



Bulletin

NUMBER

#15-68-17

DATE

September 29, 2015

OF INTEREST TO

County Directors

Social Services Supervisors
and Staff

Tribal Directors

Tribal Social Services
Supervisors and Staff

County Attorneys

Tribal Attorneys

ACTION/DUE DATE

Read information
Implement

EXPIRATION DATE

September 29, 2017

Title IV-E Requirements for the Preventing Sex Trafficking and Strengthening Families Act

TOPIC

Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, requirements for case plans and case reviews.

PURPOSE

To inform county and tribal agencies of changes to law and policy as a result of the Preventing Sex Trafficking and Strengthening Families Act.

CONTACT

Beth Chaplin, Social Service Consultant
651-431-4919
beth.chaplin@state.mn.us

SIGNED

James G. Koppel
Assistant Commissioner
Children and Family Services Administration

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

Background

Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, effective September 28, 2014, introduced a variety of new requirements amending Titles IV-B and IV-E of the Social Security Act. This legislation required changes to Minnesota law and practice regarding child welfare. During the 2015 Minnesota Legislative Session, changes were enacted into law. These changes are summarized in the DHS [Bulletin #15-68-11](#).

Of these changes, the following areas frequently referenced throughout new legislation are: prudent parenting standard, another planned permanent living arrangement, transitioning foster youth to successful adulthood, case plan/independent living plan requirements, and required documentation to be provided to foster care youth. Information regarding these changes is outlined in this bulletin.

Introduction

This bulletin clarifies the Preventing Sex Trafficking and Strengthening Families Act requirements.

A. Case Review System

1. Case Plan Requirements

For each child in out-of-home placement, a case plan must include a written description of the programs and services that will help the child prepare for the transition from foster care to successful adulthood, as described in [Minnesota Statutes, section 260C.212, subdivision 1\(c\) \(12\)](#). When the child is age 14 or older, the case plan, according to [Minn. Stat. § 260C.212, subd.1\(b\)](#), must be developed in consultation with the child, as well as two members of the case planning team who are chosen by the child and are not the child's foster parent or caseworker. The county/tribal agency may reject an individual chosen by the child to participate on the case planning team if the agency has good cause to believe the individual would not act in the best interests of the child. One individual selected by the child to be a member of the case planning team may be designated to be the child's advisor; and, as necessary, the child's advisor will advocate with respect to the application of reasonable and prudent parent standard.

2. Case Review

[Minnesota Statutes, section 260C.203](#) states that during each case review for children age 16 and older, for whom another planned permanent living arrangement is the permanency plan, as specified in [Minn. Stat. § 260C.515](#), the review must determine the steps the agency is

taking to ensure the child's foster family home or child care institution is following the reasonable and prudent parent standard and determine whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.

For each child age 14 and older, the case plan must include a written description of the programs and services that will help the child prepare for the transition from foster care to successful adulthood, and must be developed in accordance with [Minn. Stat. § 260C.212, subd.1\(b\)](#), and as described in section one of this bulletin.

3. Permanency Hearing

For any child age 14 or older, permanency hearings, including dispositional hearings as indicated by [Minnesota Statutes, section 260C.201](#), must address the services needed to assist the child in making the transition from foster care to successful adulthood, as per [Minn. Stat. § 260C.212, subd. 1\(c\) \(12\)](#). The court or administrative body conducting the hearing must consult, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan.

For any child for whom another planned permanent living arrangement is the permanency plan, which is only appropriate for children age 16 and older as per [Minnesota Statutes, section 260C.515](#), a permanency hearing, per [Minn. Stat. § 260C.521](#), must document the intensive, ongoing, and as of the date of the hearing, unsuccessful efforts made by the agency to return the child home or secure a placement for the child with fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including relatives searches, prescribed by [Minn. Stat. § 260C.221](#), including efforts that utilize search technology (including social media) to find biological family members for the child.

4. Annual Credit Reports

Each child age 14 and older must receive a copy of any consumer credit report, as defined by the Fair Credit Reporting Act, each year until the child is discharged from care, as indicated in [Minnesota Statutes, section 260C.212\(b\)\(12\)\(iv\)](#). The child shall also receive assistance including, when feasible, from any court-appointed advocate for the child in interpreting and resolving any inaccuracies in a report.

5. Official Documents

As indicated in [Minnesota Statutes, section 260C.203\(e\)\(3\)](#) each child leaving foster care by reason of having reached age 18 or older, unless the child has been in care for less than six months, must be discharged from care with:

- An official or certified copy of a United States birth certificate;

- A social security card issued by the Commissioner of Social Security;
- Health insurance information;
- A copy of the child's medical records; and
- A driver's license or identification card issued by the state in accordance with the REAL ID Act of 2005.

C. Training

Potential foster parents should receive training, as advised in [Minnesota Rules 2960.3070, subpart 1](#) and [Minnesota Rules 9543.0660, subpart 3](#), which will include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities and skills related to the stages of cognitive, emotional and physical development, and development of the child's behavioral capacities, and referenced in [Minn. Stat., § 260C.212 subd. 14](#). Training should also apply to the decision making as to whether or not to allow the child to engage in social, extracurricular, enrichment, cultural and social activities, such as: sports, field trips, and overnight activities that last one or more days and involve the signing of permissions slips and arrangement of transportation for the child to and from the above activities.

D. Another Planned Permanent Living Arrangement

In the case of any child for whom permanent custody to the agency is the permanency plan, as provided in [Minnesota Statutes, section 260C.515, subdivision 5](#); and, as outlined in [Minn. Stat. §260C.521, subd. 1](#), the agency should follow a case plan and case system review procedure as follows:

- At each permanency hearing, the agency should document the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the agency to return the child home or secure a placement with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.
- At each permanency hearing, the court or administrative body appointed or approved by the court conducting the hearing should:
 - Ask the child about the desired permanency outcome.
 - Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues not to be in the best interest of the child to:
 - Return home;
 - Be placed for adoption;
 - Be placed with a legal guardian; or
 - Be placed with a fit and willing relative.

- At each permanency hearing, the State/Tribal agency should document the steps the agency is taking to ensure:
 - The child's foster family home or child care institution is following the reasonable and prudent parent standard; and
 - The child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.

In the case of the transfer of a child to a tribal agency, the essential documents and information that are to be provided to the tribal agency, in order for the child's eligibility under Title IV-E and Medicaid programs under Title XIX to continue should include the documentation and case plan materials described above.

E. Rights

Part of the case plan for any child who is age 14 or older, an out-of-home placement plan, outlined in [Minnesota Statutes, section 260C.212\(b\)\(12\)](#), documents and describes the rights of the child with regard to education, health visitation, court participation, and the right to be provided with the documents, and the right to be safe. The document will also include a statement about the child's right to stay safe and avoid exploitation. A signed acknowledgement by the child stating that a copy of the document was provided to the child; and the rights contained in the document have been explained, in an age appropriate way, should be included.

F. Licensing

The licensing standards, designated by state authorities, include the use of reasonable and prudent parenting standards outlined in [Minnesota Statutes, section 260C.212, subdivision 14](#). The standards require, as a condition of each contract entered into by a child care institution to provide foster care, the onsite presence of at least one (1) official who, with respect to any child placed at the institution, is designated to be the caregiver authorized to apply the reasonable and prudent parent standard, as [Minn. Stat. §260C.212, subd. 14](#) provides; and, the authorized caregiver be trained in the reasonable and prudent parent standard, in the same manner as prospective foster parents are provided trainings.

The standards for foster family home and child care institutions should include policies related to the liability of foster parents and private entities, under contract with the state, involving the application of the reasonable and prudent parent standard to ensure appropriate liability for caregivers when a child participates in the activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard.

G. Safeguarding Information

The state/tribal agency should have safeguards restricting the use or disclosure of information concerning individuals assisted to purposes directly connected with the disclosure of information to the appropriate authorities with respect to children or youth identified as being a sex trafficking victim, missing, or abducted, and referenced in [Minn. Stat. § 260C.212, subd. 13](#).

H. Definitions

The following definitions are provided by the Preventing Sex Trafficking and Strengthening Families Act:

- **Reasonable and prudent parent standard:** The term ‘reasonable and prudent parent standard’ means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child. At the same time, the reasonable and prudent parent standard encourages the emotional and developmental growth of the child. This standard should be used when the caregiver, a foster parent or child care institution, is determining whether to allow a child in foster care, under the responsibility of the State, to participate in extracurricular, enrichment, cultural, and social activities.
- **Age or developmentally appropriate:** The term ‘age or developmentally appropriate’ means:
 - Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity, or that are determined to be developmentally-appropriate for a child, based on the developmental of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and
 - In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-2000 (voice) or toll free at (800) 627-3529 or by using your preferred relay service. For other information on disability rights and protections, contact the agency’s ADA coordinator.