



# Bulletin

**NUMBER**

#15-68-18

**DATE**

September 30, 2015

**OF INTEREST TO**

County Directors

Social Service Supervisors  
and Staff

Tribal Social Service  
Directors and Staff

Child-placing Agencies  
Supervisors and Staff

**ACTION/DUE DATE**

Read information and  
prepare for implementation

**EXPIRATION DATE**

September 30, 2017

## Smoke-Free Child Foster Homes TOPIC

Defines policy and child welfare practice requirements to protect foster children from the effects of second-hand smoke.

### PURPOSE

Provides information regarding the requirements for licensed child-placing agencies and child foster homes to maintain a smoke-free environment.

Announces training available for licensed foster parents for children.

### CONTACT

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### 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**

In 2014, Minnesota Statutes were amended to protect foster children from the effects of second-hand smoke by establishing smoke-free foster care home requirements.

County and tribal agencies assess the capacity of prospective foster parents to provide a safe, healthy home for a foster child.

County social service agencies with legal responsibility for placement are required to ensure that the assessment of prospective foster parents include how they will provide a smoke-free environment for foster children. This includes an assessment completed by child-placing agencies.

Tribal social service agencies with legal responsibility for a foster care placement are encouraged to consider a smoke-free environment as one of the best interest factors when selecting prospective foster parents. The information and training in this bulletin may be used for this purpose.

This bulletin provides information about the safety risks of second-hand smoke, smoke-free child foster care home requirements, and announces the availability of training on health risks of exposure to second-hand smoke. It also specifies that the new requirements are not to interfere with the ceremonial use of tobacco.

## **Risks of Second-Hand Smoke Exposure**

[Research](#) shows that second-hand smoke exposure is a known cause of Sudden Unexpected Infant Death, potential fatal respiratory infections, frequent and severe asthma attacks and frequent ear infections. Foster children are also more likely to have pre-existing medical conditions that would also place their health at risk due to second-hand smoke exposure.

## **Smoke-Free Child Foster Care Requirements**

Due to the risks of second-hand smoke, foster homes for children are required to provide a smoke-free environment in the following areas:

- Inside the home
- Other enclosed spaces connected to the home, such as garage, porch or deck
- Motor vehicles
- Outdoors, when children are present.

## **Placements are Based on a Child's Best Interest**

The county social service agency with legal responsibility for placement ensures a child's best interest is met by selecting a foster home that will safely meet their needs. This assessment includes consideration of the prospective foster parents' capacity to meet the needs of a child and their home environment. The new requirements include assessing the capacity of prospective foster parent to provide a smoke-free environment.

The Minnesota Adoption and Child Foster Care Application ([DHS 4258A](#)) was amended to identify household members who smoke, and for the applicant to define a plan to provide a smoke-free environment for foster children in their home, garage, surrounding area and cars. If a placement is made in an unlicensed home, the application is to be completed within 10 days of the placement. [[Minnesota Statutes, section 245A.035, subd. 5](#)]

Nothing in this policy shall delay placement of a child with a relative, unless the relative is unable to provide for the immediate health needs of a child.

## **Assessment of Prospective Child Foster Care**

As part of the home study assessment, a child's placing agency reviews prospective foster parents' plan to provide a smoke-free environment for foster children. [[Minnesota Statutes, section 260C.215, subdivisions \(4\) and \(6\)](#)]

## **Violation and Training**

If a foster parent does not provide a smoke-free environment for foster children, the placing agency must ask the foster parent to comply with a plan that includes training on the health risks of exposure to second-hand smoke. [[Minnesota Statutes, section 260C.215, subdivision 9](#)]

A DVD of this training will be mailed to county agencies. Tribal social service and child-placing agencies may request a DVD of the training by contacting:

Kami Alvarez, Minnesota Child Welfare Training System  
651-431-4673, or [kami.alvarez@state.mn.us](mailto:kami.alvarez@state.mn.us)

This training is also available on YouTube at the following link: [Smoke Free Foster Care Laws](#).

## **Agency Determines a Health Risk**

If a legally responsible agency determines that a foster parent is unable to provide a smoke-free environment, and that the home environment constitutes a health risk to a foster child, an agency must reassess whether the placement is based on a child's best interest. [[Minnesota Statutes, sections 260C.212, subdivision 2, and 260C.215, subdivision 9](#)]

## **Indian Child Welfare**

The provisions of a smoke-free foster care environment are not to be interpreted to interfere, be in conflict with, or the basis for denying placement, pursuant to provisions of the federal Indian Child Welfare Act, or Minnesota Indian Family Preservation Act.

A smoke-free foster care environment shall not be interpreted to interfere with traditional or spiritual American Indian or religious ceremonies involving the use of tobacco. [[Minnesota Statutes, section 260C.215, subdivision 9](#)]

## **Americans with Disabilities Act (ADA) Advisory**

This information is available in alternative formats to individuals with disabilities by calling 651- 431-4670 (voice) or by using your preferred relay service. For additional assistance with legal rights and protections for equal access to human services programs, contact your agency's ADA coordinator.