLANNING

As counties and courts try to make decisions that are consistent with a child’s “best interests,” they should have detailed information about the child. Decision makers should consider the child’s placement history, relationships with family members, psychiatric diagnoses, chemical use, and other factors. Such factors may indicate whether the child should be placed away from home and the types of supportive services the child needs. The law requires that assessments be done in some cases--for example, the court must make findings about chemical dependency and mental health treatment needs for juveniles who have committed felony-level offenses.¹³ But in most cases involving child placement, the counties and courts have discretion about which information to gather before making a placement decision.¹⁴

The case files we reviewed during site visits to counties did not always precisely convey the information that decision makers had at the time of their placement decisions, so it was not possible for us to decide whether the placement decisions were based on sufficient information. Also, it would take specialized expertise to tell whether county staff properly interpreted the available information and assessments. However, we used several other approaches to examine the adequacy of screening and assessment, ranging from surveys of staff participants

¹³ *Minn. Stat.* §260.185, subd. 1.

¹⁴ The 1997 Legislature required the state commissioner of health to administer a pilot project grant program for juvenile assessment centers in up to three judicial districts (*Minn. Laws* (1997), ch. 203, art. 2, sec. 30). These centers are being established in the Third, Fourth, and Ninth districts. In addition, 15 counties have early intervention mental health screening for children in the court system or children at risk of court involvement.

in the placement process to a review of independent data on juveniles’ drug and alcohol treatment needs.

We asked county human services directors and juvenile corrections supervisors whether court dispositions are based on sufficient consideration of children’s mental health needs, chemical dependency needs, and cultural and ethnic backgrounds, as well as the residential facilities’ ability to meet their service needs. As shown in Table 2.2,

- **Most county officials said that judges have “usually or always” made dispositions based on sufficient consideration of children’s needs, but many human services directors indicated room for improvement.**

Table 2.2: County Officials’ Perceptions About Whether Judicial Placement Decisions Adequately Consider Key Information

Do judges make dispositions based on sufficient consideration of:	Corrections Supervisors (N = 82)		Human Services Directors (N = 84)	
	Usually or Always	Sometimes, Rarely, or Never	Usually or Always	Sometimes, Rarely, or Never
Children’s mental health needs?	83%	13%	62%	37%
Children’s chemical dependency problems?	87	10	61	36
Children’s cultural and ethnic backgrounds?	71	21	55	39
Facilities’ ability to meet children’s service needs?	87	10	54	45

NOTE: Percentages of officials who responded "don't know" are not shown.

SOURCE: Program Evaluation Division surveys, August 1998.

For instance, more than one-third of the directors said that dispositions are “sometimes, rarely, or never” based on sufficient consideration of children’s mental health needs and chemical dependency problems. In addition, 45 percent of human services directors said that judges “sometimes, rarely, or never” sufficiently consider the facilities’ ability to meet children’s service needs.

We also asked judges to evaluate whether county staff have conducted appropriate assessments. As shown in Table 2.3,

- **Most judges said that counties have conducted timely, thorough chemical dependency assessments, but somewhat fewer said that mental health assessments were thorough and timely.**

Regarding mental health screening and assessment, state law requires county screening of **all** children referred for publicly-funded treatment of severe emotional disturbances at residential facilities. The screening must determine whether the proposed residential treatment is necessary, appropriate to the child’s needs, and no longer than necessary to serve the child. Furthermore, this law requires that:

Table 2.3: Judges' Perceptions About Adequacy of County Assessments

Have County Staff: _____	Usually or Always	Sometimes, Rarely or Never
Arranged for timely chemical dependency assessments of juveniles?	87%	11%
Conducted thorough chemical dependency assessments of juveniles?	80	17
Arranged for timely mental health assessments of juveniles?	73	24
Conducted thorough mental health assessments of juveniles?	66	27

NOTE: Percentages of officials who responded "don't know" are not shown.

SOURCE: Program Evaluation Division surveys of district court judges (N = 143), August 1998.

The county board shall annually collect summary information on the number of children screened, the age and racial or ethnic background of the children, the presenting problem, . . . the screening recommendations[,] the degree to which these recommendations are followed and the reasons for not following recommendations. Summary data shall be available to the public and shall be used by the county board and local children's advisory council to identify needed service development.¹⁵

In August 1998, we asked county human services directors whether their counties had summary information for children screened for mental health services in 1997. We were especially interested in knowing more about the extent of child screening, the types of mental health problems identified, and (where applicable) the reasons that screening recommendations were not followed. We found that:

- **Less than 10 percent of human services directors said that their counties produced the summaries of mental health screening information for 1997 required by *Minn. Stat.* §245.4885.**

DHS staff think that many juveniles in residential facilities need drug or alcohol treatment.

We also wanted to know whether counties were properly identifying children needing services for drug and alcohol problems. Although many county officials and judges expressed satisfaction with chemical dependency assessments in our surveys, chemical dependency staff in the Minnesota Department of Human Services (DHS) told us that they questioned whether the drug and alcohol problems of adolescents in residential facilities are being adequately identified. In 1997, DHS surveyed 817 adolescents in juvenile corrections, Rule 5, and Rule 8 residential facilities. The department asked questions to determine the extent to which the adolescents met 15 diagnostic criteria used to define substance abuse and dependence. Twenty-seven percent of the surveyed juveniles met five diagnostic criteria and had used drugs or alcohol at least 40 times in the previous

¹⁵ *Minn. Stat.* §245.4885, subd. 5.

year--which DHS staff considered to be a good indicator of a need for chemical dependency treatment.¹⁶ Of the juveniles deemed by DHS to need treatment, only about half had received it at some time. In addition, DHS staff estimated that another 35 percent of the surveyed juveniles at these residential facilities needed early intervention services because they exhibited some alcohol or drug problems but did not yet need treatment.¹⁷

Another category of assessment that may be done prior to child placement is “risk assessment.” Risk assessment is intended to indicate a juvenile offender’s likelihood of committing new offenses or a maltreated child’s likelihood of again being the subject of abuse or neglect. County agencies often use risk assessments--and accompanying “needs assessments”--to help identify services that would be most appropriate for the child or family. In recent studies by our office, we determined that:

Risk assessments can help identify juveniles needing placement or other services.

- **All Minnesota county child protection agencies assess families’ risk of subsequent maltreatment, and about half of the counties told us they use these assessments to help them decide whether to recommend out-of-home placement.**¹⁸
- **Corrections agencies in 53 percent of Minnesota counties formally assess the reoffense risk of juvenile offenders.**¹⁹

State rules require child protection agencies to conduct risk assessments with an instrument approved by the Department of Human Services.²⁰ There is no state requirement for corrections agencies to classify juvenile offenders’ risk levels, but offender classification is required by state law for adult offenders.²¹ National literature has identified the use of valid risk assessment instruments as an important component of effective interventions with juvenile offenders.²²

After juveniles have been screened and assessed, it is important to develop plans that address the issues that have been identified--whether through residential services, non-residential services, or actions by the juvenile and his or her family. When the court determines that children are in need of protection or services (i.e., “CHIPS” cases), or when parents voluntarily place their children in a residential

¹⁶ DHS decided that juveniles who met 5 of the 15 diagnostic criteria could be assumed to need treatment, based partly on its finding that the average Minnesota adolescent in chemical dependency treatment met 5.5 of the diagnostic criteria.

¹⁷ Patricia Ann Harrison, Minnesota Department of Human Services, letter to John W. Patterson, July 21, 1998. DHS defined adolescents needing early intervention services as those who met at least one of the diagnostic criteria.

¹⁸ Minnesota Office of the Legislative Auditor, Program Evaluation Division *Child Protective Services* (St. Paul, January 1998), 36-38.

¹⁹ Minnesota Office of the Legislative Auditor, Program Evaluation Division *Funding for Probation Services* (St. Paul, January 1996), survey of corrections agencies.

²⁰ *Minn. Rules* 9560.0220, subp. 6.B.

²¹ *Minn. Stat.* §244.24.

²² For example, see David M. Altschuler and Troy L. Armstrong *Intensive Aftercare for High-Risk Juveniles: A Community Care Model* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, September 1994), 4-7.

State law does not require case plans for delinquent juveniles.

facility, state law requires the local social services agency to develop a case plan for each child within 30 days of placement.²³ Among other things, the plan must identify the reasons for placement, actions that will be taken by the parents to address the reasons for placement, services that will be provided to the family and child, and the date the child is expected to return home. However, we observed that:

- **Unlike the law governing CHIPS cases, the law governing delinquency dispositions (*Minn. Stat. §260.185*) does not require development of case plans outlining ways that the child’s (or family’s) needs will be addressed.**

This is significant because proposed state rules for residential facilities drafted jointly in 1998 by the state departments of Human Services and Corrections refer to county “case plans,” but local and state corrections staff with whom we spoke acknowledged that such plans are not currently developed in some counties.²⁴ In Chapter 6, we suggest that the Legislature should clarify county case planning responsibilities.

ADEQUACY OF INFORMATION ABOUT FACILITIES

Choosing the right facility to meet the needs of an individual can be a complicated decision. Counties and courts need information about the child being placed, but they also need to have an understanding of the residential settings available. Many placement staff develop this knowledge through facility visits, meetings with facility staff, and experience with the facilities from prior placements.

County officials want more information about residential facilities.

We asked county officials whether they think their staff have sufficient information about residential programs. Table 2.4 shows that a large majority of county officials said they have adequate information about the services provided at the facilities and the length of the programs. It is common for larger facilities to distribute brochures that describe their programs and approaches.

On the other hand, most county officials said that they lack enough information about the extent to which residents’ problem behaviors recur following discharge

²³ *Minn. Stat. §260.191*, subd. 1e and *Minn. Stat. §257.071*, subd. 1. The law requires development of the plan following placement in a “residential facility,” defined as “any group home, family foster home or other publicly supported out-of-home residential facility, including any out-of-home residential facility under contract with the state, county or other political subdivision, or any agency thereof, to provide 24-hour-a-day services or care. The plan is defined as ‘a written document which is ordered by the court or which is prepared by the social service agency responsible for the residential facility placement.’”

²⁴ In July 1998, the departments drafted rules on facility licensure and program certification related to residential care for children. The rules distinguish a “case plan” (developed by the placing agency) from a “treatment plan” (developed by the licensed residential facility). Although county correction agencies are not required by law to develop case plans, many such agencies assess the service needs of delinquent juveniles—some through standardized instruments, and others informally.

Table 2.4: County Officials’ Perceptions About the Adequacy of Program Information Available When Making Placement Decisions

Do county staff have sufficient information about:	Corrections Supervisors (N = 82)		Human Services Directors (N = 84)	
	Usually or Always	Sometimes, Rarely, or Never	Usually or Always	Sometimes, Rarely, or Never
Services provided by programs?	96%	4%	81%	18%
Length of programs?	99	1	79	20
Educational progress of residents while in programs?	89	11	60	38
Percentage of residents who complete programs?	50	50	31	62
Number of residents who run away during placement?	39	59	19	73
Recurrence of residents’ problem behaviors following placement?	37	61	13	82

NOTE: Percentages of officials who responded "don't know" are not shown.

SOURCE: Program Evaluation Division surveys, August 1998.

from residential programs.²⁵ Measures of “recidivism” should be interpreted with care because they may reflect factors other than the success of the residential programs--such as the adequacy of “aftercare” services. Still, counties appear to want better information about juvenile recidivism, as well as information about the extent of “runaways” from facilities and the extent to which children placed in facilities complete the programs.

COURT JUSTIFICATIONS FOR PLACEMENTS

In all dispositions related to CHIPS and delinquency petitions, state law requires the court to state (a) why the best interests of the child are served by the disposition, and (b) what alternative dispositions were considered by the court and why such dispositions were not appropriate in this case.²⁶

We examined 164 case files during site visits to seven counties--among other reasons, to see whether the courts provided clear justifications for the placements they ordered. Some court orders succinctly articulated the reasons for placement, such as the following:

“[The mother’s] family of origin was considered and found inappropriate [for placement] because of previous abuse issues. The alleged father has not come forward with any possible family home. Therefore, no relatives are available at

²⁵ Measures of subsequent delinquency, school attendance, and living arrangements are among the ways that post-discharge behaviors could be evaluated.

²⁶ *Minn. Stat.* §260.185, subd. 1 and §260.191, subd. 1a.

this time. The older two children are placed in the [name] foster home and this home was considered and rejected because [foster mother's name] is unwilling to have another infant placed in her home. . . [The child's mother] is unable to care for children on a consistent basis. [She] is unable to place the needs of her children above her own needs. . . [She] has had over three years to make these changes and is unable to make them.”

But we observed that the courts usually were not this explicit about the placement decisions they made. We found that:

- **Many court disposition orders contained little information about why the placement was ordered and why alternatives to this placement were rejected.**

Some court justifications for placement merely restated legal requirements and did not provide specific information that explained why the placement was appropriate in the case at hand. For example:

“Reasonable efforts were made to prevent out-of-home placement, but these efforts were unsuccessful. The Court finds placement outside the home is in the best interests of the child and represents the least restrictive alternative available. Moreover, the Court believes placement outside the home is necessary to return the child to law-abiding behavior.”

Some disposition orders provided no indication of alternatives that were considered, and some only gave very general justifications for placement (such as “serious criminal offense,” “assaultive behavior,” and “continued delinquent behavior and beyond parental control”). In cases where juveniles were placed outside Minnesota, the courts rarely discussed reasons that Minnesota placement options were rejected--although they sometimes offered reasons for liking the chosen facility. For example:

- The court said that an American Indian juvenile’s “continued problematic and dangerous behavior can best be addressed by confronting his thinking and poor decision making. Grehill Academy [in Iowa] is a program designed to specifically confront thinking patterns and thus the resulting behavior patterns.” The court also said that it liked the facility’s security level and its program of graduated privileges and rewards (perhaps reflecting the juvenile’s history of escapes from other facilities), and it noted that this facility was the preferred choice of the juvenile’s tribe. The disposition did not discuss any in-state options that were considered.

Often, we observed that county staff provided the courts with detailed information about the juveniles and useful discussions about placement options. But the courts often receive recommendations from various sources, such as probation agencies, social services agencies, public defenders, and county attorneys. For this reason, it is important for the **court** to offer a clear written justification for its final decision. In addition, despite some of the useful staff disposition recommendations that we read, judges told us that they often felt they needed better information from staff regarding service options. Forty-one percent of

judges we surveyed said that they “sometimes, rarely, or never” received adequate information from county staff on the advantages and disadvantages of alternative placement and service options.²⁷

OUT-OF-STATE PLACEMENT

In recent years, legislators have expressed concern about the number of juveniles--especially delinquent juveniles--placed in residential facilities outside of Minnesota. They have wondered whether out-of-state residential facilities can effectively work with a juvenile’s family and arrange for appropriate “aftercare” services in the juvenile’s home community following placement. They have also questioned whether counties’ use of out-of-state facilities reflects service deficiencies among Minnesota facilities.²⁸ In 1994, the Legislature prohibited courts from placing pre-adjudicated delinquents, adjudicated delinquents, or “extended jurisdiction juveniles” (EJJs) in residential or detention facilities outside of Minnesota unless the facilities were certified by the Commissioner of Corrections.²⁹ Specifically, the commissioner must certify that these facilities meet or exceed DHS or DOC standards for Minnesota residential facilities. In 1997, the Legislature adopted the following policy:

Legislators have been concerned about the number of out-of-state placements.

It is the policy of this state that delinquent juveniles be supervised and programmed for within the state. Courts are requested, to the greatest extent possible and when in the best interests of the child, to place these juveniles within the state.³⁰

Legislators expressed to us an interest in knowing more about out-of-state placements, including the reasons for these placements. We examined recent statewide information on the number of juveniles placed out of state, and we talked with county staff about why they use (or do not use) out-of-state facilities. We also reviewed court dispositions for 73 of the 273 juvenile offenders placed out of state in fiscal year 1997 to better understand the reasons for their placements, but (as noted in the previous section) we found that judges often did not explicitly indicate why Minnesota facilities were not selected. We found that:

²⁷ Twenty-one percent said that they “always or almost always” received adequate information, and 36 percent said they “usually” did.

²⁸ Legislators have also been concerned that children placed in Minnesota from other states can impose financial burdens on Minnesota school districts. The 1998 Legislature required correctional facilities to have agreements with placing counties to pay for educational costs.

²⁹ *Minn. Laws* (1994), ch. 576, sec. 27. As of early 1998, 34 facilities were certified. “Extended jurisdiction juveniles” (or EJJs) are felony offenders for whom the court has executed a juvenile disposition, along with a stayed adult criminal sentence. The EJJ designation is a sort of “last chance” given by the courts before imposing adult sentences on juvenile offenders. The juvenile court maintains jurisdiction over EJJs until they reach age 21, unless the court terminates its jurisdiction or the sentence expires before that time. If the offender commits a new offense or violates the conditions of the stayed adult sentence, the adult sanctions may be executed.

³⁰ *Minn. Laws* (1997), ch. 239, art. 9, sec. 14.

- **Out-of-state placements represented about 5 percent of the total days of care that Minnesota children spent in out-of-home placement in 1997.**³¹

The vast majority of children placed out of state were in (1) foster homes, or (2) facilities certified by Minnesota's Commissioner of Corrections to serve delinquent juveniles.³² Department of Human Services data indicated that 286 placements were in out-of-state foster care during 1997, or 2.2 percent of all Minnesota placements in foster care. About two-thirds of these out-of-state foster care placements were with relatives, and 80 percent were from Hennepin and Ramsey counties.

Minnesota spent \$9 million for out-of-state placement of delinquents in 1997, excluding education costs.

Our analysis of data collected by the Department of Corrections showed that 422 delinquent Minnesota juveniles or EJJ's were in out-of-state placement during fiscal year 1997, at an estimated total cost of \$9.0 million (or \$116 per day in placement, excluding education costs).³³ On an average day in 1997, there were 211 delinquent juveniles or EJJ's from Minnesota in non-Minnesota facilities.³⁴ The states whose facilities were used most were South Dakota, Iowa, and Colorado.

For each judicial district, we reviewed data on placements at non-Minnesota facilities certified by the Commissioner of Corrections. These facilities mostly served delinquent juveniles and extended jurisdiction juveniles, but they also served some juveniles whose placements were not based on a delinquency adjudication.³⁵ For fiscal years 1996-97, we found that:

- **Ramsey County (Judicial District 2), with 10 percent of the state's juvenile population, accounted for 35 percent of the days spent by Minnesota juveniles at non-Minnesota facilities certified by the Commissioner of Corrections.**

Table 2.5 shows several measures of each judicial district's use of out-of-state placement at facilities certified by the Commissioner of Corrections. Among the districts, Ramsey County (District 2) had the most total days in out-of-state placement (53,994) and the most days in out-of-state placement per 1,000 children in the county (445). In addition, out-of-state placements accounted for 6 percent of all of Ramsey County's days in placement, more than any other judicial district. A majority of Ramsey County's out-of-state placements were at South Dakota

³¹ Based on an analysis of placements paid for by social services agencies, which accounted for 91 percent of days of placement in 1997.

³² Some DOC-certified out-of-state facilities are inspected by the Department of Human Services, not by DOC.

³³ During 1997, there were another 48 non-delinquent juveniles placed at facilities certified by Minnesota to serve pre-adjudicated delinquents, adjudicated delinquents, or extended jurisdiction juveniles. The 1997 costs to serve these juveniles totalled about \$761,000.

³⁴ In addition, there was an average daily population of 16 non-delinquent juveniles in non-Minnesota facilities certified by the Commissioner of Corrections.

³⁵ Of the Minnesota juveniles in placement at non-Minnesota facilities certified to serve delinquents, 10 percent were non-delinquents, and 14 percent were extended jurisdiction juveniles.

Table 2.5: Use of Out-of-State Placement, by Minnesota Judicial District, Fiscal Years 1996-97

Judicial District (and Location in Minnesota) ^a	Total Days in Out-of-State Placement, 1996-97	District's Percentage of the State's Total Out-of-State Placement Days, 1996-97	Out-of-State Placement Days Per 1,000 Children in Population, 1996-97	Days in Out-of-State Placement as a Percentage of District's Total Placement Days, 1997	Average Distance Placed From Home (in miles), 1996-97 Out-of-State Placements ^b
First (southeast)	4,140	2.7%	24	1.0%	302
Second (Ramsey County)	53,994	35.3	445	6.2	344
Third (southeast)	6,917	4.5	63	2.4	222
Fourth (Hennepin County)	49,132	32.1	201	2.7	590
Fifth (southwest)	21,980	14.4	300	4.8	97
Sixth (northeast)	1,519	1.0	26	0.4	562
Seventh (west-central)	5,926	3.9	51	0.9	286
Eighth (west-central)	4,932	3.2	109	2.8	176
Ninth (northwest)	1,287	0.8	15	0.3	360
Tenth (east-central)	3,021	2.0	14	0.5	463
STATE	152,848	100.0%	122	2.5%	351

^aSee map on page 48.

^bPlacement distances were straight-line distances between the county placement agency and the out-of-state facility. The averages are based on all placements that were active during some part of fiscal years 1996 or 1997.

SOURCE: Program Evaluation Division analysis of Department of Corrections out-of-state placement data. Total placement days are based on DHS placement data, DOC data on Red Wing and Sauk Centre placements, and Program Evaluation Division June and July 1998 surveys of counties.

facilities. Our review of county records indicated that the delinquent juveniles placed by Ramsey County included many who had committed serious offenses or had extensive delinquency histories, as well as some who were placed following first adjudications or short delinquency histories. Ramsey County corrections staff told us that they have considered out-of-state facilities to be simply another placement option--not necessarily a "last resort" or a placement option for only the most serious offenders. Also, Ramsey County has used some programs because they are less expensive than in-state counterparts or offer longer programs.³⁶ In addition, "extended jurisdiction juveniles"--who could have an adult criminal sentence imposed if they violate the terms of their juvenile adjudication--are sometimes placed out of state by Ramsey County to reduce the temptation of running away or associating with friends in their home community. County staff acknowledged that it is difficult to get families to participate in programs that are outside Minnesota, but they said that fostering family involvement can be difficult even when juveniles are placed within Ramsey County or at other Minnesota facilities.³⁷

³⁶ According to information collected by the Department of Corrections, a placement at South Dakota's Chamberlain Academy or Springfield Academy cost \$75 per day during fiscal year 1997, excluding education costs. Ramsey County had 150 juveniles at these two facilities for at least a portion of fiscal years 1996 or 1997. Among out-of-state facilities used by Minnesota counties, \$75 was the lowest per diem, and few residential corrections facilities in Minnesota had rates below \$100 per day.

³⁷ Partly at the urging of Ramsey County staff, the parent company of the facilities the county most often uses in South Dakota opened a facility in southern Minnesota in 1998. It is licensed to have 150 beds, and its program and costs are similar to those of the South Dakota facilities. The development of this facility might enable Ramsey County to reduce out-of-state placements in the future.

Table 2.5 also indicates the average distance from home for juveniles placed in non-Minnesota facilities certified by the commissioner of corrections. During fiscal years 1996-97,

- **Juveniles from Hennepin County (Judicial District 4) were placed farther from home, on average, than juveniles from Minnesota's other judicial districts.**

Hennepin County has not placed juvenile offenders out of state as often as Ramsey County, but it has tended to place them farther away. Hennepin officials told us that they use out-of-state facilities primarily to meet specialized service needs--for example, for offenders with serious mental health problems, strong gang influences, developmental disabilities, or histories of serious violence. The majority of Hennepin County's out-of-state placements have been in Colorado and Pennsylvania facilities. We found that the county probation office's 1996 disposition guidelines did not designate any Minnesota facilities as placement options for offenders who committed the most serious offenses and were considered to be high risks for new offenses. However, Hennepin County staff told us they have increasingly used the Department of Corrections' Red Wing facility for serious offenders in recent months, due to improvements in that facility's program and security level.

Table 2.5 indicates that judicial districts other than Hennepin and Ramsey counties have varied considerably in their use of out-of-state placement. We observed that:

- **Judicial District 5 (southwestern Minnesota) placed more juveniles at certified out-of-state facilities than other Greater Minnesota judicial districts, but its average out-of-state placement was less than 100 miles from home.**

Judicial District 5 includes 15 counties in southwestern Minnesota. These counties have frequently used out-of-state placement, but they have mostly used nearby South Dakota or Iowa facilities. For example, there were six juveniles from Rock County who were in placement at DOC-certified facilities outside of Minnesota during 1996-97, but all of them were in Sioux Falls, South Dakota residences about 30 miles away.³⁸ In some cases, out-of-state placement options may be closer to home than available options in Minnesota, perhaps increasing the possibility of family visitation.

Thirty-six of Minnesota's 87 counties had no juvenile delinquents in out-of-state placement at any time during fiscal years 1996-97. Some large counties--such as Anoka, Dakota, Olmsted, and St. Louis--have placed very few children out of state in recent years. Staff in these counties told us that this reflects a preference for keeping juveniles closer to their families or staff's perception that in-state (and often local) services could address the needs of even the most serious offenders.

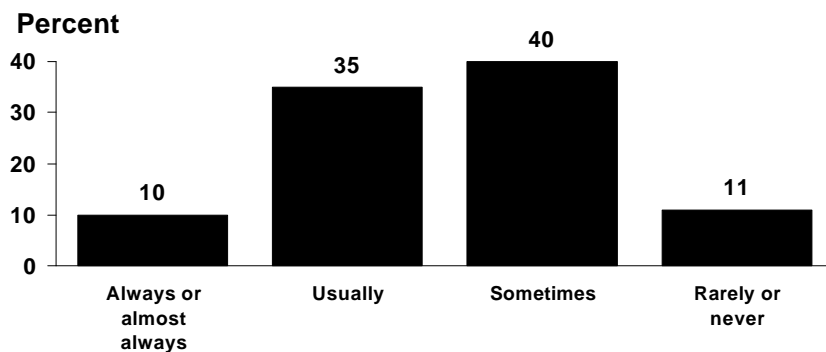
Some out-of-state placements are closer than in-state placement options.

³⁸ As noted in the previous footnote, the 1998 opening of a large facility in southern Minnesota might affect the extent of out-of-state placement from this region in the future.

Our surveys indicated some concern by county officials and judges with the ability of Minnesota residential facilities to meet the needs of children with the most serious problems. As shown in Figure 2.2, about half of the judges said that there were “sometimes, rarely, or never” sufficient residential options for these children within Minnesota. During our review of juvenile offender court dispositions that resulted in out-of-state placements, the courts often did not appear to consider the option of placing offenders at Minnesota’s “last resort” facilities--the state-operated facilities at Red Wing and Sauk Centre--as alternatives to out-of-state placements.³⁹ However, the Department of Corrections has taken steps to improve programming at these two facilities during the past two years, based on a statewide juvenile services survey and meetings with corrections and court staff in all judicial districts. It remains to be seen whether improvements to these and other programs will reduce county reliance on out-of-state placement.

Judges often have problems finding Minnesota placement options for difficult juveniles.

Figure 2.2: Judges’ Opinions About Whether Minnesota Has Adequate Placement Options For Children With the Most Serious Problems



NOTE: The survey question asked: “Within Minnesota, are there sufficient residential options to enable you to adequately place and serve the children with the most serious problems?”

SOURCE: Program Evaluation Division survey of district court judges, August 1998 (N=143).

Overall, there is considerable variation in the use of out-of-state placement by counties, but the large majority of out-of-state placements have been made by Hennepin and Ramsey counties. Some out-of-state placements are very far away from juveniles’ homes, while others are quite close. Even if Minnesota expanded residential program options within the state, some counties would probably continue to prefer placing certain juveniles in settings that are far removed from delinquent peers and family problems. Also, some counties would likely continue to prefer out-of-state facilities if they continue to perceive that these facilities provide services comparable to Minnesota facilities at lower costs.

³⁹ Through 1998, neither of these facilities could refuse to admit juveniles committed to the Commissioner of Corrections. In January 1999, state law required the Sauk Centre facility to cease admitting juveniles committed to the commissioner.

PLACEMENT CONSIDERATIONS

People we interviewed early in our study told us that they believed that factors other than child or family characteristics contributed to out-of-home placements. For instance, county officials told us that placements may sometimes be made to get problem children “out of the hair” of local officials for a while. A former human services director told us that his staff used to prefer making out-of-home placements because placements could be arranged with a single phone call, while it was more difficult to find and coordinate a package of community-based, non-residential services.

If such considerations do play an important role, it would be difficult to determine this through a review of official case records. We chose instead to directly ask county human services directors and juvenile corrections supervisors about the importance of various factors that may affect the placement process. We recognize that officials whose agencies are responsible for making placements might not have been fully candid in our surveys about the reasons for placement, but we think their survey responses provide a useful starting point. Table 2.6 shows the extent to which officials said that various placement rationales “were important justifications” for placements in which their agencies were directly involved.

Counties like the structured environments that facilities provide but not the costs of residential services.

Most of the respondents considered residential settings to be “more structured” than non-residential settings and said that this helped influence their placement decisions. Few agency officials said they usually considered residential services to be attractive for cost reasons or the ease of making placements. Consistent with the populations of children they serve, human services directors said they were more apt to make placements to protect children from abuse and neglect, while corrections supervisors were more likely to make placements aimed at protecting the community and sending a message to the child about his or her behaviors.

Another factor that some people believe may be a consideration in placement is race and ethnicity. Non-Hispanic whites comprise 88 percent of children under age 18 in Minnesota, but we note in Chapter 4 that non-Hispanic whites comprised 61 percent of the children in out-of-home placement in 1997. Furthermore, only 43 percent of Minnesota juveniles in **out-of-state** placement in 1997 were non-Hispanic whites, and only 18 percent of “extended jurisdiction juveniles” (EJJs) placed out-of-state were non-Hispanic whites. In our view, the possible causes of these patterns are complex and difficult to judge conclusively. For example, one recent analysis concluded that “an array of problems--including racism, poverty, inadequate housing, substance abuse, HIV/AIDS, teenage pregnancy, incarceration, lack of appropriate social support systems, and violence--all combine to account for the growing number of African American children needing out-of-home care.”⁴⁰ Some people told us that disproportionate

⁴⁰ Annie Woodley Brown and Barbara Bailey-Etta, “An Out-of-Home Care System in Crisis: Implications for African American Children in the Child Welfare System,” *Child Welfare* 76, no. 1 (January-February 1997), 66.

Figure 2.6: "Important Justifications" for Child Placements, According to County Officials

Residential placement:	Percentage of county officials who said this was an important reason for placements in which their agency was involved last year			
	County Human Services Directors (N=84)		County Corrections Supervisors (N=82)	
	Usually or Always	Sometimes	Usually or Always	Sometimes
Protected people in the community from harm	46%	43%	87%	13%
Protected the child from abuse or neglect	68	31	17	45
Got the child away from a dysfunctional home or neighborhood	24	50	40	48
Sent a message to the child about the seriousness of his/her behaviors	24	56	76	20
Provided a more structured setting for learning/treatment than non-residential services	50	44	90	10
Was more readily available than non-residential services	10	37	24	29
Required less time to arrange than non-residential services	6	14	2	10
Got the child "out of the hair" of local officials	6	25	5	24
Was more cost-effective than non-residential services	4	15	17	28

NOTE: Percentages of officials who responded "rarely or never" and "don't know" are not shown.

SOURCE: Program Evaluation Division surveys, August 1998.

placement of minority children may reflect bias or a lack of cultural awareness on the part of staff who work in the placement process. Our surveys indicated that:

Most judges and county officials do not think the placement process is biased.

- **Ten percent of judges, 8 percent of human services directors, and 9 percent of juvenile corrections supervisors said that they believe that minority children are "sometimes, usually, or always" more likely to be placed out-of-home (or recommended for placement) than Caucasian children with identical circumstances.**⁴¹
- **Seven percent of human services directors and 4 percent of corrections supervisors said that prejudice in the placement process is**

⁴¹ Sixty-eight percent of human services directors and 77 percent of corrections supervisors responded "rarely or never." Twenty-three percent of human services directors and 13 percent of corrections supervisors responded "don't know."

an important reason for the disproportionate placement of minority children.⁴²

While the majority of county officials said that racism has rarely directly affected placement decisions, some of them told us that racism may have affected placements in other ways. For example, some officials told us that that long-term discrimination may have contributed to higher poverty among minority groups, and placement rates tend to be positively related to poverty levels (see Chapter 3).

SUMMARY

The courts and counties have considerable discretion to determine which circumstances merit child placement, and this may contribute to a perception of inconsistency in placement decisions reported by many county officials. Usually counties and courts do not have written criteria that indicate when placement may be appropriate, and sometimes placement decisions are made with little or no review from multi-disciplinary screening teams or agency supervisors. Furthermore, many court dispositions provide little discussion of the factors that persuaded the court to favor out-of-home placement or about the reasons that other options were rejected.

Many county officials and judges believe that placement decisions are based on a sufficient consideration of children's needs, but there appears to be room for improvement. County staff usually have what they consider to be sufficient information on services offered at residential programs, but they usually do not think they have enough information about program outcomes.

⁴² Seventy-four percent of corrections supervisors disagreed with a statement that prejudice is an important reason, 7 percent neither agreed nor disagreed, and 16 percent responded "don't know." Sixty-five percent of human services directors disagreed that prejudice is an important reason, 11 percent neither agreed nor disagreed, and 18 percent responded "don't know."