

**MN Department of Human Services  
Social Services Manual**

**Foster Care - Children**

**XV-6000**

Based on statutes and rules in effect as of 08/01/2000

**Foster Care - Children**

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#### Introduction

**XV-6100**

#### Purpose

**XV-6110**

The purpose of foster care is to provide substitute family or group care for a child while an intensive effort is made to correct or improve the conditions causing placement and to reunite the family or, if the child cannot be returned home, to provide some other permanent plan.

Foster care may be provided only after services to prevent the need for placement of a child in foster care have been considered, provided, or refused by the child's family.

**Part 9560.0510**

#### Authority

**XV-6120**

#### Authority Cited in Manual

**XV-6121**

1. Pub. Law 89-101 (Title I of the Elementary and Secondary Education Act of 1967).
2. Pub. Law 95-608 (Indian Child Welfare Act of 1978).
3. Pub. Law 96-272 (Adoption Assistance and Child Welfare Act of 1980).
4. Pub. Law 99-841, section 1707 (Tax Reform Act of 1986).
5. Pub. Law 101-239, section 10403 (1989) (Technical Amendments to the Social Security Act).
6. Pub. Law 104-188 (1994) (Multi-Ethnic Placement Act).
7. Pub. Law 104-188 (1996) (Inter-Ethnic Placement Act).
8. Pub. Law 105-89 (Adoption and Safe Families Act of 1997).
9. Child Nutrition Act of 1966, and 7 CFR part 226, National School Lunch Act.
10. Minn. Stat. 13.04 (2000) (Rights of Subjects of Data).
11. Minn. Stat. 125A.02 (2000) (Child with a Disability Defined).
12. Minn. Stat. 125A.03 – 125A.48 (2000) (Special Education).
13. Minn. Stat. 125A.75 (1999) (Special Education Program Approval; Aid Payments; Travel Aid).
14. Minn. Stat. 245.814 (2000) (Liability Insurance for Foster Parents).
15. Minn. Stat. 245A.01-245A.65 (2000) (Human Services Licensing Act).
16. Minn. Stat. 252.27 (2000) (Parental Contribution for the Cost of Children's Services).
17. Minn. Stat. 256.82 (2000) (Payments by State).
18. Minn. Stat. 257.01 (2000) (Records Required).
19. Minn. Stat. 260.751 to 260.835 (2000) (Minnesota Indian Family Preservation Act).
20. Minn. Stat. 260B.193 (2000) (Dispositions; General Provisions).
21. Minn. Stat. 2060B.198 (2000) (Dispositions; Delinquent Child).

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22. Minn. Stat. 260C.201 (2000) (Dispositions; Children Who are in Need of Protection or Services or Neglected and in Foster Care).
23. Minn. Stat. 260C.212 (2000) (Children in Foster Homes; Placement; Review).
24. Minn. Stat. 260C.215, subd. 1 (2000) (Recruitment of Foster Families).
25. Minn. Stat. 260C.325 (2000) (Guardian).
26. Minn. Stat. 260C.331 (2000) (Costs of Care).
27. Minn. Stat. 260C.441 (2000) (Cost, Payment).
28. Minn. Stat. 260C.451 (2000) (Age Limit for Benefits to Children).
29. Minn. Rules, part 9505.1693 to 9505.1748 (Early and Periodic Screening, Diagnosis, and Treatment, also known as Child and Teen Checkups).
30. Minn. Rules, part 9525.0015 to 9525.0165 (Case Management Services for Persons with Mental Retardation or Related Conditions).
31. Minn. Rules, part 9545.0010 to 9545.0260 (Standards for Foster Family Care and Group Family Foster Care).
32. Minn. Rules, part 9545.1400 to 9545.1500 (Standards for Group Homes and Licensing Procedures).
33. Minn. Rules, part 9550.0100 to 9550.0093 (Administration of Community Social Services).
34. Minn. Rules, part 9550.6200 to 9550.6240 (Parental Fee).
35. Minn. Rules, part 9560.0210 to 9560.0234 (Protective Services for Children).
36. Minn. Rules, part 9560.0410 to 9560.0470 (Children in Need of Protection or Services).
37. Minn. Rules, part 9560.0500 to 9560.0670 (Foster Care for Children).
38. April 14, 1964, Attorney General's Opinion Requiring Child Under Legal Custody of Local Social Services Agency To Be Living Outside Parents' Home.
39. December 30, 1971, Attorney General's Opinion Regarding Right of Local Agency to Seek Court Permission to Permit Child Under Legal Custody to Remain Temporarily in Own Parents' Home.

#### Other Relevant Authority Citations

XV-6122

1. 42 USC 1397-1397e (Title XX - Grants to States for Services).
2. 45 CFR 96, subpart G (Social Services Block Grants).
3. 45 CFR 1355-1357 (Title IV-E of the Social Security Act), (Federal Register, January 25, 2000, Part II).
4. Minn. Stat. 256.01 (2000) (Commissioner of Human Services; Powers, Duties).
5. Minn. Stat. 257.02 (2000) (Surrender of Parental Rights).
6. Minn. Stat. 257.025 (2000) (Custody Disputes).

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7. Minn. Stat. 257.175 (2000) (Duties of Commissioner of Human Services).
8. Minn. Stat. 259.29 (2000) (Protection of Best Interests in Adoptive Placements).
9. Minn. Stat. 259.67 (2000) (Adoption Assistance Program).
10. Minn. Stat. 260.025 (2000) (Place of Hearing).
11. Minn. Stat. 260.031 (2000) (Referee for Hearing; Notice and Waiver of Hearing).
12. Minn. Stat. 260B.001-260B.446 (2000) (Juvenile Court Act: Delinquency Provisions).
13. Minn. Stat. 260B.007 (2000) (Definitions used in Delinquency Provisions of the Juvenile Court Act).
14. Minn. Stat. 260B.080 (2000) (Detention Homes).
15. Minn. Stat. 260B.101 (2000) (Jurisdiction of Court over Children and Minors).
16. Minn. Stat. 260B.105 (2000) (Venue).
17. Minn. Stat. 260B.141 (2000) (Petitioning the Juvenile Court when Child in Need of Protection and in Foster Care).
18. Minn. Stat. 260B.157 (2000) (Investigation of Personal and Family History and Environment).
19. Minn. Stat. 260B.163 (2000) (Hearing; Appointment of Counsel, Guardian ad Litem; Rights of Parties at Hearing).
20. Minn. Stat. 260B.175 (2000) (Taking Child into Custody).
21. Minn. Stat. 260B.176 (2000) (Release or Detention of Child).
22. Minn. Stat. 260B.181 (2000) (Place of Temporary Custody; Shelter Care Facility).
23. Minn. Stat. 260C.205 (2000) (Dispositions; Voluntary Foster Care Placements).
24. Minn. Stat. 260C.215, subd. 6 (2000) (Duties of Child-Placing Agencies).
25. Minn. Stat. 260C.301 (2000) (Termination of Parental Rights).
26. Minn. Stat. 260C.312 (2000) (Disposition; Parental Rights not Terminated).
27. Minn. Stat. 260C.328 (2000) (Change of Guardian; Termination of Guardianship).
28. Minn. Stat. 260C.411 (2000) (New Evidence).
29. Minn. Stat. 260C.413 (2000) (Tests, Examinations).
30. Minn. Stat. 260C.415 (2000) (Appeal).
31. Minn. Stat. 393.07 (2000) (Powers and Duties).
32. Yoakim v. Miller (U.S. Supreme Court 1979) (Relative Foster Care - Title-IV-E).

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#### Definitions

XV-6130

1. Administrative Review: A review open to participation by parents or guardian and conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of or the delivery of services to the child, parents, or guardian. For an Indian child, a representative of the child's tribal social services has the right to participate in this review.

**Part 9560.0521, subpart 2;  
Minn. Stat. 260.765, subd. 3**

2. Child: A person under the age of 18.

**Part 9560.0521, subpart 3**

3. Child's Best Interests: It is the policy of the state to ensure that the best interests of children are met by requiring individualized determinations of the needs of the child and of how the selected placement will serve the needs of the child in foster care placement.

The factors to be considered in determining the needs of the child are: a) the child's current functioning and behaviors; b) the medical, educational, and developmental needs of the child; c) the child's history and past experience; d) the child's religious and cultural needs; e) the child's connection with a community, school, and church; f) the child's interests and talents; g) the child's relationship to current caretakers, parents, siblings, and relatives; and h) the reasonable preference of the child, if the child is of sufficient age to express preferences.

**Minn. Stat. 260C.193, subd. 3**

4. Commissioner: The Commissioner of Human Services or the Commissioner's designated representative.

**Part 9560.0521, subpart 4**

5. Court Ordered Placement: An out-of-home placement of a child that is authorized by a court order of a family, juvenile, or tribal court.

6. Custodian: A person who is under a legal obligation to provide care and support for a child or who is in fact providing care and support for a child. For an Indian child, custodian means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody and control has been transferred by the parent of the child, as provided in Minn. Stat. 260.775, subd. 10.

**Pub. Law 95-608, section 4 (6);  
Part 9560.0521, subpart 5**

7. Department: The Minnesota Department of Human Services.

**Part 9560.0521, subpart 6**

8. Difficulty of Care Payment: A supplemental maintenance payment determined by the local agency and based upon an assessment of the child's special needs due to existing physical, mental, or emotional handicaps. A difficulty of care payment does not include payment for services rendered by a licensed foster parent.

**Part 9560.0521, subpart 7**

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9. Disposition Hearing: A hearing held by a family or juvenile court, a tribal court, or another court of competent jurisdiction, or by an administrative body appointed or approved by the court, to determine the future status of the child, including whether the child should be placed for adoption or kept in foster care temporarily or on a long-term basis.

NOTE: Long-term foster care is a permanent placement disposition available only for:

- a. a child who has reached age 12 and reasonable efforts by the responsible social service agency have failed to locate an adoptive family for the child; or
- b. the child is a sibling of a child described in clause (a) and the siblings have a significant positive relationship and are ordered into the same long-term home.

**Minn. Stat. 260C.201, subd. 11 (e) (3) (i) and (ii);  
Part 9560.0521, subpart 8**

10. Foster Care: The 24-hour-a-day care of a child following placement by the commissioner or a licensed child-placing agency with legal placement responsibility pursuant to a court order or voluntary placement agreement, in any facility that regularly provides one or more children, when unaccompanied by a parent or guardian, with a substitute for the care, food, lodging, training, education, supervision, or treatment they need which for any reason cannot be furnished by a parent or guardian in the child's home.

Also referred to as out-of-home care or placement.

**Part 9560.0521, subpart 9**

11. Foster Care Maintenance Payments: Payments to cover the cost of a child's food, clothing, shelter, daily supervision, school supplies, and personal incidentals, and reasonable travel to the child's home for visitation.

**Part 9560.0521, subpart 10**

12. Foster Care Provider: A person or entity licensed to provide foster care.

**Part 9560.0521, subpart 11**

13. Foster Family Home: A family licensed under parts 9545.0010 to 9545.0260 to provide foster care in their home for children or an Indian family located on a reservation which is licensed or approved by the tribal government or a tribal member living "near" the reservation. (See SSM VII-4221.02 (1)(a))

**Part 9560.0521, subpart 12**

14. Guardian or Legal Guardian: A person appointed by a parent's will or by the court to have the powers and responsibilities of a parent, except that the guardian is not legally obligated to provide support for the ward out of the guardian's own funds.

**Part 9560.0521, subpart 13**

15. Group Home: A facility licensed by the Minnesota Department of Human Services as a group family foster home under Parts 9545.0010 to 9545.0260 or as a group home under Parts 9545.1400 to 9545.1500 or licensed by the Department of Corrections as a group foster home or, if located on a reservation, licensed or approved by the tribal government.

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16. Indian Child: An unmarried person under the age of 18 who is either a member of or eligible for membership in an Indian tribe.

**Minn. Stat. 260.755, subd. 8;  
Part 9560.0521, subpart 14**

17. Legal Custody: The right to the care, custody, and control of a child who has been taken from a parent by the court in accordance with the provisions of Minn. Stat. 260B.198, 260B.235, 260C.201 and 260C.317. The expenses of legal custody are paid in accordance with the provisions of Minn. Stat. 260B.331 or 260C.331.

**Minn. Stat. 260B.007, subd. 8;  
Minn. Stat. 260C.007, subd. 10**

NOTE: Legal custody is the term used by Minnesota juvenile court system when transferring legal responsibility for substitute care from a parent or legal guardian to the local agency or court services agency.

Transfer of legal custody is not required for placement of an Indian child pursuant to a tribal court order.

The court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. If held by the local agency, legal custody requires the removal of the child from his or her parents or legal guardian for the child's welfare and/or safety. Legal custody is for a specified length of time, but not to exceed one year.

**Minn. Stat. 260C.201, subd 1(a)(3)**

18. Legal Authority to Place a Child: Authority for placement, care and supervision of a child obtained by the local agency or court services agency through a voluntary placement agreement or a court order.

**Part 9560.0523**

19. Licensed Child-Placing Agency: Any agency licensed by the Commissioner of Human Services or a comparable authority in the state or United States, to place children for foster care or adoption.

**Minn. Stat. 260C.007, subd. 5;  
Adapted from Minn. Stat. 257.065**

20. Local Agency: The social services agency authorized by the county board to provide social services and financial assistance under Minn. Stat. 393.07.

**Part 9560.0521, subpart 16**

21. Parent: A child's parent by birth or adoption. For an Indian child, parent includes any Indian person who has adopted a child by tribal law or custom, as provided in Minn. Stat. 260.755, subd. 14.

**Part 9560.0521, subpart 17**

22. Permanency Hearing: A hearing held by a juvenile court, or a tribal court, to determine the permanent status of the child.

**Adapted from Minn. Stat. 260C.201, subd. 11**

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23. Permanent Physical and Legal Custody to a Relative: This is a dispositional option for children who are in need of protection or services (CHIPS) in out-of-home placement. It is a judicially created permanent relationship between a child and relative caretaker. It transfers to the relative caretaker custodial rights with respect to the child relating to protection, education, care and control, custody and decision-making. When permanent physical and legal custody to a relative has been ordered by the court, the relative caretaker may apply for relative custody assistance (see SSM XVI-9000). Once such an order has been made, the child is no longer in foster care and foster care payments to the relative caretaker shall not be made.

**Adapted from 42 USC 675 (7);  
Minn. Stat. 260C.201, subd. 11**

24. Placement Plan: The written plan as specified in Minn. Stat. 260C.212, subd. 1; Minn. Stat. 260C.201, subd. 6; and Part 9560.0603 for a child in placement.

**Part 9560.0521, subpart 18**

25. Relative: This term has different meanings depending upon the context.

- a. For Placement Preference Purposes: An individual who is related to the child and also includes members of the child's extended family and important friends as noted in Minn. Stat. 260C.193, subd. 3.

**Part 9560.0521, subpart 19**

For an Indian child, extended family which is defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and in addition to the above mentioned persons, includes the child's first or second cousin.

**25 USC 1902, section 4(1)**

- b. For Licensing Purposes:

- (1) An individual who is related refers to a spouse, a parent, a natural or adopted child or stepchild, a stepparent, a stepbrother, a stepsister, a niece, a nephew, an adoptive parent, a grandparent, a sibling, an aunt, an uncle or legal guardian.

**Minn. Stat. 245A.02, subd. 13**

- (2) Relative foster care: For an emergency license, relative has the meaning given it under Minn. Stat. 260C.193, subd. 3, which includes members of the child's extended family and important friends.

**Adapted from Minn. Stat. 245A.035, subd. 1**

- c. For IV-E Foster Care: A specified relative is a natural, adoptive or stepparent, sibling, aunt, uncle, niece, nephew, the child's first or second cousin (first cousin once removed), the child's parent's first cousin, any of these by half-blood, marriage (even if ended by death or divorce) or by preceding generations as denoted by the prefixes "grand," "great" or combinations of these two prefixes, including "great great."

**July 16, 1996 AFDC program requirements**

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26. Relative Foster Care Provider: A relative who has been licensed to provide foster care to a child who is under the legal responsibility of the local agency.  
**Yoakim v. Miller (U.S. Supreme Court 1979)**  
**(See section 6122, #33)**
27. Residential Facility: Any group home, family foster home, or other publicly supported out-of-home residential facility, including any out-of-home residential facility licensed by the state, county or other political subdivision, or any agency thereof, to provide foster care.  
**Adapted from Minn. Stat. 260C.212, subd. 1;**  
**Part 9560.0521, subpart 20**
28. Residential Program: A program that provides 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside a person's own home.  
**Minn. Stat. 245A.02, subd. 14**
29. Voluntary Placement: An out-of-home placement of a child by or with participation of the local agency, or licensed child placing agency, after the child's parents or guardians have requested the assistance of the agency and signed a voluntary placement agreement.  
**Part 9560.0521, subpart 21**
30. Voluntary Foster Care Placement for an Indian Child: A decision in which there has been participation by a local social services agency, or private child placing agency, resulting in the temporary placement of an Indian child away from the home of the child's parents or Indian custodian in a foster home, institution, or the home of a guardian, and the parent or Indian custodian may have the child returned upon demand.  
**Minn. Stat. 260.755, subd. 22**
31. Voluntary Placement Agreement: A written agreement between the local agency, or licensed child placing agency, and the parents or guardians of a child, which specifies the legal status of the child and the rights and obligations of the parents or guardians, the child, and the agency.  
**Part 9560.0521, subpart 22**

## Placement

XV-6200

### Authority to Place a Child

XV-6210

Only a local social services agency or a licensed child-placing agency may place a child.  
Exceptions to this are:

1. the Department of Corrections and the court which may place delinquent children or status offenders under their jurisdiction; or
2. an Indian Tribe with a tribal court which has the authority to do so.

**Adapted from Pub. Law 95-608;**  
**Minn. Stat. 260B.198;**  
**Minn. Stat. 260C.201**

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### Placement in a Licensed Facility

XV-6220

The local social services agency must place a child in: a licensed residential facility; in the home of a relative who is undergoing or who will later undergo evaluation for an emergency license under Minn. Stat. 245A.03, subd. 2a, and will cooperate with future appropriate licensing; or in some other facility as permitted by the licensing statute, Minn. Stat. 245A, including a tribally licensed Indian foster care provider located on or near the reservation.

Part 9560.0529

### Placement to Serve the Best Interests of the Child

XV-6221

To ensure that the best interests of children are met, individualized determinations of the needs of the child and of how the selected placement will serve the needs of the child in foster care are required. Among the factors to be considered in determining the needs of the child are:

1. the child's current functioning and behaviors;
2. the medical, educational, and developmental needs of the child;
3. the child's history and past experience;
4. the child's religious and cultural needs;
5. the child's connection with a community, school, and church;
6. the child's interests and talents;
7. the child's relationship to current caretakers, parents, siblings, and relatives; and
8. the reasonable preference of the child, if the child is of sufficient age to express preferences.

Minn. Stat. 260C.193, subd. 3(b)

### Placement to Serve the Best Interests of the Child: Parental Considerations

XV-6222

1. When a child is in placement, the local social services agency shall make diligent efforts to identify, locate, and, where appropriate, offer services to both parents of the child. If a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child, the local social services agency may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child. If a parent is not an adjudicated parent, the local social services agency shall require the nonadjudicated parent to cooperate with paternity establishment procedures as part of the case plan.
2. If, after assessment, the local social services agency determines that the child cannot be in the day-to-day care of either parent, the agency shall prepare a case plan addressing the conditions that each parent must mitigate before the child could be in that parent's day-to-day care.
3. If, after the provision of services following a case plan under Minn. Stat. 260C.212 and ordered by the juvenile court, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was placed in foster care, the agency may petition on behalf of a noncustodial parent to establish legal custody with that parent under Minn. Stat. 260C.201, subd. 11. If paternity has not already been

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established, it may be established in the same proceeding in the manner provided for under this chapter.

The local social services agency may be relieved of the requirement to locate and offer services to both parents by the juvenile court upon a finding of good cause after the filing of a petition under Minn. Stat. 260C.141.

**Minn. Stat. 260C.212, subd. 1**

### Placement Documentation

**XV-6223**

Placement decisions must be based on best interests of the child and they must be documented in the child's record. (See SSM XV-6849 for **Relative-Kinship Search and Placement Considerations (SSIS 41)** and SSM XIII-3672 for **Indian Child Welfare Placement and Considerations Preference Documentation (SSIS 44)**)

**Adapted from Minn. Stat. 260C.212, subd. 2(a), (b), and (c);  
Part 9560.0545, subpart 1, A-E**

### Placement Preference

**XV-6230**

The court, in transferring legal custody of any child or appointing a guardian for the child under the laws relating to juvenile courts, shall consider placement, consistent with the child's best interests and in the following order, in the legal custody or guardianship of an individual who:

1. is related to the child by blood (including noncustodial parent), marriage, or adoption; or
2. is an important friend with whom the child has resided or had significant contact.

Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster parent or the child.

Whenever possible, siblings should be placed together unless it is determined not to be in the best interests of a sibling, or unless it is not possible after appropriate efforts.

If the child's parent explicitly requests that a relative or important friend not be considered, the court shall honor that request if it is consistent with the best interests of the child. (see SSM XV-6610, Relative Search)

**Minn. Stat. 260C.193, subd. 3 (c)(d)**

### Relative Search

**XV-6231**

As soon as possible, but in any event within 6 months after a child is initially placed in a residential facility, the local social services agency shall identify any relatives of the child and notify them of the need for a foster home placement for the child and of the possibility of the need for a permanent out-of-home placement of the child. Relatives should also be notified that a decision not to be a placement resource at the beginning of the case may affect the relative being considered for placement of the child with that relative later. (See SSM XV-6610, Relative Search)

**Minn. Stat. 260C.212, subd. 5**

### Disclosure of Information: Relative Search

**XV-6232**

The local agency and the private child-placing agency may disclose private or confidential data, defined in Minn. Stat. 13.02, to relatives of the child for the purpose of locating a suitable

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placement. The agency shall disclose only data that is necessary to facilitate implementing the placement.

**Adapted from Minn. Stat. 260C.215, subd. 6 (b)**

### Parental Religious Placement Preference

XV-6233

If the parent expresses a preference for placing a child in a foster care placement of the same or similar religious background as that of the parent, the court shall order placement of the child with an individual who meets the parent's religious preference.

**Minn. Stat. 260C.193, subd. 3 (d)**

### Placement Preference for American Indian Children

XV-6234

Different placement preference requirements for Indian children are mandated by federal and state law. (See SSM XIII-3555 to XIII-3558)

The local agency and the licensed child-placing agency must develop and follow procedures for the order of preference prescribed by the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923.

**Minn. Stat. 260C.215, subd. 6 (a) (1)**

### Change in Placement

XV-6235

For children placed on the basis of an emergency hold or CHIPS petition, the local social services agency must document for each change in placement how the current placement is unsuitable or how the new placement is in the child's best interests.

**Adapted from Minn. Stat. 260C.212, subd. 3**

If a child is removed from a permanent placement authorized in Minn. Stat. 260C.201, subd. 11 within one year after the placement was made:

1. the child must be returned to the facility where the child was placed immediately preceding the permanent placement; or
2. a court hearing must be held within ten days after the child is removed from the permanent placement to determine where the child is to be placed. A guardian ad litem must be appointed for the child for this hearing.

**Minn. Stat. 260C.212, subd. 6**

### Legal Responsibility for Placement

XV-6240

#### Basis for Local Agency Authority

XV-6241

The local agency obtains authority to place a child in foster care either through a voluntary placement agreement or by a court order granting legal custody, or by a tribal court order granting legal responsibility for foster care placement.

**Part 9560.0523**

#### Time Period for Court Ordered Placements

XV-6242

Court orders for involuntary placements shall be for a specified length of time, but not to exceed one year. Before the order has expired, the court shall renew the order for up to a year or make some other disposition of the case, until the individual is no longer a minor.

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When a court order for legal custody has expired, the local agency no longer has the authority to retain a child in foster care.

NOTE: Any interested party may make a motion earlier than the year. Notice must be given of any hearing regarding the child in care.

**Adapted from Minn. Stat. 260C.152, subd. 5;  
Minn. Stat. 260C.201, subd. 7**

### Responsibilities in Court Ordered Placements

XV-6243

#### NOTES:

1. Legal custody is not required for placement of an Indian child through tribal court. However, when legal custody is transferred to an agency, the 1964 Attorney General's Opinion states that the law requires a child's removal from the parents' home. The 1971 Attorney General's Opinion states that "the court has broad discretion to determine that the best interest of a child may be served by allowing that child to remain temporarily in the home so that proper planning for the child can be completed." In accordance with this 1971 Opinion, the agency may request such an order from the court.
2. Legal responsibility for placement and supervision of child is given to the local social services agency through a dispositional hearing.

The local agency should provide information to the court that will assist the court to support the disposition and case plan ordered with the following:

- a. information on why the best interests and safety of the child are served by the disposition and case plan;

NOTE: A determination that a placement is in the child's best interests, or that remaining at home is contrary to the child's welfare, must be made at the first court ruling for the child to be Title IV-E eligible.

- b. what alternative services were offered or considered and why those services were not appropriate in this case;
- c. how the placement complies with the best interests of the child, requirements of Minn. Stat. 260C.193, subd. 3; and
- d. that reasonable efforts, consistent with Minn. Stat. 260.012, were made to maintain the family unit and prevent the unnecessary removal of the child from his/her home, as long as the child's safety is assured. When determining the need for reasonable efforts and the provision of reasonable efforts, the child's health and safety must be of paramount concern.

(1) For Indian children under ICWA, active efforts are required instead of reasonable efforts.

(2) If the court determines that one of the exceptions to reasonable efforts stated in Minn. Stat. 260.012, paragraph (a) exists, reasonable efforts to prevent removal of the child or reunify the family are not required. This exception does not apply to Indian children eligible under ICWA.

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- (3) Besides the two noted exceptions, reasonable efforts to prevent removal of the child and reunify the family are required. This includes emergency placements. Reasonable efforts should take into account the circumstances at the time of the emergency placement, and the paramount concerns of the child's safety and health.

**Adapted from Minn. Stat. 260C.201, subs. 1 and 2**

- e. Federal Administration for Children and Families (ACF) requires that the placing agency have decision-making authority regarding which facility is most appropriate for the child.

**Federal Register, January 25, 2000, Part II (discussion)**

When legal responsibility for placement and supervision is given to a local social services agency, that agency must:

1. Place the child according to the court order.

**Part 9560.0525, A**

2. Consider the order of preference for a non-Indian child stated in Minn. Stat. 260C.193, subd. 3, who is in the legal custody or guardianship of an individual who is:

- a. related to the child by blood, marriage, or adoption, or
- b. an important friend with whom the child has resided or had significant contact.

Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster parent or the child.

**Minn. Stat. 260C.193, subd. 3 (c)**

For an Indian child, follow the order of preference in the Indian Child Welfare Act: Place the child with:

- a. a member of the child's extended family;
- b. a foster home licensed, approved or specified by the child's tribe;
- c. an Indian foster home licensed or approved by a non-Indian licensing authority;
- d. an institution approved by an Indian tribe or operated by an Indian organization that meets the child's needs.

**Adapted from Pub. Law 95-608, section 105(b)**

NOTE: The child's tribe can establish a different order of preference.

**Adapted from Pub. Law 95-608, section 105(c)**

3. Provide at least one preplacement visit for the child unless the child is placed because of an emergency or is under six months old.

**Part 9560.0580, A**

4. Not change the child's placement unless the agency specifically documents that the current placement is unsuitable or another placement is in the best interests of the child. This does not apply if the new placement is in an adoptive home or other permanent placement.

**Minn. Stat. 260C.212, subd. 3**

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5. Send written reports to the court giving information, evaluations, and recommendations to help the court make decisions about the child and the child's family, before the expiration of the court order.

**Part 9560.0525, B**

NOTE: The local agency must consult with the local county attorney regarding any issue related to court.

6. Notify the court and the child's parents or guardians if the child is placed out of the jurisdiction of the court.

**Part 9560.0525, C**

7. Inform the foster care providers of court hearings that pertain to any foster child in their care by sending advance written notice by mail to the foster care providers of the date, time, location, and purpose of any court hearing. The notice must contain a statement that receipt of the notice does not confer standing on the foster care provider to participate at the hearing.

The foster parents, pre-adoptive parent or a relative providing care for a child must be given notice of and an opportunity to be heard in any court review or hearing regarding the child. Any other relative may request and must be given notice and the opportunity to be heard.

**Minn. Stat. 260C.152, subd. 5;  
Part 9560.0525, D**

8. a. Request the court's permission for any special treatment and care if the child's parent or guardian fails to provide it.
- b. Seek a court order authorizing the local agency to act for the child if the child's parent or guardian refuses to consent to a decision essential to the child's well-being. If there is a question about whether a decision requires parental or judicial consent, the agency must consult the court.

**Part 9560.0525, E**

**Part 9560.0552, subpart 2**

NOTE: Examples of major decisions affecting the child would be non-emergency surgery, moving to another county, participation in body contact sports, admission to a hospital for diagnosis and/or treatment, unusual expenditures where parent(s) may be financially responsible, enrollment in a special school or special classes, or publicity about the child.

9. Obtain the consent of the court before terminating foster care and returning the child to the family.

**Part 9560.0525, F**

NOTE: This requirement is also based on the Attorney General's Opinion which states that "the removal of legal custody from the parents is a determination of the court that the child must live away from his own home."

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10. Obtain the written consent of the child's parent or guardian and the court if a child is to be placed in foster care outside the state. If the child's parent or guardian refuses consent, the court's written consent is sufficient authorization for placement outside the state.

**Adapted from Part 9560.0525, G**

11. Place in the child's record copies of the court's findings, decisions, disposition of the case, and any other information which may aid the local agency in providing services to the child.

**Part 9560.0545, subpart 2**

12. Apply procedural safeguards with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.

NOTE: The case record must contain documentation of how and when parents were notified of the agency's intent to petition the court to remove the child, of any change in the child's placement, and of any changes affecting visitation rights or privileges.

**Pub. Law. 96-272, section 475(5)(c)**

13. Ensure court reviews take place within each six-month period during the continuation of placement to determine whether continued out-of-home placement is necessary or whether the child should be returned home.

**Adapted from Minn. Stat. 260C.201, subd. 10 (a);  
Part 9560.0613, subpart 1**

14. Conduct an administrative review no later than 180 days after the initial placement of the child in a residential facility and at least every six months thereafter while the child is in placement. The case plan must be monitored and updated at each administrative review.

**Adapted from Minn. Stat. 260C.201, subd. 10(c);  
Part 9560.0613, subpart 6**

15. Ensure timely permanency hearings are held. The permanency hearing must be conducted within 12 months after the date of the child's placement out of the parent(s)' home.

Effective July 1, 1999, for a child under the age of eight at the time the CHIPS petition was filed, the permanency hearing must be conducted no later than six months after the child is placed out of the home of the parent.

**Adapted from Minn. Stat. 260C.201, subd. 11(a);  
Part 9560.0613, subpart 2**

NOTE: The date of the child's placement out of the home of the parent(s) is the earlier of the first court-ordered placement or 60 days after the date on which the child has been voluntarily placed out of the home.

The 12 months after a child is placed in a residential facility by a court order includes the cumulation of all time periods when a child is placed out of the home of the parent within the previous five years and not before August 1, 1995.

**Minn. Stat. 260C.201, subd. 11(a)**

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### Responsibilities in Voluntary Placements

XV-6244

1. The local social services agency must inform a parent considering voluntary placement of a child, for reasons other than the child's developmental disability or emotional handicap, of the following:
  - a. that the parent and the child each have a right to separate legal counsel before signing a voluntary placement agreement, but not to counsel appointed at public expense;
  - b. that the parent is not required to agree to the voluntary placement, and a parent who enters into a voluntary placement agreement may at any time request, in writing, that the local agency return the child. If the parent so requests, the child must be returned within 24 hours of the receipt of the request, unless the local agency takes steps to seek a court-ordered placement;
  - c. that evidence gathered during the time the child is voluntarily placed may be used at a later time as the basis for a petition alleging that the child is in need of protection or services or as the basis for a petition seeking permanent placement of the child away from the parent;
  - d. that if the local agency files a petition alleging that the child is in need of protection or services or a petition seeking the termination of parental rights, the parent would have the right to appointment of separate legal counsel and the child would have a right to the appointment of counsel and a guardian ad litem as provided by law, and that counsel will be appointed at public expense if they are unable to afford counsel; and
  - e. of the timelines and procedures for review of voluntary placements under Minn. Stat. 260C.212, subd. 8, and the effect of the time spent in voluntary placement on the scheduling of a permanent placement determination hearing under Minn. Stat. 260C.201, subd. 11. (See SSM XV-6854 for **Notice to Parent Considering Voluntary Placement of a Child (SSIS 36)** and SSM XIII-3673 for **Notice to Parent Considering Voluntary Placement of an Indian Child (SSIS 37)**)

**Adapted from Minn. Stat. 260C.212, subd. 4;  
Part 9560.0527**

NOTE: The policy of the state is to ensure that the best interests of a child are met by requiring individualized determinations of the needs of the child and how the selected placement will serve the needs of the child in a foster care placement.

**Minn. Stat. 260C.193, subd. 3**

2. When a local social services agency places a child in foster care under a voluntary placement agreement, the local agency must:
  - a. obtain the written consent of both parents, or the legal guardian before placement, unless placement is in the child's best interest and the other parent's signature is unobtainable;

**Part 9560.0527, A**
  - b. document why the other parent did not sign the agreement if only one parent signs the agreement;

**Part 9560.0527, B**

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- c. in the case of an Indian child, advise the parent or custodian that the child is to be returned upon demand in a written and dated statement complying with requirements of Minn. Stat. 260.755, subd. 5, and notify the Indian child's tribe within seven working days of placement;

**Adapted from Minn. Stat. 260.765, subd. 4;  
Part 9560.0527, C**

- d. obtain the agreement of the non-Indian child's parent or guardian to notify the local agency in a written and dated statement if the parent or guardian wishes the child returned from placement before the date specified in the voluntary placement agreement;

**Part 9560.0527, D**

- e. return the child to the child's parent or guardian as soon as possible and no later than 24 hours after receiving a written and dated demand for return of the child unless a longer response time is specified in the demand for any child; and

**Part 9560.0527, E**

- f. ensure compliance with the requirements for petition for court review as in Minn. Stat. 260C.212, subd. 8 or subd. 9:

- (1) For children (unless placed solely because of their developmental disability or emotional handicap) who have not been returned home within 90 days after the initial placement, the local social services agency must either return the child home or file a petition to extend the placement for 90 days.

If the court approves a 90 day extension, at the end of the second 90 day period, the child must be returned to the parent's home unless a petition is filed for a child in need of protection or services (CHIPS).

**Adapted from Minn. Stat. 260C.212, subd. 8**

### NOTES:

1. Voluntary placements (unless placed solely because of the child's developmental disability or emotional handicap) may only last for six months. If the child is not returned home, a Child in Need of Protection or Services (CHIPS) petition or a termination of parental rights petition must be filed and the court review(s) must be held every six months.
2. For a child who is placed solely because of a developmental disability and/or emotional handicap, the local social services agency must petition the court for review of the child's foster care status at six months and every 12 months thereafter.

**Adapted from Minn. Stat. 260C.212, subd. 9**

### Children Under State Guardianship

**XV-6245**

For information regarding children under guardianship of the Commissioner of Human Services, see SSM XIII-3200, Minn. Stat. 260C.325, and Part 9560.0410 to 9560.0485.

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#### Indian Child Welfare Act of 1978

XV-6246

Additional specific agency responsibilities apply to Indian children who are protected under the requirements of the federal Indian Child Welfare Act of 1978. (See SSM XIII-3500, American Indian Children)

#### Sharing Information

XV-6247

At the time of placement, the local social services agency shall advise the child's parent(s) or legal guardian that the local social services agency will be sharing information concerning the child, which is pertinent to accomplishing the goals of placement.

**Adapted from Minn. Stat. 13.04**

#### Child in Placement

XV-6300

#### Providing for Health Needs

XV-6310

#### Health and Dental Care

XV-6311

The local social services agency must meet the health and dental needs of every child by:

1. assuring that each child has a health examination by a licensed physician within 30 days of placement, or within the 12 months prior to placement, and annually thereafter based on the date of the exam;

**Adapted from Minn. Stat. 260C.212, subd. 1;  
Part 9560.0600, A**

NOTE: Child and Teen Checkups (C & TC) (the Minnesota version of EPSDT) are available to all children in foster care and fulfill the health examination requirement.

**Background and Health History-All Children in Out-of-Home Care (DHS 3235) (SSIS 68)** may be used to document this health and dental requirement. (See SSM XV-6852 for this form)

2. assuring that a child's ongoing health and dental needs are met;

**Part 9560.0600, B**

3. assuring that the Child and Teen Checkups services are provided pursuant to Part 9505.1693 - 9505.1748 to all children eligible for Medical Assistance;

**Part 9505.1739, subpart 3;  
Part 9560.0600, C**

4. giving the foster care provider information about the child's immunizations and other pertinent health data with instructions for the record to be kept up to date; (see 2 above) and

**Part 9560.0600, D**

5. giving the foster care provider written authorization for obtaining routine health care for the child with clear instructions as to who is to provide the care and how the billing is to be handled.

**Part 9560.0600, E**

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### Child and Teen Checkups (C & TC)

XV-6312

1. The local social services agency must provide Child and Teen Checkups (C & TC) administrative services (outreach and follow-up) for all children in placement who are under state guardianship, and who are eligible for Medical Assistance, except when such services would not be in the best interests of the child.
2. The local agency must discuss the availability of Child and Teen Checkups services with a parent of a child in foster care who is under the legal custody or protective supervision of the local agency or whose parent entered into a voluntary agreement with the local agency. The local agency must help the parent decide whether to accept Child and Teen Checkups services for the child. If the parent cannot be consulted, the local agency must decide whether to accept Child and Teen Checkups services for the child and must document the reasons for the decisions.
3. The local agency must provide the case management services pursuant to Part 9520.0900 to 9520.0926 to all children in placement for whom Child and Teen Checkups services are accepted.
4. When notified by the state agency that a child is eligible for periodic rescreening, the local agency shall follow numbers 1 and 2 above.

Part 9505.1739

### Practice Components of Service

XV-6400

#### Reasonable Efforts or Active Efforts

XV-6410

1. Reasonable efforts must be made:
  - a. to maintain the family unit and prevent the unnecessary removal of a child from his or her home, as long as the child's safety is assured;
  - b. to effect the safe reunification of the child and family if temporary placement is necessary to ensure the immediate safety of the child; and
  - c. to make and finalize any other permanency plan in a timely manner when reunification is not appropriate or possible.

When determining the need for reasonable efforts and providing reasonable efforts, the child's health and safety must be of paramount concern. If the court determines that one of the exceptions to reasonable efforts stated in Minn. Stat 260.012, paragraph (a) exists, reasonable efforts to prevent removal of the child or to reunify the family are not required.

2. Active efforts are required for Indian children eligible under ICWA, instead of reasonable efforts, to prevent placement and to reunify the family. Active efforts to reunify an Indian child and family must be made until a final permanency disposition has been made. District court does not have the authority to relieve the local agency of the requirements for active efforts. (See SSM XIII-3559, Active Efforts to Prevent Placement)

45 CFR 1356.21 (b)

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#### Service Requirements

XV-6420

All local social services agencies, in delivering foster care services, must:

1. provide at least one preplacement visit for the child. This requirement is waived for infants under 6 months old and for emergency placements;
2. provide social services to the child as necessary to meet the child's needs;
3. provide or arrange for social services to the child's family as necessary to:
  - a. remedy the conditions which caused placement;
  - b. prepare for the child's return home or, if reunification is not possible, involve them in making an alternative plan;
4. assist the foster care providers in meeting the needs of the child; and
5. provide follow-up services to the family and child when the child returns home.

**Part 9560.0580, A-E**

Those requirements, listed under Part 9560.0580 which may not be applicable for children under state guardianship or for placements of children in emergency facilities, may be waived. The local agency may also waive those requirements which may be contrary to the child's best interests and must document the rationale for such waivers.

**Part 9560.0590**

#### Concurrent Permanency Planning

XV-6430

Concurrent permanency planning is the process of making two permanency plans for children in out of home placement because of child protection issues: a primary permanency plan and a back-up permanency plan. The back-up permanency plan must reflect what will happen if the child in placement is not returned home. Steps and actions to accomplish the back-up permanency plan are taken at the same time, or concurrently, with reasonable efforts, or active efforts for an Indian child, for reunification. The steps and actions relative to concurrent permanency planning must be included in the placement plan.

The goals of concurrent permanency planning are to achieve early permanency for children, decrease children's length of stay in foster care, and reduce the number of moves while in foster care.

Concurrent permanency planning must include the following:

1. involvement of parents;
2. full disclosure to the parents of their rights and responsibilities;
3. the goals of concurrent permanency planning;
4. support services available to the family;
5. permanency options; and
6. the consequences of not complying with the case plan.

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When the social services agency decides to concurrently make reasonable efforts for both reunification and permanency away from the parents, the agency shall disclose its decision and the need for two plans for concurrent planning to all parties and the court.

**Minn. Stat 260.012(f)**

NOTE: The procedures and policies related to concurrent permanency planning are issued separately from this manual.

**Minn. Stat. 260C.213**

### Placement Plan

**XV-6440**

The placement plan is designed to address the needs of the child and other mandated issues. (See SSM XV-6839 for **Child's Out of Home Placement Plan (SSIS 83)**)

### Development and Implementation of Placement Plan

**XV-6441**

A placement plan must be prepared within 30 days of placement for every child for whom the local agency has placement and supervisory responsibility, or for whom the local agency is paying the placement costs. The plan must be:

1. a discrete, written document;
2. signed by the parent(s) or other custodian of the child, the child's legal guardian, the foster care provider, the local social services agency, and, if he or she is able to understand the meaning of the plan, the child;
3. developed with input from the local agency, the parents, and, when appropriate, the child. For an Indian child the plan must include input of the child's tribe(s). (Pub. Law 95-608 and Minn. Stat. 260.751 to 260.835); and

**Adapted from Part 9560.0603, subparts 1, 3**

4. explained to all persons involved in its implementation, including the child in a manner appropriate to the child's age.

**Adapted from Part 9560.0603, subpart 8**

The local social services agency must advise the child, the parents or guardian, and any grandparent with the right to participate under Minn. Stat. 260C.163, subd. 2 of the following:

1. their right to consult any person or agency in preparation of the placement plan;
2. that the parents or guardian and child each have the right to legal counsel in the preparation of the placement plan;
3. that the child has the right to a guardian ad litem as set forth in Minn. Stat. 260C.163, subd. 5.

After the plan has been agreed upon by the parties involved, the foster care providers shall be fully informed of the provisions of the placement plan.

**Adapted from Minn. Stat. 260C.212, subd. 1;  
Part 9560.0603, subparts 5 and 6**

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#### NOTES:

1. Children in the juvenile justice system for whom placement and care responsibility has been given to the local social services agency are subject to the federal Title IV-E requirements for case review. They are not subject to the case review system in Minnesota Statutes for children under CHIPS or under a voluntary placement agreement. The federal case review system includes a placement plan, court review hearings, administrative reviews, and permanency hearings.
2. If the responsibility for placement and supervision of a delinquent child or a child placed pursuant to a status offense is given to the local social services agency, the agency is responsible for ensuring that an appropriate written placement plan is developed.
3. Court Services may develop written placement plans:
  - a. as part of a written agreement with the local social services agency, or
  - b. as part of its assigned responsibility if it is a unit under the authority of a Human Services Board.

**Adapted from Social Security Act, section 472 (a) (2)**

If another local social services agency is providing services to the child and the child's family, that local agency may develop the written placement plan with the family. If more than one agency is working with the family, the agencies may work together with the family to develop and carry out the placement plan.

#### Content of the Placement Plan

**XV-6442**

The placement plan must indicate areas of disagreement and must include the following:

1. The agency's assessment of the family, including:
  - a. the reasons for the child's placement including a description of the problems or conditions in the home that necessitated placement;
  - b. the need of the child and family for care, treatment or rehabilitation;  
**Part 9560.0603, subpart 4 (A) and (E)**
  - c. strengths the child and family have which will help correct the problems or conditions which necessitated placement and ensure a safe environment to which the child can return;  
**Adapted from Social Security Act, section 475 (1);  
42 USC 675 (1)**
  - d. the availability and provision of culturally appropriate placement prevention and reunification services.  
**Adapted from Part 9560.0603, subpart 4 (A) and (H)**
2. Information about the placement and placement process:
  - a. documentation of the parents' placement preferences regarding relatives and religion; documentation of the search for the child's relatives;

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- b. placement options that were considered;  
**Adapted from Part 9560.0603, subpart 4 (B)**

- c. why the particular foster care provider was selected, including a description of the facility that was selected, and the reason it was chosen and, if the child is placed a substantial distance from home or out of county or state, why the placement is in the child's best interest;

**Adapted from Part 9560.0603, subpart 4 (B);  
Social Security Act, section 475 (5) (A) and (C);  
42 USC 675 (5) (A) and (C)**

- d. how the local agency addressed the issues of a safe, least restrictive and most appropriate placement environment; and

**Adapted from Social Security Act, Section 475 (4);  
42 USC 675 (4)**

- e. the need for the parent(s), guardian or custodian to participate in the development of the placement plan.

**Adapted from 9560.0603, subparts 3 and 6**

3. An action plan which includes:

- a. the goals, expected changes and specific actions or tasks to be taken by the child, the parent(s) or guardian, local agency and foster care provider to correct the problems or conditions which necessitated placement and ensure a safe environment for the child to return to, and the time period during which the actions or tasks must be taken;

- b. what services are to be provided to the child, family, and foster care provider and who will provide them;

**Adapted from 9560.0603, subpart 4,C, F**

- c. the specific efforts the local social services agency will make to reunite the family;

**Part 9560.0603, subpart 4, H**

- d. the frequency of contacts of the local agency with the parents, the child and the foster care provider;

**Adapted from Part 9560.0603, subpart 4, E, F, H**

- e. the visitation rights and obligations of the parent(s), guardians or custodian, and other relatives if visitation is consistent with the best interests of the child;

**Part 9560.0603, subpart 4, G**

- f. if the child is placed out of state, which state agency will visit the child at least every 12 months and submit a report on the visit;

**Adapted from Social Security Act, section 475 (5)(A)(ii);  
42 USC 675 (5) (A) (ii)**

- g. the programs and services directed at independent living issues for a child age 16 and over;

**Social Security Act, section 475 (1) (D);  
42 USC 675 (1) (D)**

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- h. which decisions about the child the local agency will make and which require consent of the parent(s) or guardian;  
**Part 9560.0603, subpart 4, I**
    - i. the responsibility and authority of the provider to arrange for the health, dental and educational needs of the child and to meet with teachers and supervise the child;  
**Part 9560.0603, subpart 4, J**
    - j. for court ordered placements, the parts of the plan which were court ordered.  
**Adapted from Minn. Stat. 260C.201, subd. 6**
  - 4. What services were requested by the child, family, and foster care provider since the date of initial adjudication and if denied, why.  
**Minn. Stat. 260C.201, subd. 6**
  - 5. The date the child is expected to return home and remain safe there, or other permanency goal.  
**Part 9560.0603, subpart 4, L**
  - 6. The financial responsibilities and obligations, if any, of the parents for the support of the child during placement.  
**Part 9560.0603, subpart 4, D**
  - 7. Notice to the parent(s) of the following:
    - a. what conditions must be corrected to assure the child's return home;  
**Part 9560.0603, subpart 4, K;  
Part 9560.0603, subpart 7, A**
    - b. that the inability or unwillingness of the parent(s) or guardian to correct the conditions leading to the placement may result in a petition to the court to terminate parental or custodial rights; and  
**Part 9560.0603, subpart 4, K;  
Part 9560.0603, subpart 7, B**
    - c. the right of the parent(s) or guardian to receive notice if the local agency petitions the court for a termination of parental rights.  
**Part 9560.0603, subpart 4, K**
- NOTE: If the local agency petitions the court for a termination of parental rights, it must document in the child's record that this notice was given.  
**Part 9560.0603, subpart 7, C**
- 8. If the permanency plan is other than to return the child home, the steps the local agency is taking to find a permanent living arrangement, including child specific recruitment efforts to place the child in a permanent home and finalize the permanency arrangement.  
**Adapted from Social Security Act, section 475 (1)(E);  
42 USC 675 (1) (E)**
  - 9. To the extent available and accessible, health and education information which is reviewed and updated at the time of placement, including:

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- a. names and addresses of child's health and educational providers;
- b. child's grade level performance;
- c. child's school record;
- d. assurances that decisions regarding a child's placement in substitute care take into consideration proximity to the school in which the child is enrolled at time of placement;
- e. record of child's immunizations;
- f. child's known medical problems;
- g. child's medication(s); and
- h. other relevant health and education information.

**Adapted from Social Security Act, section 475 (1)(C)**

10. The signatures of all relevant people including the child (when appropriate), parent(s) or custodian, social worker, foster care provider, and service providers.

**Adapted from Social Security Act, section 475 (1)(c) and 475 (5) (a), (c), and (d);  
Minn. Stat. 260C.201, subd. 6;  
Minn. Stat. 260C.212, subd. 1;  
Parts 9560.0603 subparts 2-8**

11. The following additional information must be included in the placement plan:
  - a. when the permanency plan is reunification or foster care for a specified period of time, the plan must include specific actions to be taken so the child can safely return home; or
  - b. when the permanency plan is to transfer legal and physical custody to a relative, the plan must include the efforts of the agency and family to finalize the transfer; or
  - c. when the permanency plan is adoption, the plan must cite actions the agency will take to find a suitable adoptive family and finalize the adoption; or
  - d. when the permanency plan is long term foster care, the plan must include how the agency will support the child's transition from foster care to independent living as a young adult or other adult living arrangement; or
  - e. in the case of a child with severe emotional disturbance or developmental disabilities where the placement is not court ordered, the plan must address the actions to be taken so the child can safely return home or how the agency will support the child's transition from foster care to independent living as a young adult or other adult living arrangement; or

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- f. when the placement plan replaces the child protection plan, it must also include the goals and tasks necessary to reduce the risk of harm to the child or children, and ensure their safety upon returning home.

**Adapted from Minn. Stat. 260C.201, subd. 4;  
Minn. Stat. 260C.212, subd 1;  
Part 9560.0603**

### **Right to Assistance and Legal Counsel**

**XV-6443**

The local social services agency must advise the child, parent(s), or guardian, and any grandparent with the right to participate under Minn. Stat. 260.155, subd.1a, of their right to receive assistance from any person or agency, and their right to legal counsel in the preparation of the placement plan.

**Adapted from Minn. Stat. 260C.212, subd. 1;  
Part 9560.0603, subpart 6**

### **Loss of Parental Rights**

**XV-6444**

The local social services agency must explain to the parent(s) that if the parent(s) are unwilling or unable to correct the conditions necessary for their child's safe return home, they could lose their parental rights through a court process, and that the local agency will notify them if such an action is taken.

**Adapted from Minn. Stat. 260C.212, subd. 1;  
Part 9560.0603, subpart 7**

### **Information to Child, Family and Provider**

**XV-6445**

The local social services agency must inform the child's family, the child, in a manner appropriate to the child's age, and foster care provider of the provisions of the plan and any changes made to the plan. The child's family, the child, if appropriate, and the foster parents must receive a copy of the placement plan.

**Adapted from Minn. Stat. 260C.212, subd. 1;  
Part 9560.0603, subparts 5 and 8**

### **Periodic Review of Placement**

**XV-6450**

#### **Administrative Review of Placement**

**XV-6451**

Within 180 days of the child's initial placement and every six months thereafter, the placement and placement plan must be reviewed by an administrative review panel of appropriate persons, at least one of whom is not responsible for the case management of or the delivery of services to either the child or the parent(s). The review must be open to the child, the parent(s), the foster care providers and guardian ad litem. For an Indian child, tribal social services and the Indian custodian and the child's parent(s) have a legal right to participate in the review. All must be advised of the date, time and place of the review.

**Adapted from Pub. Law 96-272, section 475 (5) (6);  
Minn. Stat. 260.765, subd. 3;  
Minn. Stat. 260C.212, subd. 7;  
Part 9560.0606, subpart 2**

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The review must determine:

1. the safety of the child;
2. whether the placement remains necessary and appropriate;
3. the extent of the compliance with the placement plan;
4. the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement; and
5. the likely date by which the child may be returned to, and safely maintained in, the home or placed in some other permanent situation. (See SSM XV-6864 for Administrative Review Guidelines)

### **Part 9560.0606, subpart 2, A-D**

In addition, the administrative review must address and review the child's health and educational needs and plan and, for children 16 and older, the youth's transition out of the foster care system and related independent living skills and plan. A **Support for Emancipation and Living Functionally (SELF) Plan (SSIS 57)** can fulfill the requirement for an independent living skills plan. (See SSM XV-6857 for the **SELF Plan**)

For children placed out of state, the administrative review must address the appropriateness of the placement and if the placement continues to be in the child's best interests.

**Adapted from Social Security Act, section 475 (4)(C);  
42 USC 675 (4) (C)**

The local agency is responsible for documenting compliance with the administrative review requirements in the child's record. Changes in the placement plan must be given in writing to the parent(s) and, when appropriate, the placement provider and child.

### **Part 9560.0606, subpart 1**

#### **Court Review in Place of an Administrative Review**

**XV-6452**

As an alternative to the administrative review, the local social services agency may petition the court pursuant to Minn. Stat.260C.141, subd. 2, for review of the placement to determine if it is in the best interests of the child, as long as administrative review requirements are met. (See SSM XV-6861 for Placement Court Hearings Timelines)

**Adapted from Minn. Stat. 260C.212, subd. 7;  
Part 9560.0606, subpart 2**

#### **Court Review for Children in Voluntary Placement Due Solely to Developmental Disabilities or Emotional Handicaps**

**XV-6453**

#### **Definitions of Developmentally Disabled or Emotionally Handicapped**

**XV-6453.01**

1. "Developmentally disabled" means a severe, chronic disability of a person which:
  - a. is attributable to a mental or physical impairment or combination of mental and physical impairments;
  - b. is manifested before the person attains age twenty-two;

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- c. is likely to continue indefinitely;
- d. results in substantial functional limitations in three or more of the following areas of major life activity: self care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living; or economic self-sufficiency. (See SSM XV-6861 for Placement Court Hearings Timelines)

**Adapted from Minn. Stat. 252A.02;  
Minn. Stat. 252.27**

- 2. “Emotionally handicapped” means the child has a psychiatric or other emotional disorder which substantially impairs the child’s mental health and requires 24-hour treatment or supervision. (See SSM XV-6861 for Placement Court Hearings Timelines)

**Adapted from Minn. Stat. 252.27, subd. 1**

NOTE: Children who are the subject of these court reviews have the right to a guardian ad litem.

**Six Month Review**

**XV-6453.02**

- 1. Within 6 months of the voluntary placement the local social services agency must file a CHIPS petition with the court for review (according to Minn. Stat. 260C.141). The petition must include:
  - a. the date of placement;
  - b. the date of the voluntary placement agreement;
  - c. the nature of the child’s developmental disability;
  - d. a plan for ongoing care of the child which reflects the child’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated;
  - e. the parent’s participation in the plan; and
  - f. the statutory basis for the petition.
- 2. If all parties, including the child when appropriate and the court, agree, the court may:
  - a. find that the voluntary placement is in the child’s best interests
  - b. approve the voluntary placement, and
  - c. dismiss the matter from court jurisdiction.

NOTE: In 12 months, and every 12 months thereafter, the case must return to court for review unless the child is no longer in placement.

- 3. If any of the parties, including the child, when appropriate, and the court, do not agree with voluntary placement, the court will proceed according to Minn. Stat 260C.163.

**Minn. Stat 260C.212, subd. 9**

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#### Twelve Month Review

XV-6453.03

If the court dismisses the matter from court jurisdiction, 12 months after the first court review and every 12 months thereafter, the voluntary placement must be reviewed by the court.

#### Court Review of Other Voluntary Placements

XV-6454

1. If a child has not been returned home within 90 days after initial placement, the local social services agency must either:
  - a. return the child home; or
  - b. file a CHIPS, TPR or permanency petition asking the court to:
    - (1) extend the voluntary placement up to an additional 90 days, or
    - (2) court order continued placement according to Minn. Stat. 260C.178 (emergency) or Minn. Stat. 260C.201 (legal custody), or
    - (3) terminate parental rights under Minn. Stat. 260C.301
2. A petition must be filed within 90 days of the date the voluntary placement. It must include why the child is in placement, the progress on the case plan and the statutory basis for the petition. When a petition is filed, the placement plan must be updated and must include a specific plan for permanency. The plan for permanency must include a time line for the child's return home, or a plan for some other permanent option, or both.
3. In the case of a petition filed to extend the voluntary placement:
  - a. if all parties and the court agree that the child's needs are being met, the placement is in the child's best interests, and the child will be returned home in the next six months, it can be extended up to an additional 90 days. When the child returns home, the local social services agency must report to the court the date the child returned home and the parents' progress on the case plan. If the child does not return home within the extended time period, the social services agency shall report that to the court and the case proceeds to hearing, or
  - b. if the court and all parties are not in agreement, the case proceeds to hearing.
4. At the end of an (court approved) extended voluntary placement, the local social services agency must:
  - a. return the child home, or
  - b. proceed on the petition filed at the initial 90 days, or
  - c. file a petition for termination of parental rights.

**Adapted from Minn. Stat. 260C.212, subd. 8;  
Minn. Stat. 260C.141, subd. 2;  
Minn. Stat. 260C.205**

#### Court Review of Court Ordered Placements

XV-6455

For children in court ordered placement, the local social services agency must submit a report to the court, requesting a court review hearing every six months, and recommend:

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1. whether continued placement is necessary and appropriate, **9560.0613, subpart 1**
2. whether the child should be returned home, or
3. whether a child's out of state placement continues to be appropriate and in the best interests of the child.

**Social Security Act, section 475 (5);  
42 USC 675 (5)**

The court report must include:

1. the local agency's efforts to search for relatives for placement resources;
2. a review of the placement and placement plan; and
3. any recommendations for changes in the plan.

If the local agency recommends continued placement, the local agency must inform the parents about the need for and implications of permanency hearings.

NOTE: If the court determines that a permanent placement hearing is necessary, the court may authorize the local agency to send the notice required in Minn. Stat. 260C.212, subd. 5 (b).

**Adapted from Minn. Stat. 260C.201, subd. 10**

**Permanency Hearings**

**XV-6460**

**Purpose of Permanency Hearings**

**XV-6461**

The purpose of the permanency hearing is to determine the permanent status of the child, including if and when the child will be returned home.

A permanency hearing is not required if a termination of parental rights (TPR) petition has been filed, and a TPR trial has been scheduled within 90 days of when the TPR petition was filed.

A permanency hearing is not required for someone in placement over age 18. (See SSM XV-6861 for Placement Court Hearing Timelines)

When the dates of the permanency hearing and the administrative review coincide, the permanency hearing may replace the administrative review as long as the requirements of an administrative review are met. An administrative review cannot substitute for a permanency hearing.

**Minn. Stat 260C.201, subd. 11**

NOTE: Permanency hearings may be held in juvenile court or in tribal court according to tribal law.

**Definitions Relating to Permanency Hearings**

**XV-6462**

1. The date of the child's placement out of the home of the parent is the earlier of:
  - a. the first court ordered placement, or
  - b. 60 days after the date the child was voluntarily placed.

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2. Twelve months is calculated as follows:
  - a. during a CHIPS petition, the cumulative time a child is placed out of the home of a parent since the petition was filed;
  - b. for children who were placed out of the home of the parent in the last five years as a result of one or more CHIPS petitions, all the time in placement out of the home of the parent in the past five years is cumulative;
3. The cumulative time in placement within the past five years does not go further back than August 1, 1995;
4. For a child whose 12 months is cumulative over the past 5 years, the local agency may recommend that a child's placement under the current petition be extended up to an additional 6 months, if it is in the child's best interests and if there are compelling reasons.

**Adapted from Minn. Stat. 260C.201, subd. 11**

#### Children Age 8 and Over

**XV-6463**

For each child in court ordered placement under a CHIPS petition, the local social services agency must petition the court for an order determining the permanent status of the child no later than 12 months after the child was placed out of the home of the parent.

For children age 16 and over, the local agency must include in the report to the court whether the child is receiving the services needed to assist in making the transition from foster care to independent living.

**Adapted from Social Security Act, section 475 (5)(c);  
42 USC 675 (5) (c)**

#### Children Under Age 8

**XV-6464**

Effective July 1, 1999, if the child was under 8 at the time the CHIPS petition was filed, the permanency hearing must be conducted no later than 6 months after the child is placed out of the home of the child.

Effective July 1, 1999, at the permanency hearing for a child who was under 8 at the time the CHIPS petition was filed, the court:

1. shall review the progress of the case and case plan, and
2. may order the local agency to show cause why a termination of parental rights petition should not be filed.

Cause may include, but is not limited to, the following conditions:

1. the parents or guardians have maintained regular contact with the child, the parents are complying with the court ordered case plan, and the child would benefit from continuing this relationship;
2. grounds for termination under Minn. Stat. 260C.301 do not exist, or
3. the permanent plan for the child is transfer of permanent legal and physical custody to a relative.

**Minn. Stat. 260C.201, subd. 11**

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#### Notices

XV-6465

1. A notice regarding the permanency hearing or termination of parental rights petition must be sent to relatives, any adult with whom the child is currently residing, any adult with whom the child has resided for one year or longer in the past, and any adults who have maintained a relationship or exercised visitation with the child as identified in the case plan.

The notice must state that a permanent home is sought for the child and that the recipient of the notice must indicate to the local agency within 30 days the intent to care permanently for the child.

Unless required under the Indian Child Welfare Act, this notice need not be sent if the child is placed with an appropriate relative who wishes to provide a permanent home for the child, not if the child is placed with a foster home that has committed to being the permanent home for the child, and the local social services agency approves of that foster home for permanency for the child. (See SSM XV-6610, Relative Search)

**Minn. Stat. 260C.212 subd. 5**

2. If the local social services agency is not recommending the child return home, 30 days or more before the permanency hearing, it must file a petition or motion (pleadings) with juvenile court recommending one of the four permanency options listed in XV-6466 and the grounds on which the recommendation is based. Notice of the hearing and copies of the petition and grounds on which it is based must be given to the parent, guardian, or spouse of the child. The required notice may be given by either the court or the local social services agency.

**Minn. Stat. 260C.201, subd. 11**

#### Dispositions

XV-6466

Consistent with the child's safety and best interests, the local agency must recommend the child return home, or one of the following permanency dispositions:

1. permanent physical and legal custody to a relative;

NOTE: The petition to transfer permanent legal and physical custody to a relative is brought in juvenile court. The local agency may petition on behalf of the proposed custodian. An order establishing permanent physical and legal custody to a relative must follow the standards and procedures applicable under Minn. Stat. 257 or Minn. Stat. 518 and must be filed with the family court. (See SSM XVI-9000, Relative Custody Assistance, for information regarding financial assistance for the relative.)

2. termination of parental rights and adoption;

NOTE: See SSM XVI-1350, Adoption Assistance Program, for information regarding financial assistance for the adopting family.

3. long term foster care, if the agency believes that the above options are not in the child's best interests; long term foster care is available only if:

- (a) the child is at least 12 years old and reasonable efforts to locate an adoptive family have been unsuccessful; or

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- (b) the child is a sibling of a child described in (a), the siblings have a significant positive relationship, and they are placed into the same long term foster home.
4. foster care for a specified period of time.

NOTE: The local agency shall recommend foster care for a specified period of time only if the only reason for a CHIPS adjudication is the child's behavior.

**Minn. Stat. 260C.201, subd. 11**

### Dispositions for Other Voluntary Placements

XV-6466.01

When a child has been in a voluntary placement and the court is not returning the child home, the following dispositions are available to the court:

1. Finds that the child's needs are not being met, in which case the court shall order the social services agency or the parents to take whatever action is necessary and feasible to meet the child's needs, including, when appropriate, the provision by the social services agency of services to the parents which would enable the child to live at home, and order a disposition under Minn. Stat. 260C.201.
2. Finds that the child has been abandoned by the parents financially or emotionally, or that the developmentally disabled child does not require out-of-home care because of the handicapping condition, in which case the court shall order the social services agency to file an appropriate petition pursuant to sections 260C.141, subd. 1 or 260C.307.

Nothing in this section shall be construed to prohibit bringing a petition pursuant to Minn. Stat. 260C.141, subd. 1 or 2, sooner than required by court order pursuant to this section.

NOTE: See SSM XV-6453 regarding Court Review for Children in Voluntary Placement Due Solely to Developmental Disabilities or Emotional Hardships.

**Minn. Stat. 260C.205**

### Best Interests of the Child

XV-6467

In recommending permanent placement of a child, the local social services agency must be governed by the child's best interests including the child's health and safety, and a review of the relationship between the child and relatives and other important persons with whom the child has lived or had significant contact.

**Minn. Stat. 260C.201, subd. 11**

A recommendation for permanent placement must include the following:

1. how the child's best interests are served by the recommendation;
2. the nature and extent of reasonable efforts, or in the case of an Indian child, active efforts, toward reunification when reasonable efforts are required;
3. the parent's efforts and ability to use services to correct the conditions which led to placement;
4. whether the conditions which led to placement have been corrected so the child can return home; and,

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5. in cases where the child has been in out-of-home placement for a cumulative period of 12 months over the previous 5 years, if the child cannot return home, document whether there is a substantial probability of the child returning home in the next 6 months.

**Minn. Stat. 260C.201, subd. 11**

### Reviews After Permanency Disposition

**XV-6468**

Once a permanent placement determination has been made and permanent placement established, further court reviews or permanency hearings are required only if:

1. foster care for a specified period was ordered;
2. an adoption has not yet been finalized (see SSM XIV-1347 regarding Administrative Reviews and SSM XV-6864 for Administrative Review Guidelines)
3. there is a disruption in a permanent placement; or
4. a child is in long term foster care.

**Minn. Stat. 260C.201, subd. 11(e)**

### Modifying a Permanency Disposition

**XV-6469**

An order for permanent legal and physical custody may be modified under Minn. Stat. 518.18 and Minn. Stat. 518.185. The local agency is a party to the proceeding and must receive reasonable notice.

**Adapted from Minn. Stat. 260C.201, subd. 11**

An order for long term foster care can be reviewed upon motion and a showing by the parent(s) of a substantial change in the parents' circumstances.

**Minn. Stat. 260C.201, subd. 11 (i)**

### Children in Foster Care as of April 21, 1998

**XV-6470**

Except for children placed solely because of having either a developmental delay or emotional handicap and where custody has not been transferred to the local social services agency, the county attorney must file a petition for permanency (termination of parental rights or other permanent placement) proceeding under Minn. Stat. 260C.201, subd. 11, for all children in out-of-home care on April 8, 1998 who had been in care for at least 15 of the previous 22 months.

This section does not apply if:

1. there is a compelling reason documented in the case plan that is filed with the court and indicates permanency away from the child's parents is not in the best interests of the child, or
2. the local social services agency has not provided reasonable efforts necessary for the safe return of the child, if reasonable efforts are required.

**Minn. Stat 260C.301. subd. 4**

### Child's or Foster Parents' Absence From Foster Home

**XV-6480**

The local social services agency's permission must be obtained any time the foster care provider and/or the child are to be away from the licensed facility for more than three nights or, if the child leaves the state for any period of time.

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The local agency may provide specifically defined blanket permission for departures from the state when a child or provider regularly departs the state for an identified routine purpose.

**Adapted from Part 9560.0620**

### Foster Care Benefits up to Age 21

XV-6490

#### Eligibility

XV-6491

The age of majority shall be 21 years of age for purposes of any program for children in placement or children under state guardianship.

**Adapted from Minn. Stat. 260C.451;  
Part 9560.0660**

Within the six months prior to a child's 18th birthday, the social services worker must advise and discuss with the child, the child's parents or legal guardian, and the foster parents of the availability of foster care benefits up to age 21. If the child deserves continued benefits, the local agency must develop a plan related to the vocational, educational, social or maturational needs and must assure that any maintenance or counseling benefits are tied to that plan. The plan must be developed jointly with the person making the request and any other appropriate persons.

**Adapted from Part 9560.0660**

NOTE: This section, which appeared within the Act that reduced the age of majority from 21 to 18 years of age, provides that the age of majority will be 21 years of age for any program for children in placement or children under state guardianship if the program existed on June 1, 1973. The section preserved the benefits available at that time under existing law for programs for children in placement and children under state guardianship.

**Minn. Stat. 260C.451**

A request for these benefits can be made by a person:

1. between the ages of 18 and 21 who is not under state guardianship as dependent/neglected and who had been receiving foster care immediately prior to his or her 18th birthday and who is in placement at the time of the request; or
2. between the ages of 18 and 21 who had been under state guardianship as dependent/neglected. (See SSM XIII-3300 for information on children under state guardianship)

**Part 9560.0660**

#### Funding

XV-6492

Funding for the placement of children may be available up to age 21 from several different sources depending on eligibility for the programs and the funding sources available in the county's CSSA plan. (See SSM VII-4000 for funding available under Title IV-E)

#### Appeal Rights

XV-6493

If the agency denies requested benefits, suspends or reduces assistance, or fails to act promptly upon the request for continued benefits, the child, the child's parent(s), or the foster care providers acting on the child's behalf, may appeal the agency's decision by completing a brief

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form available through the local social services agency or by writing a letter to the Appeals and Regulations Division, Minnesota Department of Human Services.

**Minn. Stat. 256.045;  
Part 9550.0092**

## Relationships to Other Agencies and Institutions

XV-6500

### Other Local Social Services Agencies

XV-6510

The local social services agency must not place a child in another county without the approval of the other county's local social services agency. When a local social services agency requests service of another agency for a placement, or receives such a request for service from another agency, there shall be a written agreement defining the responsibilities for services to be delivered, methods for evaluation, and procedures for handling foster care payments. To document such approval, complete **Authorization to Provide Care for Child (DHS-175) (SSIS 65)**. (See SSM XV-6832 for form)

**Part 9560.0560, subpart 3**

### Schools

XV-6520

#### Local Agency Responsibility

XV-6521

When a child is in foster care, the local social services agency must notify the child's present school of any:

1. change in the child's address and custodian and the date the change occurred or will occur; and
2. changes in the child's enrollment.

The local agency must also notify the child's new school about changes in the child's enrollment.

**Part 9560.0560, subpart 2**

#### Foster Care School Attendance List

XV-6522

Title I of the Elementary and Secondary Education Act, Pub. Law. 89-10 as amended, requires an annual report on the school status of each child in placement. All local social services agencies must report children for whom they are financially responsible. For procedures on reporting this information, local agencies may contact:

Children's Research, Planning and Evaluation Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3839

#### National School Breakfast, Lunch and Milk Programs

XV-6523

With few exceptions, children in placement, who are attending a school which participates in these programs, will be determined eligible for free meals.

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Any questions regarding the school lunch program and a child's eligibility may be directed to:

Food and Nutrition Service  
Minnesota Department of Children, Families and Learning  
1500 Highway 36 West  
Roseville, Minnesota 55113  
(651) 582-8526

### Corrections Group Foster Home Program

XV-6530

For referrals and additional information on the corrections group foster home program, contact the supervising probation officer or court services in the county.

### Interstate Placement

XV-6540

For children entering or leaving Minnesota, the local social services agency must comply with the procedures in SSM XI-1000 on Interstate Placement of Children for Adoption/Foster Care. Interstate placement requirements do not apply to children whose placement is pursuant to a tribal court order, unless the tribal government has entered into an agreement with the state where the tribe is located, agreeing to comply with those requirements.

**Minn. Stat. 260.851**

All children who are placed out of state must be visited at least annually by a worker of either the referring county or of the receiving state or county. The visiting worker must make a written report of the visit and submit it to the referring agency.

**42 USC 675 (5) (A)**

### Placement Resources

XV-6600

#### Relative Search

XV-6610

1. Whenever a child is placed, the local social services agency must notify the parents of the need to conduct a relative search. Within the six (6) months after the child's initial placement, the local agency must make special efforts to identify and recruit relatives with whom to place the child, unless a parent specifically objects.
2. Relatives must be informed that a decision not to be a placement resource at the beginning of the placement may affect any consideration of the relative being utilized as a resource for the child in the future. The relatives must be informed of their responsibility to keep the local social services agency informed of their current address in order to receive future notices regarding the child. A relative who fails to provide a current address to the agency forfeits the right to notice of the possibility of permanent placement. (See SSM XV-6849 for **Relative-Kinship Search and Placement Considerations (SSIS 41)**)

**Adapted from Minn. Stat. 260C.212, subd. 5;  
Part 9560.0535, subparts 1, 3, and 4**

3. If a parent refuses to give the local social services agency enough information to locate relatives, the agency must determine if that refusal is in the child's best interests. If not, the local agency will file a petition to request the court to order the parent to give sufficient information to locate relatives.

**Minn. Stat. 260C.212, subd. 5**

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4. If there is parental objection to a relative search, or the consideration of a specific relative, the agency must evaluate the concerns by considering:
  - a. the child's and parent's preferences and reasons for those preferences;
  - b. whether any relatives have offered to be a placement resource;
  - c. if the parent does not want a specific relative contacted, whether there are other relatives who may be contacted;
  - d. whether placement with relatives would interfere with the parent's ability to follow the placement plan, and
  - e. in the case of an Indian child, the tribe's or tribes' position on contacting the relatives.

If the parent still objects, the agency must not initiate the relative search or contact the specific relative, and must notify the court of the parents reasons for objecting. A copy of the notice must be sent to both parents. The court will determine if the relative search must continue or if the specific relative is to be contacted.

**Adapted from Part 9560.0535, subpart 2**

5. In the case of an Indian child, the local agency must seek a relative placement unless the court has determined there is good cause under the Indian Child Welfare Act not to do so. The preference of the Indian child, parent or custodian, and tribe must be considered in accordance with the Indian Child Welfare Act. (See SSM XIII-3555, Placement Preferences)

**Pub. Law 95-608, section 105 (1);  
Part 9560.0535, subpart 2**

6. Special efforts include contacting and working with community organizations and religious organizations and may include contracting with these organizations, utilizing local media and other local resources, conducting outreach activities, and increasing the number of minority recruitment staff employed by the local agency. The local agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

In making special efforts, the local agency must:

- a. ask the child, parent(s) or guardians, and guardian ad litem about the child's relatives and preferences about the relatives;
- b. ask relatives to identify other relatives;
- c. for an Indian child, ask the child's tribe about the child's extended family and, if the tribe has intervened under the Indian Child Welfare Act, defer to the tribe's judgement about the suitability of the relatives;
- d. with a signed release of information from the parent(s), or by court order, ask the family's service providers or others who know the family about relatives, and
- e. divulge only information necessary to consider placement.

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- f. with a signed release of information, the local agency may contact the Office of the Ombudsman for Families, the state ethnic council related to the child's ethnicity, and other potential sources of information about the child's relatives.

**Adapted from Part 9560.0535, subpart 4**

7. The special effort requirement is satisfied when either:

- a. the child is placed with a relative who is interested in providing a permanent home for the child; or

**Adapted from Minn. Stat. 260C.212, subd. 5**

- b. the responsible child-placing agency has made special efforts for six months following the child's placement and the court approves the agency's efforts.

**Minn. Stat. 260C.212, subd. 5;**

**Adapted from Part 9560.0535, subpart 3**

8. If the court determines that the local agency has failed to make special efforts, it can order the local agency to continue efforts to recruit a relative.

The local agency must identify any relatives of the child and notify them:

- a. of the need for a foster care home for the child;
- b. the possibility of the need for a permanent home for the child;
- c. that a decision not to be a placement resource at the beginning of the placement may affect the consideration of their home as a placement resource later;
- d. that they must keep the local agency informed of their current address in order to receive notice if a permanent placement for the child is sought, and
- e. that they forfeit the right to notice of the possibility of permanent placement if they fail to provide the local agency with a current address.

**Adapted from Minn. Stat. 260C.212, subd. 5**

## Foster Family Home Recruitment and Development

XV-6620

The local social services agency must develop and implement a plan for diligent recruitment of foster care providers who reflect the ethnic and racial diversity of the children in the state for whom foster homes are needed.

The local agency must:

1. work diligently with community and religious organizations, Indian tribes, and other individuals and groups to recruit foster care providers;
2. keep a record of its actions to comply with the rule requirements;
3. train and assist foster care providers as necessary to assure the well-being of the child in foster care; and
4. consult with foster care providers in the development of policies and procedures pertaining to foster care.

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Before recommendation for relicensure, the local social services agency must evaluate with the foster care providers the services furnished by the foster family and the local agency. The local agency must give a copy of the evaluation to the foster family.

The local agency must work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures. The local agency must assess the foster care applicant's or foster care provider's capacity for accepting children of diverse backgrounds.

**Part 9560.0670**

For information on maintenance of Foster Family Home Records, see SSM XV-6812.

### Recruitment of Family Foster Homes

**XV-6630**

The local social services agency and licensed child-placing agency must make special efforts to recruit a foster family from among the child's relatives. In recruiting placements for each child, the agency must focus on that child's particular needs and the capacities of the particular prospective foster parents to meet those needs.

Each agency is responsible for diligent recruitment of potential foster families that also reflect the ethnic and racial diversity of the children in the state for whom foster homes are needed. Special efforts include contacting and working with community organizations and religious organizations, and may include contracting with these organizations, utilizing local media and other local resources, conducting outreach activities, and increasing the number of minority recruitment staff employed by the agency.

**Adapted from Minn. Stat. 260C.215, subd. 1**

### Documentation of Placement Efforts

**XV-6640**

The agency must document the following in the child's record:

1. the date the relative search was initiated;
2. the effort made to place the child with a relative and the results of the effort;
3. the factors considered in recommending the specific family/facility, including the individualized assessment of the perspective foster parent's ability to care for the child;
4. the reasons a specific placement facility was recommended;

**Part 9560.0545, subpart 1(A), (B), and (D)**

5. the placement options considered, and why each option was or was not recommended;

**Part 9560.0603, subpart 4 (B)**

6. who participated in making the placement recommendation;

**Office of Civil Rights Agreement, 1994**

7. if the plan is not reunification, the agency's efforts to recruit, place and finalize the child's permanent placement; and

**Adapted from Minn. Stat. 260C.212, subd. 5**

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8. if concurrent permanency planning has been initiated, the agency's efforts to recruit and place the child with a family willing to become the child's permanent family if reunification is unsuccessful.

**Minn. Stat. 260C.212**

In the case of an Indian child, the local agency's diligent search efforts and implementation of the placement preferences are required in the Indian Child Welfare Act.

(See SSM XIII-3500, American Indian Children and SSM XIII-3555 to XIII-3558, Placement Considerations and Relative Search Documentation)

## Payment for Child Placement

**XV-6700**

### Payments to Providers

**XV-6710**

The local social services agency must make payments directly to foster parents and other providers of care. For foster parents licensed by a licensed child placing agency, the local agency must make payments either directly to the foster parents or to the licensed child placing agency, dependent on the method agreed upon in the lead county contract.

**Adapted from Part 9560.0640**

Before or at the time of mailing the first foster care payment to a foster care provider, the county must give the foster care provider a written notice containing, at a minimum, the starting date of the payments, amount of room and board, amount of difficulty of care (DOC), explanation of any offset for public assistance paid, a statement that the foster care provider has a right to a fair hearing review by the Department of Human Services (DHS), and a name and telephone number of a contact person at the county.

**Part 9560.0665, subpart 3**

### Payments to Relative Foster Care Providers

**XV-6711**

When the local social services agency has legal responsibility for a child and is seeking to place the child in the home of a relative according to Minn. Stat. 260C.212, subd.1a (foster care) or Minn. Stat. 259.255 (adoption), the local agency must make foster care payments effective on the date of placement.

NOTE: A person who agrees to provide foster care services for a relative child must become a licensed foster care provider.

### Payments to Relative Caretakers

**XV-6712**

When a person who is caring for a relative child (not their own) asks the local social services agency for help in caring for the relative child, the local agency must inform them of the service options available. At the time of the request, the local agency must give the relative caretaker two forms:

1. **Caretaker Relative Notice (SSIS 49)** and
2. **Request for Foster Care Payment (SSIS 84)**.

(See SSM XV-6840 for **SSIS 49** and SSM XV-6841 for **SSIS 84**)

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Based on statutes and rules in effect as of 08/01/2000

Upon receipt of the completed form, the local agency must respond within thirty (30) days on the **Response to Request for Foster Care Payment** form (**SSIS 52**). This form informs the relative of the right to seek a fair hearing review if the foster care payments have been denied. (See SSM XV-6845 for **SSIS 52**)

If relatives choose to apply for foster care payments, a social services application must be taken on behalf of the child for foster care. The local agency must assess the child's situation and determine if the child needs foster care placement.

If the local agency determines foster care is appropriate, and placement with the relative is appropriate, it must seek legal responsibility for the child and the relatives must become licensed foster care providers.

Relatives may appeal any decision the local agency makes concerning the application for foster care services for the child or decisions concerning licensure or approval.

If the agency denies foster care services or the relative does not return the completed form, the relative may apply for MFIP.

**Adapted from Part 9560.0665, subparts 1 and 2**

### Funding Arrangements for Cost of Care

XV-6720

#### Parents' Resources

XV-6721

The local social services agency and the parent(s) must evaluate the various resources available to meet the costs of placement. Parent(s) must pay for the cost of care in a manner consistent with their ability to do so and with any applicable state laws or rules.

**Part 9560.0640**

If the income and resources attributable to the child are not enough to reimburse the local agency for the full cost of the care, examination, or treatment, the court must inquire into the ability of the parents to support the child and, after giving the parents a reasonable opportunity to be heard, the court shall order, and the local social services agency must require, the parents to contribute to the cost of the care, examination, or treatment of the child.

**Minn. Stat. 260C.331, subd. 1 (c)**

#### NOTES:

1. See SSM III-5000 on County of Financial Responsibility.
2. In any dispute as to the county of financial responsibility, the local social services agency providing or arranging services must pay for such care and services pending final determination of the county of financial responsibility. (See SSM III-6000)
3. For children who have mental retardation or a related condition, an emotional or physical handicap, the assessment and collection of parental fees and the parental contribution for the cost of services must be based upon provisions in Parts 9550.6200 to 9550.6240. (See SSM VIII-9000)

**Adapted from Minn. Stat. 252.27**

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The local social services agency must help the parents to recognize their primary responsibility to pay according to their ability. Private financial resources of the parents and child may include, but are not limited to:

1. parents' income;
2. child's income;
3. Social Security (OASDI);
4. Supplemental Security Income (SSI);
5. Veterans Administration Dependent's Benefits;
6. Worker's Compensation;
7. trust funds;
8. Railroad Retirement Dependent's Benefits;
9. life and health insurance;
10. child support;
11. inheritance;
12. annuities;
13. military service person's contributions;
14. tribal or treaty benefits paid through the Bureau of Indian Affairs unless specifically excluded by law;
15. union benefits; and
16. other retirement benefits (i.e., company pensions, teacher retirement).

**Adapted from Minn. Stat. 260C.331, subd. 1**

If the local social services agency establishes that the parents are able to meet some or all of the costs of care, but are unwilling to do so, the following courses of action are indicated:

1. For a child under legal custody, the local agency must make a written report to the court for determination by the judge of the parents' responsibility to reimburse the agency.
2. For a child placed by voluntary agreement, the local agency must file a dependency or neglect petition with the court and ask the court to establish the parents' responsibility to reimburse the agency.

**Part 9560.0640**

#### **Exclusions to Parental Fees**

**XV-6721.01**

Parents of the child in out-of-home care must contribute monthly to the cost of services unless:

1. the child is married or has been married;
2. parental rights have been terminated; or

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3. the child's adoption is subsidized according to Minn. Stat. 259.40, or through Title IV-E of the Social Security Act.

**Part 9550.6200, subpart 2**

#### Public Resources

**XV-6722**

Public financial resources which may be used to cover the cost of care include, but are not limited to:

1. Title IV-E (See SSM VII-4000).
2. Child Welfare Assistance.
3. Medical Assistance (See Department of Human Services Medical Assistance Program Manual).
4. Department of Corrections funds for the Corrections Foster Group Home Program.

#### Cost of Care

**XV-6723**

Except where parental rights are terminated, whenever legal responsibility of a child is transferred by the court to a local social services agency, or whenever legal custody is transferred to a person other than the local social services agency, but under the supervision of the local social services agency, and no provision is made by law for payment, these costs are a charge upon the welfare funds of the county in which proceedings are held upon certification of the court.

**Minn. Stat. 260C.331**

#### Forgotten Children's Fund

**XV-6724**

Reimbursement for some special needs (such as, school pictures, class rings, field trips, music instruments, music lessons) may be available from the Forgotten Children's Fund administered by the Department of Human Services. (See SSM VIII-4000 for further information)

#### Local Fund

**XV-6725**

The local social services agency may, through action by the county welfare board, human service board, or board of county commissioners, establish a local fund of county money through which the local agency may reimburse foster parents for the cost of repairing damage done to the foster home and contents by the foster child, and the additional car insurance premium cost of a foster child who possesses a permit or license to drive a car.

**Part 9560.0650, subpart 5**

#### Foster Care Maintenance Rates

**XV-6730**

The requirements outlined in this section apply to both relative and non-relative foster care providers.

The local social services agency must make payments based on the minimum maintenance rates set by the state and the difficulty of care (DOC) rate as determined by use of the DOC Assessment Schedule.

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The Commissioner must annually review and revise the minimum standard payment rates for basic maintenance, difficulty of care and initial clothing allowance payment rates for all children in foster care.

**Adapted from Part 9560.0650, subparts 1 and 3**

### Basic Maintenance Payment

**XV-6731**

The basic maintenance payment provides for:

1. food at home and away from home;
2. ongoing clothing needs;
3. shelter;
4. daily supervision;
5. transportation;
6. child's allowance;
7. school supplies; and
8. personal incidentals.

**Part 9560.0521, subpart 10**

### Difficulty of Care (DOC)

**XV-6732**

In addition to the basic maintenance payment, monthly payments for additional maintenance needs must be made for children with mental, physical or emotional handicaps who require additional supervision or assistance in behavior management, activities of daily living, management of medical problems, or interaction with the natural parents and the community. The level of additional supervision or assistance required for each child shall be determined by the local social services agency based on the **Difficulty of Care Assessment Schedule (DHS 2834)**. (See SSM XV-6842)

**Part 9560.0653**

### NOTES:

1. For each child in family foster care and group family foster homes licensed by the Department of Corrections, the case record must contain a **Difficulty of Care Assessment Schedule (DHS 2834)** for the DOC rate assigned. Each condition or behavior for which DOC is claimed must be described, and a total point value assigned according to the **Difficulty of Care Assessment Schedule**.
2. A copy of the **DOC Assessment Schedule (DHS 2834)** and documentation must be forwarded to the county of financial responsibility if different than the county of service.
3. Upon completion of the **DOC Assessment Schedule (DHS 2834)**, a written notice must be sent to the foster care provider and the licensing agency responsible for the provider when different than the agency completing the **DOC Assessment Schedule**. The notice must include the rating assigned, how the rating was determined, a statement of the legal authority for the rating, the procedure for seeking a reassessment, and a statement that

**Part 9560.0656, subpart 1**

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following reassessment, a foster care provider has a right to a fair hearing review of the reassessment by the Department of Human Services. (See SSM XV-6843 for the **Initial Difficulty of Care Assessment Notice (SSIS 47)** and SSM XV-6844 for the **Difficulty of Care Reassessment Notice (SSIS 51)**)

4. The rating determination may be satisfied by giving the foster care provider a copy of the **DOC Assessment Schedule** completed for the child by the local agency.

**Part 9560.0656**

### **Initial Clothing Allowance**

**XV-6733**

An initial clothing allowance based on the child's needs may be made within the first 60 days of the initial placement in foster care.

**Part 9560.0650, subpart 1**

### **Per Diem Rates**

**XV-6734**

The daily rate used for calculation of both basic maintenance and DOC payments are combined in the same chart according to the following age categories, 0-11, 12-14 and 15-18. A bulletin is sent to all agencies annually regarding the most current daily basic maintenance, DOC and initial clothing allowance payment rates.

**Part 9560.0650, subpart 1**

### **Rate Reassessment**

**XV-6735**

A reassessment of the basic maintenance and DOC rates must be made:

1. at the end of 12 months;
2. at the request of a foster parent;
3. if the child is placed in a different facility; or
4. if the child's level of need changes.

(See SSM XV-6844 for the **Difficulty of Care Reassessment Notice (SSIS 51)**)

**Part 9560.0650, subpart 6**

Upon completion of the reassessment, the local agency must give written notice to the foster care provider and the local agency responsible for licensing the provider when different than the agency completing the reassessment.

**Part 9560.0656**

### **Placement of a Minor Parent with His/Her Child:**

**XV-6736**

When a minor parent and his/her child are in foster care in the same placement facility, foster care payments must be made to the provider on behalf of the minor parent and child. Placement is defined as a child living away from their parents. In this circumstance, payment for the minor parent should be completed through the usual placement process. Basic maintenance and DOC schedules may be used to establish the rate, but the reimbursement for the minor parent's child must be made to the foster parent through a purchase of service contract.

**42 USC 672 (h);  
45 CFR 1356.21 (j)**

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### Contract with Another Agency

XV-6737

When foster care is provided for a child through contract with another public or private agency, basic maintenance and DOC payments to the cooperating agency's foster care facilities must be determined according to rule requirements. If the local social services agency is contracting for administrative or social services costs, payments to the contracting agency shall be an amount which is in addition to the basic maintenance and DOC rates.

**Part 9560.0650, subpart 3**

### Fee for Services

XV-6740

The local social services agency may pay a fee for services to foster parents based on the foster parents' skills, experience, or training. This fee is not a maintenance expense.

**Part 9560.0650, subpart 4**

### Payment of Income Tax

XV-6750

Basic maintenance and difficulty of care payments for children with mental, physical, or emotional handicaps are excluded from the definition of gross income, if they are paid for a child under the age of 19 placed in a licensed foster family home serving fewer than 10 foster children.

**Pub. Law. 99-841, section 170**

NOTE: In all matters related to the payment of federal or state income tax, the foster parents must be referred to their tax preparer.

### Liability Insurance for Foster Family Homes

XV-6760

If you have questions regarding whether an insurance claim is appropriate, please contact the Joint Underwriter's Association at 1-800-552-0013 or (651) 222-0484.

### Legislative Mandate

XV-6761

The Commissioner of Human Services must, within the appropriation provided by the Minnesota Legislature, purchase and provide liability insurance to foster parents. Coverage includes foster home providers' liability for:

1. injuries or property damage caused or sustained by a foster child; and
2. action arising out of alienation of affections sustained by the birth parents of the foster child.

**Minn. Stat. 245.814, subd. 1**

### Foster Homes Covered

XV-6762

Coverage must apply to all family foster homes licensed by the Department of Human Services, licensed by a federally recognized tribal government, or established by the juvenile court and certified by the Commissioner of Corrections, to the extent that the liability is not covered by the provisions of the standard homeowner's or automobile insurance policy.

The insurance must not cover property owned by the individual foster home provider, damage caused intentionally by a person over 12 years of age, or property damage arising out of business pursuits or the operation of any vehicle, machinery, or equipment.

**Minn. Stat. 245.814, subd. 2**

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#### Persons Insured

XV-6763

The following persons are insured:

1. the named insured (the licensed foster home);
2. the foster parent and any relative who resides in the household; and
3. any foster child.

#### Exclusions

XV-6764

The current policy with the Minnesota Joint Underwriting Association (MJUA) does not apply:

1. to any loss arising out of a dishonest, fraudulent, criminal or malicious act;
2. to any occurrence except when directly arising out of an insured's activity as a foster parent;
3. to any bodily injury or property damage arising out of the operation or use of any of the following, owned or operated by or rented or loaned to any insured: any land motor vehicle, aircraft or watercraft;
4. to any liability assumed by an insured under any agreement other than a written agreement relating directly to the care and custody of the foster child;
5. to any obligation for which the insured or any carrier as the insureds' insurer may be held liable under any workers' compensation unemployment compensation or disability benefits laws, or under any similar law;
6. to any property damage to property owned by, rented or loaned to any insured, or person residing in the foster parent's household;
7. with regard to personal injury:
  - a. arising out of the willful violation of a penal statute or ordinance by or with the knowledge or consent of any insured;
  - b. arising out of any publication or utterance made prior to the retroactive date of this insurance;
  - c. arising out of any publication or utterance concerning any person, organization or business enterprise, or the person's or its products or services, made by or at the direction of any insured with knowledge of the falsity thereof;
8. to any damages arising out of the discharge, dispersal, release, or escape of smoke, vapors, soot, fumes, acids, alkalizes, toxic chemicals, liquids or gases, waste materials or other irritants, contaminants or pollutants into or upon land, the atmosphere or any water course or body of water;
9. to any liability arising out of business pursuits of any insured except activities therein which are ordinarily incident to non-business pursuits (the activities of a foster parent shall not be deemed business pursuits);
10. to bodily injury arising out of or resulting from the actual, alleged or threatened sexual molestation of a minor by:

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- a. any insured;
- b. an employee of any insured;
- c. any other person actually or apparently acting on behalf of the insured;

(This policy does not apply to any actual or alleged bodily injury or personal injury arising out of or resulting from any employment of volunteers or persons for hire by or on behalf of the named insured as the result of the arrangement for such employment of any person who commits, is alleged to have committed, or who threatens sexual molestation of a minor. MJUA shall have no duty to defend any claim or suit involving sexual molestation of a minor, regardless of the circumstances involved in the claim or suit, even though the allegations may be groundless, false or fraudulent); or

- 11. to bodily injury, personal injury or property damage which arises out of the transmission of a contagious disease by an insured.

**Foster Parents' Liability Insurance Policy**

**Administrative Requirements**

**XV-6800**

**Record Requirements**

**XV-6810**

**Client Social Services Record**

**XV-6811**

For general record requirements, see SSM IV-5400 to IV-5500.

Special record requirements for children in placement include:

- 1. Documentation of authority to place the child:
  - a. a copy of the court order including certification of reasonable or active efforts and that remaining in the home is contrary to the child's best interests; or
  - b. **Voluntary Out-of-Home Placement Agreement-Non Indian Child (DHS 1776) (SSIS 64)** including the court's determination of the child's best interests. (See SSM XV-6831)
- 2. A discrete, written case placement plan signed by parent(s), the local agency, and if possible, the child, to comply with Minn. Stat. 257.071. (See SSM XV-6430)

**Adapted from Part 9560.0603, subparts 1 and 3**

**NOTE:** The county of financial responsibility and/or the county of legal responsibility for placement and supervision must have a copy of the child's placement plan in the case record, even though that local agency is not providing direct service to the child and family.

- 3. When using a group home or child care institution, a signed release of information from the parent(s) or legal guardian.
- 4. A record of medical care provided the child, including the physical examination required in conjunction with placement. For Medical Assistance eligible children in need of protection or services under state guardianship, the record must document that Child and Teen Checkup services have been provided. For all other foster children eligible for Medical Assistance, the record must document that Child and Teen Checkup services have been

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- offered and, if indicated, the reason for the parents' or agency's refusal to accept Child and Teen Checkup services. (See SSM XV-6312)
5. Documentation of having implemented foster care service requirements. (See SSM XV-6420)
  6. **Authorization to Provide Care for Child (DHS 175) (SSIS 65)** when there is an interagency agreement authorizing provision of service to a child. (See SSM XV-6832)
  7. **Difficulty of Care Assessment Schedule (DHS 2834)** for family foster care. (See SSM XV-6842)
  8. Documentation that placement is in a licensed facility.
  9. Documentation of the relative search to be accomplished within the first six months of the placement.
  10. **Background and Health History-All Children in Out-of-Home Care (DHS 3235) (SSIS 68)** Use of this form is optional. (See SSM XV-6850)

### Foster Family Home Record

XV-6812

Record requirements for the foster family home licensing file include:

1. An **Application for Child Foster Care (DHS 0250)** signed by the applicant. (See SSM XV-6834 for form)
2. An **Agreement Between Foster Parents and Placement Agency (DHS 139)**. (See SSM XV-6835 for form)
3. A physician's statement for the foster family and any resident in the home (**Physician's Report on Foster Care Applicants (DHS 1995)**). (See SSM XV-6836 for form)
4. A completed **Home Safety Check List (DHS 0644)**. (See SSM XV-6837 for form)
5. An evaluation of the home based upon licensing standards and supporting the local agency's decision to recommend licensing or relicensing of the home.
6. Evaluations of the home when each child leaves.
7. A record identifying the child placed in the home, **Foster Home in Use (DHS 682)** and an evaluation of the service given each child. (See SSM XV-6833 for form)

### Forms

XV-6830

Following are copies of DHS and SSIS forms and suggested forms listed below:

**Voluntary Out-of-Home Placement Agreement-Non Indian Child (DHS 1776) (SSIS 64)**. (See SSM XV-6831)

**Authorization to Provide Care for Child (DHS 175) (SSIS 65)**. (See SSM XV-6832)

**Foster Home in Use (DHS 682)**. (See SSM XV-6833)

**Application for Child Foster Care (DHS 0250)**. (See SSM XV-6834) (Licensing form)

**Agreement Between Foster Parents and Placement Agency (DHS 139)**. (See SSM XV-6835)

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**Physician's Report on Foster Home Applicants (DHS 1995).** (See SSM XV-6836) (Licensing form)

**Home Safety Check List (DHS 0644).** (See SSM XV-6837) (Licensing form)

**Request for Fire Inspection (DHS 2424).** (See SSM XV-6838)

**Child's Out-of-Home Placement Plan (SSIS 83).** (See SSM XV-6839)

**Caretaker Relative Notice (SSIS 49).** (See SSM XV-6840)

**Request for Foster Care Payment (SSIS 84).** (See SSM XV-6841)

**Difficulty of Care (DOC) Assessment Schedule (DHS 2834).** (See SSM XV-6842)

**Initial Difficulty of Care (DOC) Assessment Notice (SSIS 47).** (See SSM XV-6843)

**Difficulty of Care (DOC) Reassessment Notice (SSIS 51).** (See SSM XV-6844)

**Response to Request for Foster Care Payment (SSIS 52).** (See SSM XV-6845)

**Initial Foster Care Payment Notice (SSIS 53).** (See SSM XV-6846)

**Notice of Reduction in Foster Care Payments (SSIS 54).** (See SSM XV-6847)

**Notice of Termination of Foster Care Payments (SSIS 55).** (See SSM XV-6848)

**Relative-Kinship Search and Placement Considerations (SSIS 41).** (See SSM XV-6849)

**Background and Health History-All Children in Out-of-Home Care (DHS 3235) (SSIS 68).**  
(See SSM XV-6850)

**Emergency Relative Foster Care Procedure (DHS 3230).** (See SSM XV-6851)

**Emergency Relative Foster Care Referral Form (DHS 3231).** (See SSM XV-6852)

**Notice of Court Hearing (SSIS 50).** (See SSM XV-6853)

**Notice to Parent Considering Voluntary Placement of a Child (SSIS 36).** (See SSM XV-6854)

**Emergency Foster Care License Application (DHS 3218).** (See SSM XV-6855)

**Emergency Relative Foster Care Notice of Background Study (DHS 3219).** (See SSM XV-6856)

**Support for Emancipation and Living Functionally (SELF) Plan (SSIS 57).** (See SSM XV-6857)

**Foster Care License Application (DHS 3324).** (See SSM XV-6858)

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**Voluntary Out-of-Home Placement Agreement-Non Indian  
Child (DHS 1776) (SSIS 64)**

**XV-6831**

**Purpose**

This form formalizes the agreement by which a child's parent(s) or legal guardian authorize an agency to provide temporary care to the child.

**Number of Copies**

Complete three copies and distribute as indicated on the form.

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Based on statutes and rules in effect as of 08/01/2000

**Authorization to Provide Care for Child (DHS 175) (SSIS 65)**

**XV-6832**

**Purpose**

Completion of this form formalizes the agreement by which an agency authorizes another agency to provide foster care/treatment for a child.

**Purpose**

This form is used for:

1. Interagency referrals, between local agencies, between local and voluntary agencies, and between voluntary agencies.
2. Those situations in which a child's legal residency is found to be elsewhere. The responsible county uses the form to authorize continued care.

**Number of Copies**

Forward the original to the agency accepting the child for care; the agency granting authorization retains a copy.

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Based on statutes and rules in effect as of 08/01/2000

**Foster Home in Use (DHS 682)**

**XV-6833**

**Purpose**

This form is retained in each case record for a child in substitute care to track placement dates and provider resources.

**Note:** This form is no longer in use.

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Based on statutes and rules in effect as of 08/01/2000

**Application for Child Foster Care (DHS 0250)**

**XV-6834**

**Purpose**

This form is completed by foster care provider applicants, as well as to indicate a foster home licensure recommendation to the Commissioner of Human Services.

**Number of Copies**

Send the original to the Department of Human Services. Retain a copy for the foster home record.

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Based on statutes and rules in effect as of 08/01/2000

**Agreement between Foster Parents and Placement Agency (DHS 139)**

**XV-6835**

**Purpose**

This form provides a written understanding between foster parents and supervising agency regarding their respective responsibilities.

**Number of Copies**

Complete the blue copy for the foster home record, and give the white copy to the foster parents.

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Based on statutes and rules in effect as of 08/01/99

**Physician's Report on Foster Home Applicants (DHS 1995)**

**XV-6836**

**Purpose**

This form provides a physician authorization to release medical information regarding prospective foster parents. This form is given to applicants to present to their physician.

**Number of Copies**

One copy required for each member of the applicant's family who is living in the home.

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Based on statutes and rules in effect as of 08/01/99

**Home Safety Check List (DHS 0644)**

**XV-6837**

**Purpose**

This form is used to provide a minimal review by the local agency of the physical safety of a foster home. (This is primarily a housekeeping form and is not to be confused with a formal fire inspection.)

**Number of Copies**

Complete one copy for the foster home file.

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Based on statutes and rules in effect as of 08/01/99

**Request for Fire Inspection (DHS 2424)**

**XV-6838**

**Purpose**

This is a four-part carbon form that is completed and sent to the State Fire Marshal's Office or a local fire department on the State Fire Marshal's approval list. It is used to request a fire inspection of an applicant's home and to allow a report of the finding of that inspection.

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Based on statutes and rules in effect as of 08/01/99

**Child's Out-of-Home Placement Plan (SSIS 83)**

**XV-6839**

**Purpose**

This form must be used as:

1. a guide toward development of a signed placement plan agreement between the agency, the parent, foster care provider and, if appropriate, the child and;
2. to meet state and federal compliance requirements for children's out-of-home placement plan

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Based on statutes and rules in effect as of 08/01/99

**Caretaker Relative Notice (SSIS 49)**

**XV-6840**

Purpose

This form is given, with the Request for Foster Care Payment form, to a person who is caring for a relative's child and who has asked the local agency for help caring for the child. The notice informs the person about the process for making a child protection report to the agency and the resulting assessment process, and how to make a request for foster care payments for the child.

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Based on statutes and rules in effect as of 08/01/99

**Request for Foster Care Payment (SSIS 84)**

**XV-6841**

**Purpose**

This form is given, with the Relative Caretaker Notice, to a person who is caring for a relative's child and is asking the local agency for help caring for the child. The form is completed by a person making a request for foster care payments for the child.

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Based on statutes and rules in effect as of 08/01/99

**Difficulty of Care (DOC) Assessment Schedule (DHS 2834)**

**XV-6842**

**Purpose**

This form meets DHS requirements for documentation and justification of difficulty of care.

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**XV-6000**

Based on statutes and rules in effect as of 08/01/99

**Initial Difficulty of Care (DOC) Assessment Notice (SSIS 47)**

**XV-6843**

**Purpose**

This form notifies a foster care provider that a DOC assessment has been completed for a child and what the amount of the DOC payment will be.

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**XV-6000**

Based on statutes and rules in effect as of 08/01/99

**Difficulty of Care (DOC) Reassessment Notice (SSIS 51)**

**XV-6844**

**Purpose**

This form notifies a foster care provider when a DOC reassessment has been completed and the results of the reassessment.

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Based on statutes and rules in effect as of 08/01/99

**Response to Request for Foster Care Payment (SSIS 52)**

**XV-6845**

**Purpose**

The local agency uses this form to notify someone, who has requested foster care payments for a relative's child in his/her care, of the agency's response to that request.

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**XV-6000**

Based on statutes and rules in effect as of 08/01/99

**Initial Foster Care Payment Notice (SSIS 53)**

**XV-6846**

**Purpose**

This form is used to notify a foster care provider when foster care placement payments for a child will begin and what the amount will be.

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**XV-6000**

Based on statutes and rules in effect as of 08/01/99

**Notice of Reduction in Foster Care Payments (SSIS 54)**

**XV-6847**

**Purpose**

This informs a foster care provider why foster care payments for a child have been decreased and what the new payment will be.

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**XV-6000**

Based on statutes and rules in effect as of 08/01/99

**Notice of Termination of Foster Care Payments (SSIS 55)**

**XV-6848**

**Purpose**

This form notifies a foster care provider when foster care payments for a child will be stopped.

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Based on statutes and rules in effect as of 08/01/99

**Relative-Kinship Search and Placement Considerations (SSIS 41)**

**XV-6849**

**Purpose**

This form must be used to document compliance with the relative search requirements.

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**XV-6000**

Based on statutes and rules in effect as of 08/01/99

**Background and Health History-All Children in Out-of-Home  
Care (DHS 3235) (SSIS 68)**

**XV-6850**

**Purpose**

This form may be used to document a child's health history, and a child's health care while in out-of-home placement. Use of the form is optional.

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**XV-6000**

Based on statutes and rules in effect as of 08/01/99

**Emergency Relative Foster Care Procedure (DHS 3230)**

**XV-6851**

**Purpose**

This form is an information sheet for the placing worker.

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**XV-6000**

Based on statutes and rules in effect as of 08/01/99

**Emergency Relative Foster Care Referral Form (DHS 3231)**

**XV-6852**

**Purpose**

This form is used when the placing county and the county where the relative caregiver lives are not the same. The placing county sends this form to the relative's licensing county.

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**XV-6000**

Based on statutes and rules in effect as of 08/01/99

**Notice of Court Hearing (SSIS 50)**

**XV-6853**

**Purpose**

This form is in letter form and may be used to notify foster care providers of an upcoming court hearing for a foster child in their care.

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**XV-6000**

Based on statutes and rules in effect as of 08/01/99

**Notice to Parent Considering Voluntary Placement (SSIS 36)**

**XV-6854**

**Purpose**

This letter is used to inform parents of their rights and the potential consequences if they voluntarily place their child in foster care.

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Based on statutes and rules in effect as of 08/01/99

**Emergency Foster Care License Application (DHS 3218)**

**XV-6855**

**Purpose**

This is the form the relative completes to apply for an emergency relative foster care license.

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Based on statutes and rules in effect as of 08/01/99

**Emergency Relative Foster Care Notice of Background Study (DHS 3219)**

**XV-6856**

**Purpose**

This form is completed for all persons 13 and over in the relative's home. It informs the subject(s) of the need to complete a background study and it authorizes the release of information to the licensing agency.

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Based on statutes and rules in effect as of 08/01/99

**Support for Emancipation and Living Functionally (SELF) Plan (SSIS 57)**

**XV-6857**

**Purpose**

The purpose of this plan is to assess an adolescent's competencies in essential areas of independent living skills, and to identify how and when an adolescent will learn the skills needed to become self sufficient.

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**Foster Care License Application (DHS 3324)**

**XV-6858**

**Purpose**

This is the form a person completes to apply for a foster home license.

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**Guidelines**

**XV-6860**

Following are copies of guidelines and tools available for use in the provision of foster care services:

**Placement Court Hearings Timelines** (See SSM XV-6861)

**Placement Considerations and Relative Search Documentation** (See SSM XV-6862)

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**Placement Court Hearings Timelines**

**XV-6861**

**Purpose**

This form provides a reference for determining when court hearings need to be conducted to assure that they are completed in a timely manner.

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**Placement Considerations and Relative Search Documentation**

**XV-6862**

Purpose

This form may be used to document compliance with the relative search requirements.

**Note:** Use **Relative-Kinship Search and Placement Considerations (SSIS 41)** instead of the form listed above. See SSM XV-6849 for this form.