

# *Executive Summary*

## *Protective Supervision: An Exploratory Study*

*“Strengthening the Capacity to Respond to  
Children in High-Risk Families”*

Esther Wattenberg, Principal Investigator  
Center for Advanced Studies in Child Welfare  
School of Social Work  
Center for Urban and Regional Affairs  
University of Minnesota

with  
Kate Troy, MSW, MPP Candidate  
School of Social Work  
Humphrey Institute of Public Affairs  
University of Minnesota

July 30, 2006

## ***Definition and Purpose of the Study***

Protective Supervision grants the social service agency court-ordered authority to supervise the child while he/she remains in the legal custody and in the home of his/her parent(s). Allowing a parent to retain custody of his/her child under certain conditions and with supervision implies that the court and the agency have a continuing responsibility to ensure that the terms of the Protective Supervision order are met. Protective Supervision provides a tool for realizing the federal mandate under the Child and Family Service Review's (CFSR) guidance that "children are safely maintained in their homes whenever possible and appropriate" (Federal Register, Vol. 70, No. 214, November 7, 2005).

Protective Supervision of a child maintained at home is clearly, in Minnesota statute, as well as in federal guidance, a case disposition option. However, the specific conditions, circumstances, and practices in the uses of this option have not, as yet, received concentrated attention. In response, this study was intended to shed light on this case disposition option.

## ***Background***

The importance of this study is reflected in the federal review of Minnesota's Child Welfare system, which indicated in 2004 a high rate of re-entry (i.e. children removed from home, then reunified with parents, and then once again placed in the foster care system). Re-entry rates in Minnesota exceeded the national standard by more than double—the national rate was nine percent and Minnesota's rate was 23 percent (DHS Bulletin 05-68-10). Dedicated to improving the child welfare system, the Minnesota Department of Human Services has a primary interest in knowing when and how Protective Supervision could contribute to limiting out-of-home placements and re-entry in the state. The underlying question for this study was formulated in this way:

"Under what circumstances can Protective Supervision be implemented, and what are the implications for policy and practice?"
--

Information for this exploratory study was gathered from state-wide interviews and focus groups conducted with representatives from the two chief components of the child welfare system: child protection and the judicial system.

The precise proportion of the case load that is under Protective Supervision is unknown. While SSIS does have a structure for documenting court data, which might reveal the uses of Protective Supervision, it is not "required." Since there is no "requirement" for entry of court information, data are not consistent enough to be reliable. Obtaining precise data on the scope of Protective Supervision proved difficult and was, in the end, unavailable. This is a limitation of the study.

## ***Findings: Highlights***

The key overarching finding is this: there is no common understanding of the concept, definition, or uses of Protective Supervision among the respondents throughout the state, either in the child protection or in the judicial systems. Although the continuum of responses to maltreatment was a widely accepted framework, the position of Protective Supervision as a centrist option between Family Assessment and removal of children from home was not clearly grasped. Three factors appear to explain the wide-ranging responses to Protective Supervision:

- The relationship between child protection and the court system
- A local culture of resistance to any intervention or involvement from child protection or the court unless the child is in imminent danger
- The perception of the availability or unavailability of resources to provide oversight and close supervision

The following highlights come from the observations of those counties who were familiar with Protective Supervision and used it in practice (estimated at 30-50 percent).

- **Circumstances for Protective Supervision:** The following are the most commonly reported circumstances.
  - *Reunification:* Respondents from both the child welfare and judicial systems reported that reunification after an out-of-home placement is the most common circumstance for Protective Supervision. Many counties are using Trial Home Visits, recently enacted in statute, for reunification and some counties report using it in tandem with Protective Supervision.

Several respondents noted that high re-entry rates are often related to child behavior problems rather than parental issues. In order to stabilize the reunification process in these instances, Protective Supervision is regarded as the least restrictive means for these children to be maintained at home. Respite care and brief stays in therapeutic environments are provided to relieve stress.

- *Substance Abuse:* Time needed for substance abuse detoxification, treatment and rehabilitation with mental health services is often inconsistent with the brevity required in a permanency framework. Protective Supervision, which is not time limited in statute, is often used in these cases to “buy time” and “keep parents in line with treatment.” This is a special problem for methamphetamine addiction in which 12-18 months is considered a minimum treatment. As methamphetamine cases crowd the court calendar, an increasing number of counties indicate a desire for Protective Supervision rather than pursuing TPR.

- *Compliance with Case Plans*: Counties reported differing perspectives on the use of Protective Supervision when parental compliance with a case plan is incomplete. Some counties report using Protective Supervision extensively when parents were uncooperative, whereas others reported that Protective Supervision is a tool only when parents demonstrate stability and cooperation. The use of compliance to measure the ability of a parent to safely maintain their children at home attracted mixed reviews. As some respondents pointed out, compliance with case plans (attendance, sobriety, using basic services responsibly) may not be related to improvements in parenting. Non-compliance may have several interpretations. In rural counties, transportation and long waiting lists for chemical dependency treatment were often cited as genuine factors in non-compliance.
- *Educational Neglect*: Respondents reported differing observations; some reported frequent use of Protective Supervision for educational neglect and others reported seldom use. Even though it is generally accepted that educational neglect is the tip of the iceberg and often indicates more widespread neglect, respondents observed that the assigning of resources for educational neglect and truancy are not priorities.
- *Single Incident*: Respondents reported using Protective Supervision with single incidents, such as when the maltreatment of a child is due to the mother’s partner, and the perpetrator is no longer in the picture. This often occurs in situations of sexual abuse or domestic violence when the perpetrator has left the family after the abuse was reported. Protective Supervision is reported as useful during transition periods of family life.
- **Role of Protective Supervision in Reducing Out-of-Home Care and Re-entry**: Some respondents suggested that Protective Supervision can be considered when the parents demonstrate a tangible interest in caring for the safety and well-being of their children, even when compliance with the case plan is partial. In these situations, representatives in the child welfare and judicial systems who are familiar with Protective Supervision note that it is an important family preservation strategy that can prevent out-of-home placement and re-entry into foster care. Generally, judges emphasized Protective Supervision as a preventive strategy to avoid removing children.

“Protective Supervision is an underutilized tool. It is a tool in our box that is not used enough.”

—Judge

- **Protective Supervision and Trial Home Visits**: Although Trial Home Visits and Protective Supervision are both court dispositions and share common features, they also have important distinctions, clarified in the attachment (*Trial Home Visits and Protective Supervision: The Overlap*). Whereas both Trial Home Visits and Protective Supervision can be used to stabilize the reunification process, Trial Home Visits are exclusively for reunification. Protective Supervision, on the other hand, is useful for another constituency: children who have not been removed but are living in an environment with some level of risk.

Among those counties that use Trial Home Visits, two themes emerged: (1) *in cases of reunification* there is a general preference for Trial Home Visits among those counties using it, and (2) the potential for using Trial Home Visits and Protective Supervision in tandem: numerous respondents, primarily from the judicial system, reported that once the Trial Home Visit has been successful and completed, Protective Supervision is initiated to maintain the involvement of the court when the custody is transferred from the agency to the parents, usually with a 90 day limit.

- **Best Practices:** The need for stability and availability of essential resources was a persistent observation among respondents. The following were considered necessary components for “best practices”:
  - Skill in integrating information from a variety of sources in order to ascertain the level of functioning of the parents; the condition of the child; the relationship of the parent and child; and the specific origin and level of risk to be addressed
  - Competency in constructing a case plan which is detailed, clear, and specific
  - Ability to engage the family in case planning through tools such as Family Group Decision-Making
  - Skill in evaluating the services provided by community agencies: Was the treatment relevant to the condition? Was the treatment actually received (absences, withdrawal)? And was the treatment provided with a respect for the tradition and ethnicity of the parents?
  
- **Issues in Closing a Case:** The length of time Protective Supervision is ordered varies. While Protective Supervision, in statute, does not have a timeline, court rules require a court hearing every 6 months (Minnesota Rules of Juvenile Protection Procedure 41.06, Subd. 2 (b)). More commonly, many respondents said the court holds review hearings after 90 days. Responses were mixed on keeping a case open for extended periods. While there was agreement that a case by case decision should be made, many respondents from both child protection and the judicial systems emphasized the civil rights argument that families should not be under surveillance without clearly understood limits.
  
- **The Rural Factor:** Rural county child welfare supervisors and front line workers reported several themes that can affect their capacity to respond to Protective Supervision requirements. Most persistently observed was a lack of available services. For rural counties the following gaps in services were noted: an absence of a therapeutic base, which affects their ability to provide bilingual therapy, children’s mental health and psychiatric care, grief counseling, nontraditional therapies, and treatment for chemical dependency relapse; a lack of transportation and child care; difficulty recruiting foster care providers and personal care attendants; and a lack of choice in providers.

## ***Recommendations***

Protective Supervision provides important opportunities for strengthening the child welfare system in these ways:

- responds to the “least restrictive” mandate
- encourages active relationships with schools and community agencies
- creates an option for delinquent children committing first offenses
- provides the potential for a positive experience for vulnerable families and children
- reduces neglect, possibly, if used in connection with truancy courts
- provides a foundation for training across disciplines

To that end, the following recommendations are offered:

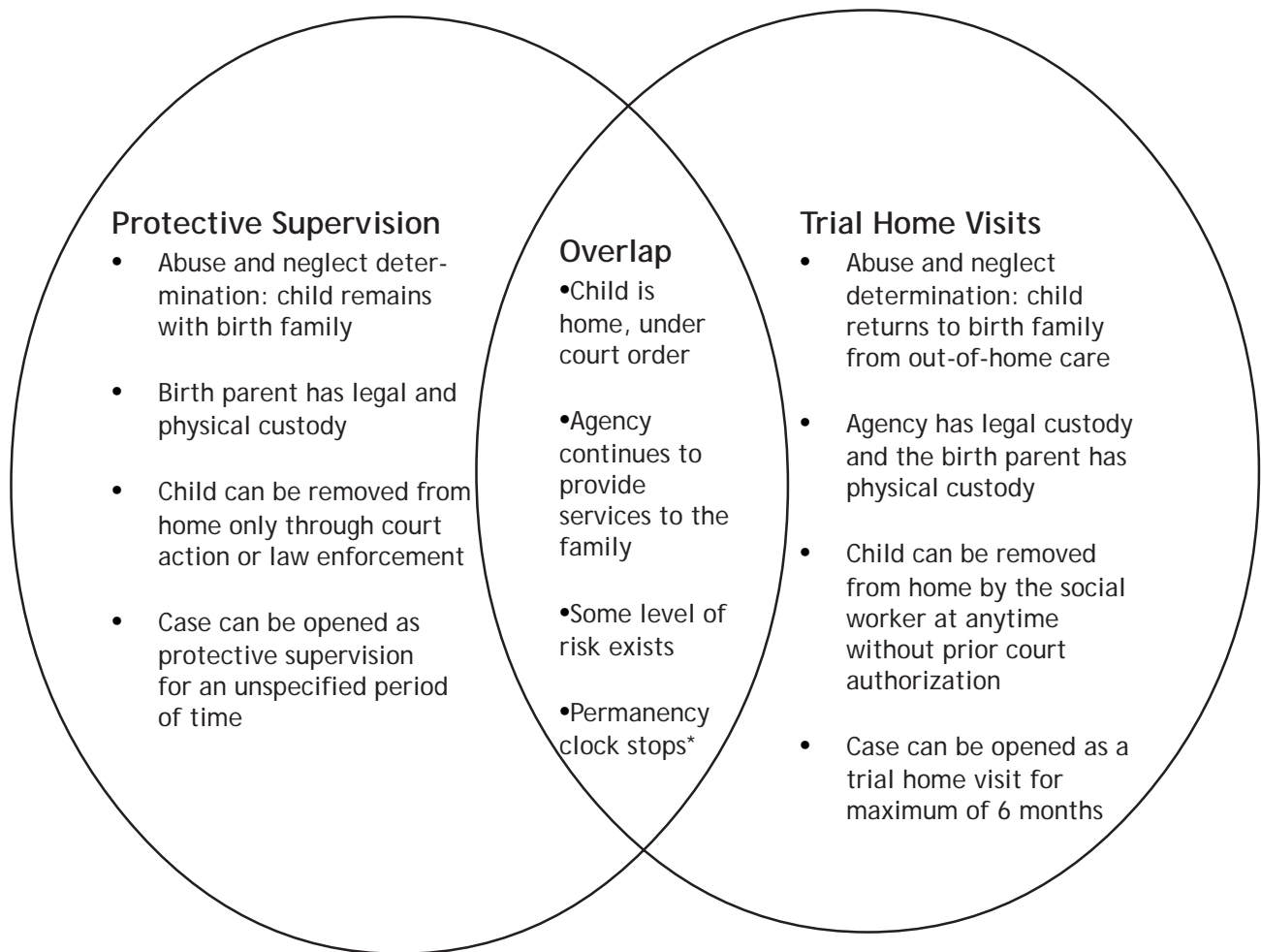
- Create visibility for Protective Supervision as an option in a continuum of responses to determined maltreatment reports:
  - Appoint a task force representing child protection and the judicial system to develop guidance for best practices in Protective Supervision.
  - Develop standards that are suggested but not mandated.
  - Support documentation of Protective Supervision in SSIS through core training and SSIS mentor meetings.
  - Review cases in Protective Supervision in county reviews (CFSR).
- Strengthen relationships between child protection and the judicial system.
  - Suggest items for CJI agendas.
  - Conduct joint training for the child protection system and the judicial system about what is possible and appropriate in seeking and ordering Protective Supervision.
- Improve practice by developing content for workshops and training on assessment.
- Improve response to ICWA cases.

Social workers have extremely heavy case loads; as a result, it may not be humanly possible for a social worker with the case loads they have, to provide the very close supervision necessary for more high risk placements. If adequate funding was provided so that social worker case loads were manageable, then we could in good conscience place children under Protective Supervision in more high risk situations than we feel comfortable with given the current social worker case loads.

—County Attorney

## Trial Home Visits and Protective Supervision: The Overlap

Maintaining children under the care of their parents at home is the preferred option in a continuum of care for high-risk children. Protective services are usually summoned for this task. If compliance with a case plan is shaky, protective supervision, which is court-ordered, may be initiated. In the course of events, if the children are in imminent harm they are removed and placed in the foster care system. When the progress of the case suggests reunification, then trial home visit becomes the strategy to utilize in practice.



\*The permanency clock stops ticking if the child is in the home of the custodial parent. It continues if the child is in the home of a previously non custodial parent.