

What Is “Minimum Sufficient Level of Care” (MSL)?



Removing a child from his or her home because of abuse and/or neglect is a drastic remedy. Because removal is so traumatic for the child, both the law and good practice require that agencies keep the child in the home when it is possible to do so and still keep the child safe. Children should be removed only when parents cannot provide the minimum sufficient level of care. This standard describes what must be in place for the child to remain in the home. The same standard is also used to determine whether or not parents have made sufficient progress so that a child can be safely returned to the family home. The minimum sufficient level of care is determined by a number of factors, each of which must be looked at specifically in relation to the case at hand.

Factors to consider include:

The Child's Needs

Is the parent providing for the following needs at a basic level?

- Physical (food, clothing, shelter, medical care, safety, protection)
- Emotional (attachment between parent and child)
- Developmental (education, special help for children with disabilities)

Social Standards

Is the parent's behavior, within or outside, considered as commonly accepted child-rearing practices in our society?

Here are some examples: In terms of discipline, whipping a child with a belt was generally thought to be appropriate during the first half of the twentieth century, but is now widely considered abusive. Contemporary families frequently use a short “time out” as a punishment for young children. In terms of school attendance, it is a widely held expectation that parents send all children to school (or homeschool them) until they reach the age limit at which attendance is no longer compulsory. Social standards also apply in medical care, where immunizations and regular medical/dental care are the standard.

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Community Standards

Does the parent’s behavior fall within reasonable limits, given the specific community in which the family resides?

Here are some examples: The age at which a child can be safely left alone varies significantly from urban to suburban to rural communities. The age at which a child is deemed old enough to care for other children is largely determined by cultural and community norms. Even something as simple as sending a 9-year-old child to the store might fall within or outside those standards, depending on neighborhood safety, the distance and traffic patterns, the weather, the child’s clothing, the time of day or night, the ability of the child and the necessity of the purchase.

Communities can be geographical or cultural. An example of a non-geographical, cultural community is a Native American tribe in which members live in a variety of locales, but still share a common child-rearing standard. According to the Indian Child Welfare Act, the minimum sufficient level of care standard must reflect the community standards of the child’s tribe.

WHY THE MSL STANDARD IS USED

- It maintains the child’s right to safety and permanence while not ignoring the parents’ right to raise their children.
- It is required by law (as a practical way to interpret the “reasonable efforts” provision of the Adoption Assistance and Child Welfare Act).
- It is possible for parents to reach.
- It provides a reference point for decision makers.
- It protects (to some degree) from individual biases and value judgments.
- It discourages unnecessary removal from the family home.
- It discourages unnecessarily long placements in foster care.
- It keeps decision makers focused on what is the least detrimental alternative for the child.
- It is sensitive across cultures.

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KEY PARAMETERS OF THE MSL STANDARD

- The standard takes into consideration the particular circumstances and needs of each child.
- It is a set of minimum conditions, not an ideal situation.
- It is a relative standard, depending on the child’s needs, social standards and community standards. It will not be the same for every family or every child in a particular family.
- It remains the same when considering removal and when considering reunification.

Cultural Considerations

An understanding of a child’s cultural practices is important when considering the MSL standard. For children who are Alaska Native or American Indian, sources for information about cultural practices may include the parents, the tribal child welfare worker, relatives of the child or other tribal members. For other ideas for making sure MSL is applied consistently, you may consider:

- Discussing the MSL standard with your case coordinator or supervisor
- Learning about the various cultural groups in your community (more on this in Chapter 6)
- Systematically comparing the standard for removal and the standard for reunifying a child in the home of origin