

## 2960 Child Foster Care -Questions and Answers

1. MN Rules, part 2960.3010, subp. 21, defines a foster child as a person under 18 years of age, a person in special education, or a juvenile under the jurisdiction of a juvenile court who is under 22 years of age and is placed in a foster home. Does this eliminate a lot of our age variances?

**Answer:** A child as defined above may be in placement in a cfc home. An age variance would be necessary for persons who do not meet the characteristics in the definition above. Yes, we expect that this will significantly reduce the number of variances that need to be submitted to DHS.

2. MN Rules, part 2960.3060, subp. 3, B., states that applicants and household members must provide a signed statement which indicates that they are receiving all necessary medical care, do not pose a risk to the child's health, etc.....

What about corporate sites (foster residences)? Do caregivers need to provide the signed statement?

**Answer:** ~~Yes, at this time corporate employees need to provide this statement. It is possible this item may become exempt for corporate employees in the future. We will keep you informed of any changes that occur. See question #9~~

Minnesota Statutes, 245B was amended to exempt programs dually licensed under consolidated standards and child foster care from compliance with Minnesota Rules, part 2960.3060. These exemptions pertain to license holder qualifications, foster parent training, records, and staff training requirements.

3. Can DHS define "chemical use problem"?

**Answer:** Licensors should use their best judgement in determining what constitutes a chemical abuse problem.

4. Do both spouses have to be on the license? Do both spouses have to have training?

**Answer:** Nothing in the rule requires both spouses be on the application for licensure. The license should be issued to the individual(s) who has applied. The licensed foster parent(s) must complete the training. All adults parenting the foster children should be encouraged to receive training in order to provide the best care possible to the children.

5. Do provider's need a written discipline policy per MN Rules, part 2960.3080, subp 8.

**Answer: Yes.**

6. What is a citation for a medication error?

**Answer:** Foster Residence settings are required to have a policy for medication administration (MN Rules, part 2960.3220, subp. 7), which at a minimum, requires staff to document errors. In addition, medication assistance is defined in MN Rules, part 2960.3010, subp. 31. Failure to provide medication in accordance with the prescription should be cited under these provisions.

7. Under MN Rules, part 2960.3090, subp 3, do short-term subs need a Background Study (BGS)?

**Answer:** ~~No, the background studies statute was amended to exclude short-term substitutes for child foster care from needing a background study. Yes, they do. While 2960.3090, subp. 3 indicates that a short-term sub does not need a background study, a background study is required pursuant to 245C.03. Because the rule and statute are in conflict, we need to follow the requirements of the statute. The Department is pursuing an amendment that will have the statute correspond to the rule requirement. We received the exemption, it can be found in 245C.03 (G).~~

8. Does MN Rules, part 2960.3060, subp 1 A-D include an AND or an OR between each?

**Answer:** A prospective foster parent must agree to cooperate with the licensing agency and must meet one **OR** more of the items in A – D.

9. Do the exemptions to the consolidated standards for CFC apply right now?

**Answer:** ~~The changes that were made last year, to exempt sections of the cfc standards, referred to specific sections of 9545, so when 9545 was repealed, those exemptions went away. Therefore, they do not currently apply. It would be reasonable for agencies to consider granting variances to sections of 2960 for similar standards that were exempted last year in order to comply with the intent of those exemptions. It is possible that new exemptions will be made legislatively this session. We will keep you informed if there are changes made this year.~~

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10. Does the Fact Sheet from the One Study take the place of the chemical use statement in the rule?

**Answer:** No, it does not take the place of the chemical use statement.

11. What is the training/orientation requirement for 2960 in connection with ERFC?

**Answer:** Orientation for relatives is now required if the relative is going to be licensed under 2960. The orientation must be completed within 30 days of placement, which could be during the ERFC period. The orientation does not need to be in a classroom setting, but can be discussed and documented during a home visit. In addition, each foster parent must complete a minimum of 12 hours of annual training. Keep in mind that training should not be limited to classroom activities, videos or books, but should include consultations with professionals such as therapists, teachers, doctors, etc., through which the foster parent will learn about the individual needs of the child.

12. During our agencies' Rule 13 review, what can we expect will be cited?

**Answer:** During Rule 13 monitoring visits, in addition to reviewing items we have looked at in the past, we will be looking for the following documentation for ALL NEWLY licensed homes and for any homes that have been RENEWED since 1/1/04:

- Statement of Intended Use
- Chemical Health Statement
- Physical Health Statement

13. If a person is not on the license and doesn't get training, can the licensor issue a Correction Order?

**Answer:** No, for ongoing training required in the rule, you should strongly encourage them to get training, stressing the best interests of the child. See question #4. A correction order could be issued for non compliance with statutorily training such as SIDS/SBS and child passenger restraint training.

14. Is it correct that we no longer are required to do monthly visits for the first six months of a placement and have that documentation in the foster care file? We are still required to do monthly visits for adoption purposes under our contract with the state, but it doesn't appear that we need to put this documentation in the foster care file any more. We just want to make sure that this is correct before discontinuing this practice in our foster care files.

**Answer:** Documentation of visits following the first six months of a placement are still required. This requirement can be found in Rule 13 (MN Rules, part 9543.0060, subp 5B).

15. I looked through the rule and couldn't find anything in the health of the foster parents that mentions the requirement of the Mantoux/Chest X-ray. It also looks like we do not need to have a *signed* statement from the *physician* anymore just the family. The section that I was looking at is MN Rules, part 2960.3060, Subp. 3(b) Is this correct?

**Answer:** Correct, there is no requirement for a Mantoux/Chest X-ray or a signed statement from the physician, rather, **each** household member must provide a signed statement indicating they are receiving all necessary medical care. (see MN Rules, part, 2960.3060 subp 3b.)

16. One of the workers asked, "Would an adult child (18 and older) still living in the home of their parents be counted in the maximum capacity limit of children in the home?"

**Answer:** No. Someone over the age of 18 is no longer considered a "child", and should not be counted when determining license capacity.

17. I found all the requirements for respite, substitute, long-term, etc. If a family is traveling outside of the state of MN with the child, are there any requirements? If so, where can I find them?

**Answer:** This is really an issue for the child's case worker. The Agreement Between Foster Parents and Placement Agency (DHS-0139) states (#10) that the foster parent will "consult with the supervising agency and obtain consent before taking a child out of the state or out of the foster home for longer than three nights". The Foster Parent Agreement Form is required under MN Rules, part 2960.3100, subp 1B.

18. We used to require families to do a well water inspection if they used well water. However it appears that this is not in the new rule. Is this requirement discontinued at this point? If not, where do we find that requirement?

**Answer:** MN Rules, part 2960.3100, subp 1D requires that the agency have a **CURRENT** completed Home Safety Checklist in your records. A CURRENT form would be done at each relicensing. The Home Safety Checklist requires that the home have a *safe water supply in the residence and water from wells be tested annually*.

19. It appears that we do not need to complete a homestudy checklist and Fire code inspection at re-licensure. Is this correct? 2960.3100 Subp. 1(g)

**Answer:** No, it is not correct. MN Rules 2960.3100, subp 1 lists what foster care license records the licensing agency must have on file. Subpart 1D states that the agency must have on file a "**current** completed commissioner's home safety checklist (DS-0644)." The interpretation of current is that you have on file a home safety checklist completed at the last relicensing visit – that would be the most current version. That subpart further states "plus a written report from the fire marshal on any specific fire hazards, if required." The agency would be required to have the fire marshal report on file, if the home had met a trigger which required an inspection. Subpart 1G goes on to list what must be documented at relicensing.

20. Regarding children's records, the foster parents are not required to give these records back to the county. If the county has certain record destruction schedules, how do counties get these records back to destroy? What types of data privacy laws apply to foster parents with regard to these children's records?

**Answer:** MN Rules, part 2960.3100 requires that the License Holder have records on site for children in care. It has been determined via the Federal IV E Audit, that agencies depend too much of foster parents to keep records on foster children. Agencies should be keeping their own full set of records. The County should always have complete documentation of foster placement records. The rule does not speak to retention of records. While the County is bound by record destruction guidelines, the license-holder is not. Per the "Agreement Between Foster Parents and Placement Agency" (DHS-0139), foster parents must keep information about the child and his/her family confidential, and discuss it only with appropriate agency staff members and other professionals designated by the agency.

21. Does there need to be a written agreement for substitute/respite care?

**Answer:** MN Rules, part 2960.3090, subp 1 does not require that all plans for substitute care be written. However, ALL parties must agree with the plan in non-emergency situations. There may be arrangements made within ten working days prior to using respite that are not in writing, but that all parties have agreed to. There may also be a written agreement, (for example, the foster child goes to this home 2X per month for respite). All arrangements must be agreed upon, but not all will be writing.

22. If a home has already had a fire inspection that they passed as they are or were a **licensed child care**

**home** and now are applying for foster care for 4 foster children, does the fire inspection they had regardless of how long ago, suffice to meet the foster care requirements of a fire inspection if taking four foster children at the same address?

**Answer:** Pursuant to Mn Rules, part 2960. 3050, an inspection is needed if any of the triggers (A. through E) exist. The inspection would be needed as part of the CFC application process and an old inspection related to a different type of licensure would not meet the requirement.

23. If a licensed foster family already has three foster children in placement (all over the age of two) and we want to have a one more foster child go to this foster home on a two week respite, does this foster family have to have a fire inspection before the respite foster child can be placed on a respite?

**Answer:** This is a health and safety issue and the fire inspection should be completed prior to the placement of the respite foster child.

24. Regarding the need for a fire inspection, do you know anything about a Certificate of Occupancy for homes built after 7/16/90? I have seen written material in Child Care licensing that says if a provider has the above mentioned Certificate that it can be accepted as documentation that the house meets the applicable requirements of the State Fire Code. Is this only in the Child Care Rule or does it also apply to Child Foster Care?

**Answer:** The issue of a Certificate of Occupancy being used to document that a home is in compliance with applicable fire codes **does not** apply to Child Foster Care.