The removal of a child from a family is the most intrusive action that a state can take in infringing upon the privacy of a family and the cherished right to rear children without surveillance or interference. However, in exceptional situations—when a child is found in circumstances that endanger his or her health and safety—the law allows for a child to be removed. Minnesota, along with other states, has enacted a series of laws to limit the power of the state to separate children from their families. For example, a child may only be separated for 72 hours (known as the 72-hour hold), unless a court order allows an extension. Furthermore, only a law enforcement officer may physically remove a child from a family. Although out-of-home placement is an indispensable component of the child welfare system and often is essential to protect a child’s health and welfare, it is always a stressful event for a child, even if it is only for a brief period of time.

With support from the University of Minnesota’s Center for Advanced Studies in Child Welfare and a New Initiative grant from CURA, we examined the circumstances of 1,306 children who were removed from their families under emergency situations and held for seven days or less in out-of-home emergency shelter care in Hennepin County in 1999. Two research questions guided our study: Is placement in a shelter the least-intrusive response for the safety needs of children in emergency situations? And, can we capture and clarify the working relationship between child protection workers
and local law enforcement officers? Our research suggests a number of ways to improve protocols that guide emergency placements.

**Emergency Care in Hennepin County**

Minnesota’s 87 counties vary widely in the arrangements they make for emergency care. Typically, for younger children, counties have developed emergency foster homes. These are regularly licensed family foster homes that are typically paid an extra amount each month to compensate them for being on call. Shelters specifically designed for adolescents who run away or who are in a disruptive placement situation have also been developed throughout the state. Hennepin County, the most populous county in the state, had one central location for its emergency shelter intake at the time this research was conducted—St. Joseph’s Home for Children in Minneapolis, which is under contract with the county.

The data used in this study were based largely on administrative information collected at St. Joseph’s Home during 1999. Intake forms were examined to provide information on age, address, race-ethnicity, placement authority, reasons for placement, and disposition. Data from St. Joseph’s Home were augmented by group interviews with Hennepin County child protection workers and supervisors and with staff members and administrative staff from St. Joseph’s Home. Individual interviews with the Minneapolis chief of police, the supervisor of the Community Based First Response unit, child protection workers based in a police precinct, St. Joseph’s Home intake workers, and Hennepin County Community Based First Response workers also informed this study.

Children arrive at St. Joseph’s Home via four methods. The majority of children arrive under the auspices of the 72-hour hold, which is authorized under Minnesota statute when a child is in immediate danger and police believe that emergency protective care is indicated. Children also enter St. Joseph’s Home through court order after findings of maltreatment have been made by a court and the child is adjudicated as a “Child in Need of Protection or Services”; through a voluntary placement, which occurs when a parent chooses to place a child in St. Joseph’s Home for a short period of time; or through a juvenile warrant, which occurs when a warrant is issued for a child’s arrest, often for failing to attend a court hearing.

Although St. Joseph’s Home serves the entire Hennepin County region, the vast majority of children come from Minneapolis and, more specifically, from the neighborhoods of Minneapolis’ north side, which comprise the Minneapolis Police Department’s Fourth Precinct. The Fourth Precinct has distinct demographic characteristics, including the highest proportion of African Americans in the county; an increasing number of Somali, Asian, and Latino families; and an extremely high concentration of children (as many as 60 children per square block in some neighborhoods).

The Fourth Precinct also has the highest adult arrest rate among Minneapolis’ five precincts. This is particularly noteworthy because it does not have the highest rate of reported crime (a record that belongs to the Third Precinct, which encompasses part of east and south Minneapolis and includes the University of Minnesota’s Minneapolis campus).

This inconsistency suggests that the large number of children brought to the attention of child protective services in this geographic area may be a result of increased surveillance rather than increased child maltreatment. In this connection, it should be noted that the Fourth Precinct has been designated as a CODEFOR (computer optimized deployment focus on results) “hotspot.” This designation makes it possible for police to target resources to neighborhoods they deem at risk for serious crimes, increasing the presence of police and allowing for significant discretion on the part of individual officers in stopping people and making arrests.

According to data from St. Joseph’s Home, more than 2,463 children passed through the child protective system in Hennepin County in 1999. Of this group, 1,306 (53%) were in shelter for seven days or less. Of those in shelter for seven days or less, 23% (301) of these children were aged 0–3, 16% (211) were aged 4–6, 27% (350) were aged 7–11, and 34% (444) were aged 12–17. Although African American children 18 years of age and younger represented 13.9% of the youth population in Hennepin County at the time of this study, they represent 55% (708) of the children entering the shelter for a stay of seven days or less (Figure 1). This is nearly four times their representation in Hennepin County’s population. White children make up the next largest group at 19% (254), followed by American Indian children at 10% (132), and all biracial children at 9% (121). Latino, Asian, and “other” comprised fewer than 6% of the total short-stay population. As Figure 2 illustrates, African American children are also overrepresented in every age group in the St. Joseph’s Home’s population.

The reasons for placement of children in St. Joseph’s Home were varied. The home’s intake forms provide 26 “reasons for placement.” However, overlap and indistinct definitions ultimately suggested 12 distinct categories, which were constructed with input from St. Joseph’s Home intake workers. Those categories were abuse (which encompasses both physical and sexual abuse), neglect, parent substance abuse.

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**In This Issue:**

- Brief Encounters: Children in Shelter for Seven Days or Less
- Community Organizing and Citizen Involvement: Case Studies from the
  - Twin Cities Training Program for Neighborhood Organizers
- Work, Race, and Welfare Reform: A Study of the Minnesota
  Family Investment Program in Hennepin County, 1998–2002
- Project Awards
- Project Funding Available from CURA
- Project Update: The Consequences of Racial Disparities
  - in School Suspensions
- New Hennepin County Relations Liaison Will Advance Collaborative Efforts
- The New Careers Program: A Retrospective
- New Publication from CURA

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1 It should be noted, however, that a large portion of the children in this study were from Minneapolis, and in Minneapolis, African American children 18 years of age and under made up 31% of the population at the time of this study, somewhat reducing the dramatic nature of the disparity.
(which includes situations in which parents are about to go into treatment without childcare arrangements having been finalized), parent abandonment, parent incarceration (which includes parents either under arrest or in jail), external parent factors (refers to homelessness or incidents arising out of domestic crises), child factors (refers to children who were asked to leave placement), family conflict, absent parent, parent absent—health reasons, asked to leave placement, and absent child (refers primarily to children who were “on-the-run” from their out-of-home placement and returning to shelter care).

After reviewing the various and overlapping reasons for emergency care, such as abuse, neglect, and parent abandonment, a striking fact emerged: Children of color were far more likely to be placed due to “parent incarceration” than were White children. Approximately 17% of African American children, 10% of American Indian children, and 10% of all biracial children were brought to St. Joseph’s Home as a result of “parent incarceration,” versus 1% of White children.

To offer a more consistent basis for comparison among groups, the remainder of this section offers profiles of children in various age groups who were admitted to St. Joseph’s home.

Profile of Children Aged 0–3 Years.

Of all children admitted to shelter in 1999, 301 were aged 0–3 years. They comprised nearly one-fourth (23%) of the total admissions to shelter for the year. More than 90% of these children had not experienced an admission to shelter within the previous year. A little less than half of the children were admitted as part of a sibling group. African American children aged 3 years and younger comprised 53% of all admissions to St. Joseph’s Home, followed by 18% White, 10% American Indian, and 10% biracial children. “Parent incarceration” was the primary reason for placement, accounting for 21% of all admissions in this age group. “Parent abandonment” (15%), “physical abuse” (12%), “parent substance abuse” (11%), “need to locate parent” (10%), and “neglect” (8%) were the five next largest categories. The majority of infants and toddlers were brought in under a 72-hour hold (83%), and the rest were under court order (15%). Only 2% of the emergency placements were voluntary. Finally, 85% of children aged 0–3 were released to their parents or relatives, and 8% were placed in foster care.

Profile of Children Aged 4–6 Years.

Children aged 4–6 years comprised 16% of the total shelter admissions at St. Joseph’s Home in 1999. As with all age groups, children of color were dramatically overrepresented among this age group. More than half (54%) of children aged 4–6 were African American, 9% were American Indian, 8% were biracial, 3% were Asian, and 2% were Latino. White children accounted for one-fifth (20%) of the population of children 4–6 years of age. More than four-fifths (83%) of children entered St. Joseph’s Home under a 72-hour hold. Another 13% entered through the...
authority of a court order. Only 3% of children aged 4–6 were placed voluntarily by a parent or caretaker, and 1% entered as a result of a juvenile warrant. The vast majority of children 4–6 years of age were reunified with family when they left St. Joseph’s Home. Roughly 86% of children were returned to their parents or relatives, 5% went to foster care, 4% experienced a transfer of custodial care (likely between foster care placements), 3% fell into the disposition category of “other,” and 2% were released to “friends.”

Profile of Children Aged 7–11 Years. Children aged 7–11 represented 27% of all children admitted to St. Joseph’s Home during 1999. More than 90% of the admitted youth had not experienced an admission to shelter within the previous year, and slightly more than 60% of the children were admitted as a part of a sibling group. Again, children of color were overrepresented among the children aged 7–11 admitted to shelter care. African American children represented 63% of those admitted, American Indian children represented another 10%, followed by 6% of children identified as biracial, 3% who identified as Latino, and 2% Asian. White children accounted for 16% of the population of children aged 7–11 at St. Joseph’s Home. “Physical abuse” was the primary reason for placement among children aged 7–11, accounting for 18% of all admissions in this age group. “Parent incarceration” (17%), “abandonment” (14%), “need to locate parent” (12%), and “neglect” (10%) were the next largest categories. The majority of children aged 7–11 entered St. Joseph’s Home under a 72-hour hold (74%), whereas 19% entered under a court order and 6% entered on a voluntary basis. Of these children, 70% were released to their parents or relatives and 8% were placed in foster care.

Profile of Children Aged 12–17 Years. Of the children admitted to St. Joseph’s Home in 1999, 34% were aged 12–17 years. For 61% of these children, this was their first admission to shelter within the last year. Approximately 19% of the children were admitted as a part of a sibling group. Once again, children of color were overrepresented among the children aged 12–17. African American children represented 52% of the population, American Indian children represented 12%, biracial children 6%, and both Asian and Latino children represented 2%. White children accounted for 24% of the population of children 12–17 years of age at St. Joseph’s Home. Nearly two-thirds (64%) of older adolescents entered St. Joseph’s Home through the authority of a court order, and 27% entered under a 72-hour hold. The top five reasons for placement among children aged 12–17 were “runaways from placement” (33%), “runaways from home” (16%), “asked to leave placement” (9%), “physical abuse” (8%), and “parental incarceration” (5%). For one-third (33%) of these children, there was no record of where they had gone after their shelter placement. It is assumed that these children left as runaways. Only 24% of the older adolescents were reunified with family, the lowest rate among all age groups.

Discussion
This study of children removed under emergency situations who experienced shelter care for a brief period disclosed three distinct but interrelated issues: the nature of the relationship between police and child protection; the impact of parental arrests on children; and factors of race and ethnicity in the emergency removal of children from their families.

Police–child protection relationships. Police powers that can be used in response to child maltreatment reports have been greatly expanded during the past two decades. Generally, the removal of children from their families takes place when imminent harm is likely because of physical or sexual abuse, egregious neglect, abandonment, or the arrest of a parent or caretaker. As in other states, only police, sheriffs, or other agents of law enforcement are now legally empowered to remove children from their familial households in Minnesota and many other states (Minn. Stat. 260C.175, 2000).

Furthermore, reports of child abuse and neglect may be made to either police or child protection workers. Although the law does require “cross-reporting”—that is, each party must exchange information at the reporting stage (Minn. Stat. 626.556. subd.3[a], 2000)—joint responsibilities in the investigation stage are discretionary (Minn. Stat. 626.556. subd.6, 2000). Working arrangements vary, but joint investigations when caseworkers and law enforcement officials go to the household together are exceptional in Hennepin County. When they do occur, the roles are negotiated. Joint investigations generally occur when egregious harm related to sexual and physical abuse is perceived, and where the neglect is of a criminal nature. Police powers allow arrest during the investigation if there is reason to believe that a crime has been committed. Law enforcement officers and social workers respond within their professional contexts. Typically, law enforcement concentrates on gathering evidence and caseworkers assess the family and child circumstances.

Local- and state-level administrative reviews generally give good marks to the partnership between child protection social workers and police. However, tensions do arise at the level of direct service in terms of cross-reporting, investigation of cases, and case planning. Clearly, child protection and law enforcement operate under different professional ideologies. Similar issues of differing professional ideologies have been found to be present in working relationships between social workers and advocates who work with battered women, and police. Law enforcement standards of child removal and placement are embedded in a criminal model centered on the perpetrator and documentation of case-specific evidence. For the law enforcement officer, gathering evidence is the preeminent concern, and a quick removal to the shelter is the convenient action. The social work perspective is absorbed with reasonable efforts directed toward family and child interests. For social workers, the search for options, when emergency removal is required, is guided by concerns for the “least disruptive placement.”

Reconciling these points of view requires negotiation and mutual respect. Incidents of tension and misunderstanding inevitably arise. Illustratively, there are differing assessments of “imminent harm” and the conditions under which children are returned to parents. Supervision, administrative reviews, and cross-training are important elements in solving issues in these ambiguous partnerships.

It should be noted that 80% of children are reunified with parents. The children do not reappear in the shelter in the year under review. The extent to which the children are reunited with parents/kin under protective supervision, a closely supervised arrangement, was not revealed in the disposition data. What transpires at the time of the child’s return to parents/kin was also not available within the administrative data. Whether the event of the child’s brief stay in emergency shelter is used to conduct risk assessment or to refer to voluntary services is open to question.
The Impact of Emergency Removal on Children. This study reveals that a primary reason for very young (aged 0–6) children, particularly African American children, to be removed in emergency situations is parent incarceration. In most cases, the removal of a child from parents is a traumatic, grief-laden event. This event exacts an even more devastating toll when the child witnesses the arrest of a parent. Supreme Court Justice Sandra Day O’Connor expressed this quite vividly in her dissenting opinion in Atwater v. City of Lago Vista (532 U.S. 318 [2001]), when she warned of dire long-term consequences when children witness “gratuitous humiliation” and “the pointless indignity” that sometimes accompanies arrest. Interview data cited in the Atwater case reveal that handcuffing, shackling, and being shoved into the back of a squad car occurred during parental arrest, when “resistance” or “aggressive behavior” were encountered. Justice O’Connor warned that “unbounded discretion” for the police in the manner of arrests “carries with it grave potential for abuse.” It is these events that incite children to feelings of helpless rage, humiliation, and fear. The police response to children is of key importance. Justice O’Connor, in her dissent, noted that children may harbor throughout their lifetimes either respect for or dread and hostility toward law enforcement, depending on what they witness when parents are arrested.

It is important to remember that the circumstances of parental arrest may often be entirely unrelated to child maltreatment. The most common circumstances involve warrants of arrest for excessive parking fees, forged checks, shoplifting, faulty cars, substance abuse, or narcotics. Arrests for child endangerment, neglect of a child, or malicious punishment of a child are far less common. In domestic violence situations, arrests may occur if the child is used as a shield, or if the parent is deemed unable to protect the child from an abusive partner.

According to one observer, from the child’s point of view, emergency placement is a euphemism for arrest. For the child, there are no benign motives for the removal. It is perceived as an involuntary separation with painful and confusing consequences.

Under urgent circumstances, police may or may not attempt to locate parents or guardians to take custody. Typically, children are “detained.” The extent to which police respond to children’s anxious questions—“Where is my mom?” “When will we see her again?”—depends on the officer’s comfort level in playing the role of the social worker. It is by no means consistent.

The decision to await the arrival of a child protection worker prior to placement is up to the police, and this is an ambiguous arrangement. Yet, it is crucial for someone to explain to the child the various options that might be considered, including being reunified with parents, placed with relatives, or placed in a shelter while a decision is made regarding their disposition.

At the time of this study, clear protocols did not exist to guide police on the treatment of children. Thus, a police officer’s interaction with a child is dependent upon the officers’ sensitivity to the needs of children. If a child is not present when a parent is arrested, the police may not know about the existence of the child and thus may not be concerned about the child’s safety and well-being.

Race and Ethnicity in Emergency Care. The data from this study reveal a substantial overrepresentation of children of color in shelter care. A discussion of the factors that contribute to this disparity are beyond the scope of this article. However, inasmuch as a high proportion of emergency placements arise from the Minneapolis Police Department’s Fourth Precinct, the neighborhood data for this precinct provide an opportunity to speculate about these factors. Do the neighborhoods suffer from factors of poverty, disorder, and mobility, all of which might reduce the capacity of community members to care for children in emergency situations? Does the CODEFOR program result in increased surveillance that encourages increased parental arrests? Is the reporting of maltreatment subject to racial or ethnic bias? Regardless of the reason, the subject of racial overrepresentation is troubling and demands study beyond the data presented here.

Conclusions

The disproportionate number of children of color in emergency placement has raised concerns about police and child welfare procedures and the consequences of these procedures. Since this study was conducted, many of the police

2 Since this study was conducted, both protocols and training for Minneapolis police have come under review.
and child welfare procedures have been reviewed. The training component for police officers when parental arrest involves children is also under review.

Best practices for police involvement with children and families at the time of parental arrest include the following: asking parents about their children; allowing the parent time to reassure the child about what is happening; allowing the parent time to take care of a few “loose ends” such as notifying a workplace or finding a caregiver for the child; allowing the child to bring personal belongings such as a stuffed animal or book from home; and providing information to the child (at a developmentally appropriate level) about what is happening to the parent and what will happen to the child. To improve the likelihood of best practices occurring, a protocol should be adopted for dealing with children in cases of parental arrest. Police should be given training on how to talk to children in times of trauma. Police should also be informed that the manner in which they treat parents during an arrest is something that a child will remember forever. Treating parents with respect during an arrest could provide one venue for improving the relationship between police and the public. Police should also adopt simple efforts to increase the comfort of children, such as carrying children’s toys or other comfort items in their squad cars.

Officially, the relationship between law enforcement and child welfare services is favorable. Administrators from both departments in Hennepin County reported good working relationships and similar goals. The problems appear to be at the level of direct service, specifically cross-reporting and investigation of cases. Police do not always notify child protection of child welfare concerns. Similarly, police and law enforcement report frustration with the procedures of child protection, such as the screening criteria for placement and the rapid return of children to potentially unsafe homes.

To reach the goal of fewer removals to emergency shelter care, the introduction of a community worker should be considered. This individual would be someone who has detailed knowledge of the supportive networks in the community. The community worker’s major task would be to focus on the child and identify resources (such as relatives, close friends, faith establishments, school, or other community connections) to minimize shelter placements. The fact that there are few repetitive placements within a calendar year indicates that most children can be safely maintained within kin and extended family networks while the emergency conditions are assessed.

Finally, we believe it is important for child welfare advocates and others to use the information gathered through this process to advocate for increased attention to the disproportionate number of African American children in child protective services and in emergency shelter care.

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This report is based on the following article, which provides a more complete discussion of emergency placement and this study: Esther Wattenberg, Katherine Luke, and Molly Cornelius, “Brief Encounters: Children in Shelter for 7 Days or Less,” Children and Youth Services Review 26 (2004): 591–607.