

Child Placement Agency (DHS Rule 4)

License Application Addendum

1. License Type

Identify which type of service you are applying to provide:

Foster care only

With a child placement agency – foster care license, along with authorization under Minnesota Rules, parts [9543.0010](#) to [9543.0150](#) (DHS Rule 13), you are able to monitor the provision of foster care services to children statewide. Under Minnesota Rules, part [9560.0521, subpart 9](#), “Foster Care” means 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.

Adoption services only

With a child placement agency – adoption license, you are able to provide adoption services statewide, whether or not the adoption occurs in this state. Under Minnesota Statutes, section [259.21, subdivision 9](#), placement activities include placement; arranging or providing short-term foster care pending an adoptive placement; facilitating placement by maintaining a list in any form of birth parents or prospective adoptive parents; collecting health and social histories of a birth family; conducting an adoption study; witnessing consents to an adoption; or engaging in any of the previously listed activities for purposes of fulfilling any requirements of the interstate compact on the placement of children.

Foster care and adoption services

With a child placement agency – foster care and adoption services license, along with authorization under Rule 13, you are able to monitor the provision of foster care services to children statewide and to provide adoption services statewide.

A. Additional Required Materials

If you are applying for a child placement agency license you must read and comply with the additional requirements for licensure and complete and submit each of the additional required materials identified below in order for your application to be complete.

Agency status during application process: You may not operate as a child placement agency or advertise as a licensed program until all licensure requirements have been fulfilled and approved by DHS and a license issued.

1. Policies, procedures, and program records

All applicants must submit the following policies, procedures, and program records with your application.

- a. Conflict of Interest Policy (Minnesota Rules, part [9545.0785, subpart 4](#)). An agency must develop written policies governing situations with potential conflict of interest. It is a potential conflict of interest when a provider supervised by an agency is also a board member of the agency or when a board member is also an applicant to adopt. Agencies that provide foster care services must comply with part 9543.0130, subpart 4.
- b. Agency Finances (Minnesota Rules, part [9545.0795, subpart 1](#), A and B). When an agency applies for initial and continuing licensure, it must submit a funding plan that projects income and other financial resources needed to operate in compliance with parts [9545.0755](#) to [9545.0845](#) for a period of at least one year beyond the date of application. The funding plan must include:
 - (1) A projected program budget for foster care, adoption-related activities and services, or both, when applicable, that details by source the income and expenses anticipated for the 12-month period covered by the plan;
 - (2) A balance sheet showing the agency’s current assets and current liabilities.
- c. Explanation of Fees (Minnesota Rules, part [9545.0795, subpart 2](#)). An agency that charges fees must make available to prospective clients written material that:

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- (1) Describes services for which a fee is typically charged;
 - (2) Explains the conditions under which fees are charged and waived, if applicable;
 - (3) Includes a fee schedule or explanation of how a fee amount is determined; and includes a statement for individuals as opposed to counties or other agencies; who become clients to sign indicating that they have read or had explained to them and understand the information on fees and services. The signed statement must be added to the client's file.
- d. Personnel Information Form (Minnesota Rules, part [9545.0805, subpart 1](#)). An independent social worker or independent, clinical social worker as defined in Minnesota Statutes, Chapter [148E](#), must supervise an agency's case work. Supervising an agency's case work includes, but is not limited to, reviewing and approving each written home study the agency completes on prospective foster parents or applicants to adopt.
- (1) Qualifications – a copy of the credentials verifying the appropriate degree of the staff person(s) who will be providing supervision must be submitted.
 - (2) Duties – a copy of the position description stating how the duties assigned to the individual providing supervision will be performed must be submitted.
 - (3) A completed personnel information form must be submitted for each employee.
- e. Orientation (Minnesota Rules, part [9545.0805, subpart 2](#)). Within the first five working days of an employee's or volunteer's starting date, an agency must provide orientation that addresses agency staff and volunteer responsibilities for reporting maltreatment as specified in Minnesota Statutes, section [626.556](#); and protecting information on clients as required by Minnesota Statutes, Chapter [13](#).
- f. Description of Agency Program and Services (Minnesota Rules, part [9545.0815](#)). An applicant must submit with its application and provide to prospective clients of agency services a written statement that contains the information in items A to G:
- (1) Purpose and philosophy of the agency's program;
 - (2) General description of the children the agency places for adoption or supervises in foster care, with attention to such points as age or special needs that determine whether the agency is able to serve a child;
 - (3) Description of services the agency provides to children, birth families, and foster or adoptive families before, during, and after termination of foster care or finalization of an adoption;
 - (4) Statement of eligibility requirements or qualifications that the agency requires of adoptive or foster families;
 - (5) Description of the process used to study, approve, and select adoptive and foster families, and the approximate amount of time anticipated to complete the selection process;
 - (6) Description of orientation and training that will be provided for foster families or prospective adoptive families; and
 - (7) Statement that the agency complies with (1) the Indian Child Welfare Act, Public Law 95-608; (2) the Minnesota Indian Family Preservation Act, Minnesota Statutes, section [260.751 – 260.835](#); (3) the Heritage Act, Minnesota Statutes, section [259.29, 260C.193, subdivision 3](#); and [260C.212 to 260C.215](#); and (4) the interstate compact on the placement of children, Minnesota Statutes, section [260.851](#).
- g. Plan for Transfer of Records (Minnesota Rules, part [9545.0845](#)). An applicant for initial or continuing licensure must submit a written plan indicating how the agency will provide for the transfer of records on both open and closed cases if the agency closes. The plan must provide for managing private and confidential information on agency clients, according to Minnesota Statutes, section [259.79](#). A controlling individual must sign the plan.
- (1) Plans for the transfer of open cases and case records must specify arrangements the agency will make to transfer clients to another agency or county for continuation of services and to transfer the case record with the client.

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- (2) Plans for the transfer of closed adoption records must be accompanied by a signed agreement or other documentation indicating that a county or licensed child placing agency has agreed to accept and maintain the agency's closed case records and to provide follow-up services to affected clients.
- h. Program Drug and Alcohol Policy (Minnesota Statutes, section [245A.04, subdivision 1](#), paragraph (c)). An applicant or license holder must have a policy that prohibits license holders, employees, subcontractors, and volunteers, when directly responsible for persons served by the program, from abusing prescription medication or being in any manner under the influence of a chemical that impairs the individual's ability to provide services or care. The license holder must train employees, subcontractors, and volunteers about the program's drug and alcohol policy.
- i. Program Grievance Procedure (Minnesota Statutes, section [245A.04, subdivision 1](#), paragraph (d)). An applicant or license holder must have a program grievance procedure that permits persons served by the program and their authorized representatives to bring a grievance to the highest level of authority in the program.

2. Legal Organization

A license holder or applicant must be organized according to a legal form of association or incorporation under Minnesota Statutes or the laws of another state. An agency incorporated under the laws of another state must have the certificate of authority to transact business in Minnesota required by Minnesota Statutes, Chapter [303](#); and the records and documents required by parts [9545.0755](#) to [9545.0845](#) at the registered office required by Minnesota Statutes, Chapter [309](#) and [317A](#), or at another agency office in Minnesota listed on a license application.

3. Adoption Agency additional requirements

When applying to provide adoption services, under Minnesota Statutes, [245A.04, subdivision 10](#), clause (1), an individual, corporation, partnership, voluntary association, other organization, or controlling individual applying for a license to place children for adoption must:

- a. Incorporate as a nonprofit corporation under Chapter [317A](#);
- b. File with the application for licensure a copy of the disclosure form required under section [259.37, subdivision 2](#);
- c. Provide evidence that a bond has been obtained and will be continuously maintained throughout the entire operating period of the agency, to cover the cost of transfer of records to and storage of records by the agency which has agreed, according to rule established by the commissioner, to receive the applicant agency's records if the applicant agency voluntarily or involuntarily ceases operation and fails to provide for proper transfer of the records. The bond must be made in favor of the agency which has agreed to receive the records; and
- d. Submit a certified audit to the commissioner each year the license is renewed as required under section [245A.03, subdivision 1](#).

B. License application checklist

Use this checklist to help you prepare your license application. You must verify that the following forms and materials have been completed and are included in your license application before you submit it to the DHS Licensing Division.

Application forms - The following forms must be included with your application:

License application form

Applicant and license holder agreement and acknowledgment, the original notarized form

Organizational chart

Workers compensation insurance verification form; do NOT submit copies of insurance policies they are not required and they will not be reviewed

Policies and procedures - The following policies and procedures must be submitted with your application:

Conflict of Interest Policy

Agency Finances – A projected program budget and a balance sheet

Explanation of Fees

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Personnel Information Forms for the applicant(s) and all staff persons hired at the time of application

Staff Information Form – Written documentation of the provision of orientation training and the completion of required background studies

Description of Agency Program and Services

Plan for the Transfer of Records

Program Grievance Procedure for persons served by the program and their authorized representatives

Program Drug and Alcohol Policy

Additional required program records if applying to provide adoption services:

Articles of Incorporation

Agency Disclosure Form

Evidence of a bond to cover the transfer of records

4. Application processes - The following process must be completed before a license will be issued:

- a. The following processes must be completed before you submit your application:

I submitted a complete license application and the \$550 license application fee to the correct address.

I have reviewed and understand the background study requirements for the application and for ongoing background studies for the program if it is licensed.

- b. The following processes are completed after you submit your application and before a license is issued:

I understand that the sensitive background study information person must submit the required background studies and pay the background study fees.

I understand that I must receive notice from DHS that the background studies for the required individuals have cleared.

I understand that the DHS Licensing Division has 90 working days to act on my application, once a complete application has been received.

I understand that if my application is incomplete or substantially deficient I will receive a written notice from the DHS Licensing Division identifying documents that are missing or deficient and I will be given 45 days to resubmit a second application that is substantially complete. I understand that a failure to submit a substantially complete application after receiving notice from the commissioner is a basis for license denial under section [245A.05](#).

C. Additional forms and information for applicants and license holders

Links are provided to the following forms and information available online for your ongoing use in operating a child placement agency. It is recommended that you go to the following websites and bookmark or add these sites to your internet favorites for future reference.

- a. [Personnel Information form](#)
- b. [Variance Request](#)
- c. For general licensing information go to [DHS Licensing](#)
- d. For licensing forms go to [Licensing Forms](#)
- e. For annual license renewal information go to [License Renewal Information](#)
- f. For information on specific licensing requirements go to [DHS Licensing Licensed Programs and Services](#)

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- g. For information on background study requirements go to [DHS Licensing Background Studies](#)
- h. For information on maltreatment requirements and investigations go to [DHS Licensing Maltreatment Investigations](#)
- i. To find DHS licensed programs go to [DHS Licensing Information Lookup](#)
- j. For information on all types of licenses issued in Minnesota go to [License Minnesota](#)
- k. For information on becoming a Minnesota Health Care Program (MHCP) provider go to [DHS Provider Enrollment](#)

D. Legal References

The following laws and rules apply to child placement agencies licensed according to Minnesota Statutes, Chapter 245A.

Minnesota Statutes

MS, Chapter [245A](#), Human Services Licensing Act

MS, Chapter [245B](#), Developmental Disabilities Services

MS, Chapter [245C](#), Background Study Act

MS [§626.556](#), Maltreatment of Minors Act (MOMA)

MS [§626.557](#) and [626.5572](#), Vulnerable Adults Act (VAA)

Minnesota Rules, Chapter [9543](#), Rule 13

Minnesota Rules

Parts [9545.0775](#) to [9545.0845](#), Rule 4