

# FOSTER CARE PARENT GUIDE

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## INTRODUCTION

This guide is designed to be an easy-to-use resource that you can refer to whenever you have questions or concerns about Ramsey County Child Foster Care.

Ramsey County Social Services believes that it is in a child's best interest to remain in their birth home even if a family is experiencing difficulties. The agency has several programs designed to help families work out their difficulties while they continue to live together. However, sometimes separating children from their birth parents is necessary. We respect the rights of parents and their children; our goal is to reunite families whenever possible.

As a foster parent, you will be helping children through difficult times in their lives. We hope to provide you with the support you need as we work together as a team to resolve the concerns that caused the need for family separation.

## THE LEGAL BASIS FOR FOSTER CARE

The legal basis of foster care is to ensure that children are cared for properly when they are separated from their parents. The State of Minnesota requires that substitute care facilities for children and adolescents are licensed. The State provides very specific requirements which must be followed by counties to license and monitor foster homes to ensure the health, safety and well-being of the children being cared for.

The **HUMAN SERVICES LICENSING ACT, MINNESOTA STATUTES, SECTION 245A**, establishes foster care as a legal type of substitute care. This licensing law also governs the operation of family foster care homes and group family foster care homes for children under the age of 18.

**The Minnesota Rules Chapter 2960** is the most current licensing standard for foster homes in Minnesota. Ramsey County Social Services and foster families are responsible for meeting the minimum licensing requirements outlined in Chapter 2960. **We advise you to take the time to read the copy of Chapter 2960, in the appendix to have a clear understanding of the legal requirements and responsibilities as a foster parent.** If you have any questions about the law, talk to your licensing worker.

## THE LICENSING PROCESS

### Foster Care Applicant Requirements

Any Ramsey County resident age 21 years or older who is not already licensed as a foster parent by another agency can apply for a foster care license. The State of Minnesota tasks each county with assessing the qualifications of potential foster parents, interpreting current laws regarding foster care

and making foster home licensing recommendations to the State. The State of Minnesota issues your license based on the licensing worker's recommendation.

If you have a spouse, significant other or partner in the home; both must be included as applicants and complete all the necessary paperwork and training to become foster parents.

Licensing workers evaluate potential foster parents to determine whether they meet state licensing requirements.

### **During the licensing process:**

- A licensing social worker will be assigned to you
- You'll complete trainings listed below
- You'll complete initial paperwork including application, fact sheet and background study

### **Training**

Ramsey County offers free training opportunities for foster parents and substitute care providers. Completing your training hours is a requirement to maintain your foster care license.

Before receiving your child foster care license, the following training is required:

- Orientation
- Nuts and Bolts
- 2 hours of Mental Health
- Normalcy and Prudent Parenting
- Child Passenger Restraint if caring for children under the age of 8
- Sudden Unexpected Infant Death/Abusive Head Trauma if you are caring for children 5 and under
- Quality Parenting Initiative Comfort Calls

Foster parents are required to keep a record of the number of hours and type of training you attend during the year. If foster care laws change or if important issues arise, the agency will require that you attend a special training seminar dealing with that subject. Some trainings are available online and in the community; please talk to your licensing social worker for additional information.

### **The Privacy Rights of Foster Care License Applicant**

The confidentiality of the information you share is protected by the Minnesota Government Data Practices Act and the Federal Health Insurance Portability and Accountability Act (HIPPA). The Act requires that we explain what purpose we have for asking you for your information. It also requires that we tell you who will have access to the information, whether you can legally refuse to provide it and what the consequences will be if you refuse. Ask your licensing worker if you have any concerns about the information you are asked to share with us. As a licensed provider, your name, address, license type and capacity is public information and available on the DHS website.

## **Foster Care Application and Individual Fact Sheet**

These are probably the most important forms you will sign. They provide Ramsey County Social Services and the State of Minnesota with identifying information about you and your family. They will also provide us with the information we need to begin the evaluation process. The Foster Care Application must be completed by the applicant(s). The Foster Care Individual Fact Sheet must be completed by each member of the household 18 years or older. Answer the questions honestly; this includes any arrests, physical/mental/emotional/chemical/ health concerns. Information that is withheld or inaccurate could result in a denial of your application.

## **Household Members**

Ramsey County Social Services considers any person using a foster family's home address as living in the household, and therefore are subject to licensing requirements. Discretion should be exercised before allowing others to use your home address as their own, since this could negatively affect your licensing process. If someone is moving into your home, make sure to call your licensing worker as soon as possible before the move.

## **Applicant Criminal Background Study and Fingerprints**

One of the forms you sign authorizes Ramsey County to obtain information about you and submit it to the Minnesota Department of Human Services (DHS) through a secure server called NetStudy to conduct a complete and thorough check on your criminal history. A NetStudy release form must be signed for each person 13 years of age or older residing in the family foster home, with the exception of foster children. Consult with your worker regarding frequent visitors, guests and substitute caregivers as they could be required to complete a background study.

In compliance with the Adam Walsh Act, as of July 1, 2007, all new Child Foster Care License applicants and others, who are 18 years or older need to be fingerprinted as part of the criminal background study process. The fingerprints will be submitted to DHS by Ramsey County along with the information that is entered into NetStudy to complete a comprehensive national criminal background check. Some studies come back within days; others take months to process. Children ages 13 to 17 are subject to a background study; however, they do not need to get their fingerprints taken unless they have lived out of state within the past 5 years.

## **Autobiographical Information**

The applicant and co-applicant will be asked to fill out an autobiographical questionnaire. The autobiography questionnaire and personal interviews will assist the licensing social worker to complete your home study.

## **Reference Letters**

During the licensing period, we will ask you to obtain three letters of reference using a form letter we provide. The people you choose should have known you for at least one year; preferably non-family members and should be able to evaluate your family as potential foster care providers.

## **Home Safety Checklist**

The home safety checklist is used to evaluate the physical environment in the foster home to ensure the health and safety of the children placed there. This is completed during the licensing process and is repeated annually.

- Firearms/weapons must be stored in a locked case.
- Ammunition must be stored in a separate locked case.

## **Fire Inspection**

Licensing law requires an inspection of your home by the fire marshal if any of the following conditions exist:

- The foster home contains a freestanding solid fuel heating appliance
- The foster home is a manufactured home as defined in Minnesota Statutes, section 327B.01, subdivision 13, and was manufactured before June 15, 1976
- The licensing agency identifies a potential hazard in a single-family detached home, or a mixed or multiple occupancy building
- The home is to be licensed for four or more foster children; or
- The foster home has a foster child sleeping in a room that is 50 percent or more below ground level
- Carbon monoxide detectors are required on each floor of them home.

## **Zoning Notification**

Minnesota State law requires that foster homes must comply with zoning codes. Ramsey County will send a zoning notification to the municipality you reside in. In addition, foster care providers will need to contact their municipality and obtain information about local ordinance requirements and take all necessary actions as directed by the municipality to comply with such requirements. Once this contact has been made, the provider will need to document it on the Foster Care Application form.

## **Chemical Use Policy**

Chapter 2960 and MN. Statute 245A.04, subd. 1 mandates that applicants and license holders have a written chemical use policy. This policy needs to be written in your own words. The policy must include a statement which prohibits the license holder, staff, and others affiliated with the program (substitute caregivers, volunteers, helpers, employees, etc.) that are responsible for persons served by the program from abusing prescription medication or being under the influence of a chemical that could impair ability to provide care. Training on the policy must be given to anyone responsible for persons served by the foster care program. A copy of the chemical use policy and training on the policy should be kept in the provider's file and in the agency file.

## **Grievance Policy**

Chapter 2960 and MN. Statute 245A.04, subd. 1 mandates that applicants and license holders have a written grievance procedure for the parent, legal guardian and the child. The grievance forms must include descriptions and steps a parent, guardian or child can take if they are dissatisfied with some aspect of the services. The policy should be kept in the providers file and in the agency file.

### **The Foster Parent/ Agency Agreement**

The foster care agreement describes the county's expectations of you and what you can expect from Ramsey County. This agreement contains foster care statutes, rules and policies that are important for you to understand. Foster parents will meet the basic needs of the child (ren) this includes transporting to all appointments and supervising visits with birth parents as outlined in the out-of-home placement plan. Once you have read through the agreement and understand its content, we ask that you and the co-applicant (if applicable) sign the form.

### **Your Foster Care License**

After the licensing process is completed, your licensing worker submits a recommendation for a child foster care license. If approved, the license is valid for one or two years. You will receive your license from the Department of Human Services. The license must be amended if there is a change in the capacity of foster children you care for or if you move. If you move within Ramsey County, it is referred to as a "re-premise" and is subject to a fire inspection and zoning notification.

### **Relicensing and Annual Visit Evaluation of Your Home**

Your initial license will expire after one year. You will work with your licensing social worker to complete the required paperwork and training to renew your license. The next license is valid for two years with an annual evaluation.

Foster parents are required to take 12 hours of training each year. This training must include:

- One hour of Mental Health Training
- One hour of Fetal Alcohol Spectrum Disorder
- 10 additional hours of training

## **THE PLACEMENT PROCESS**

Every foster child who enters your home goes through a placement process administered by Ramsey County Social Services. Ramsey County foster children come into the Child Protection System through allegations of child abuse or neglect.

### **Matching Children with Homes**

Each week, foster care licensing workers review requests made by a placing social worker and match available homes with profiles of individual children that could address specific needs, cultures and strengths.

### **Placement Decisions Based on the Best Interest of the Child**

In selecting the foster care provider most suitable for the child, the agency will consider 10 placement factors:

1. Current functioning and behaviors
2. Medical needs
3. Educational needs
4. Developmental needs
5. History and past experiences
6. Religious and cultural needs
7. Connection with a community, school and faith community
8. Interests and talents
9. Relationships to current caretakers, parents, siblings and relatives
10. Reasonable preference, if the court deems a child to be of sufficient age to express preferences.  
[Minn. Stat., section 260C.212, subd. 2]

After careful consideration of the 10 placement factors, licensing social workers recommend different foster homes that have openings and match child's profiles to the potential foster care homes. The child's placing worker then calls the recommended families directly, describing the child to them.

### **Comfort Calls**

Since 2020 MN social service agencies have the responsibility to coordinate a phone call between birth parents and foster parents. These calls are called "comfort calls". These calls should be made as soon as the placement occurs (within 48 - 72 hours of placement). Comfort calls are part of the Quality Parenting Initiative; QPI strives to strength the foster care system, refocusing on excellent parenting for children in the child welfare system.

Here is a link for more information: <https://www.qpimn.org>

### **Placement Plan**

Within 30 days of placement, a foster child's social worker develops a case plan which outlines the reasons for the placement and goals that should be achieved within a specific time period for their family to be reunited. When creating the plan, the social worker talks with you, the child if age appropriate, and his/her parents. The out of home placement plan helps determine



roles, expectations and responsibilities of the provider. The level of care that you provide for the child can help to determine the MAPCY rate. Be sure to ask for a copy of the out of home placement plan form from the placing worker and understand its contents. This plan must be updated every six months and reviewed by the court every 90 days.

### **Parental Visitation**

Parents have a right to visit their children while they are in foster care unless that right has been denied by a court order. Visits are usually scheduled through the child's social worker, after consultation with both the child's family and foster parents to determine a mutually agreeable visiting schedule. Foster parents will transport and may be asked to supervise visits.

Visits may take place in the child's own home, in the foster home, at the agency or elsewhere, depending on the situation. Agency personnel may be present during visits. A child's visits with their parents are an important part of the process through which they might eventually be reunited with them. It can be difficult for some parents to accept that someone else is acting as the primary caregiver to their child.

Visits with their parents can help bring a child's feelings about being separated from them to the surface. Every child's reaction to visits with their parents is different; and sometimes they may struggle. This does not mean that the visits should not happen.

It is important to remember that children identify themselves very strongly with their parents, see themselves as an extension of their parents, and carry images of them in their minds. They may deeply miss them and feel a loss of part of themselves.

Visits provide the child an opportunity to stay connected to their family. Visits also reassure children that they are still important to their parents.

- Encourage contact between children and their parents
- Consult parents regarding major decisions concerning their child
- Listen to children when they tell you about visits
- Don't try to replace birth parents or pass moral judgment on them
- Sharing information about a child's behavior can benefit everyone

As difficult as it may be at times, remember the goal of the Ramsey County is to return children to their parents whenever possible.

### **Foster care placements end when:**

- When the goals of the placement plan are met; the child is returned to their parents.
- There can be situations where a family is no longer able to care for a child. A request can be made to remove the child from your home; however, we ask for a 45-day notice. It is important to minimize the number of placements a child experience. Please consult with your licensing worker and child placement worker for ideas and strategies to maintain the placement.

## General Capacity Limits for Child Foster Care

Capacity is governed by statute, depending on several factors. See chapter 2960.3030 for specific details relating to exceptions to the general rule.

- For a two-parent household the maximum number of children allowed in a home is eight, including a foster parent's own children. For a one parent household the maximum number of children is five.
- The license holder must maintain a ratio of one adult for each five children at all times.
- Other considerations include: disability, age, physical limitation, medically fragile children.
- Foster parents may not have more than 2 non-ablators children.

## FOSTER PARENTING

- Basic needs including food, clothing, shelter
- Physical and medical care
- 24-hour supervision
- A secure, stable and nurturing environment
- Constructive and age-appropriate discipline
- Respect each child's religious, cultural and racial background
- Transportation to appointments such as medical, dental, therapy and visits with birth parents

## Discipline

It is against the law in Minnesota for foster parents to use corporal (physical) punishment, or verbal abuse when disciplining foster children. Disciplinary measures which deprive the child of necessities like food, clothing or sleep cannot be used and children cannot be denied visits with their parents as a form of discipline.

It's up to each foster family to develop their own individual style of behavior management which is consistent with acceptable practices throughout the foster care system. Talk to your social worker about effective ways to discipline children that is age appropriate.

Chapter 2960 has very specific guidelines on discipline:

Subpart 8. **Discipline.** The license holder must consider the child's abuse history and developmental, cultural, disability and gender needs when deciding the disciplinary action to be taken with the child. Disciplinary action must be in keeping with the license holder's discipline policy. The discipline policy must include the requirements in items A and B.

Children must not be subjected to:

- Corporal punishment, including, but not limited to: rough handling, shoving, ear or hair pulling, shaking, slapping, kicking, biting, pinching, hitting, throwing objects at the child, or spanking;
- Verbal abuse, including, but not limited to: name calling; derogatory statements about the child or child's family, race, gender, disability, sexual orientation, religion, or culture; or statements intended to shame, threaten, humiliate, or frighten the child;
- Punishment for lapses in toilet habits, including bed wetting or soiling;
- Withholding of basic needs, including, but not limited to: a nutritious diet, drinking water,

clothing, hygiene facilities, normal sleeping conditions, proper lighting, educational services, exercise activities, ventilation and proper temperature, mail, family visits, positive reinforcement, nurturing, or medical care;

- However, a child who destroys bedding or clothing, or uses these or other items to hurt the child's self or others, may be deprived of such articles according to the child's case plan;
- Assigning work that is dangerous or not consistent with the child's case plan;
- Disciplining one child for the unrelated behavior or action of another, except for the imposition of restrictions on the child's peer group as part of a recognized treatment program;
- Restrictions on a child's communications beyond the restrictions specified in the child's treatment plan or case plan, unless the restriction is approved by the child's case manager; and
- Requirements to assume uncomfortable or fixed positions for an extended length of time, or to march, stand, or kneel as punishment
- The license holder:
  - Must not require a child to punish other children;
  - Must follow the child's case plan regarding discipline;
  - Must not use mechanical restraints or seclusion, as defined in part 2960.3010, subpart 38, with a foster child;
  - Must ensure that the duration of time-out is appropriate to the age of the child;

## **Incident Reports**

The incident report is a tool that foster parents utilize to report in writing to the agency about an incident involving a child placed in their home. Be sure to call the child's placing worker and your licensing worker any time an incident occurs. An incident report should be filled out any time:

- A foster child assaults or sexually acts out with another child
- The child is injured in any sort of activity
- Any person is injured by a foster child's actions
- Property damage results from a foster child's actions
- A foster child in your home is hospitalized
- The child runs away

## **Mandated Reporting**

Licensed foster care providers are considered mandated reporters of child abuse and neglect according to MN Statutes 626.556. Foster parents, along with many other designated professionals, are in a position to help protect children from abuse and neglect. If you witness or suspect that a child has been abused or neglected, you must report it to the police or Child Protection Intake (651-266-4500) that same day. If a mandated reporter has knowledge of child abuse or neglect and fails to report, it can lead to criminal charges. If you have any questions regarding your responsibilities as a mandated reporter, you should contact your licensing worker and/or find more information in the [Resource Guide for Mandated Reporters](#) available through the State. Here is a link for additional information and training:

<https://mnchildwelfaretraining.com/training/mandated-reporting-training/>

## **Mandated Record Keeping**

It is mandatory for the license holder to keep a record for each foster child in care. The record must include:

- Medical records and care provided to the child; including any illness and medications
- Incident reports
- Grievance records including documentation of the grievance resolution
- And other documentation regarding the child's case plan identified by the child's placing worker

Your licensing social worker will ask to see these documents at the time of relicensing or annual review.

## **Communication with Your Licensing Social Worker**

The key to a successful relationship between you and your foster care licensing worker is communication. Your licensing worker needs to know:

- Any changes in your family's status, such as a move, an illness or a death
- Any time you have a concern with a foster child in your care, a child's parent or other professionals
- If a foster child is injured or runs away call the child's social worker and your licensing worker

## **Placement Social Worker**

A child's placement social worker is responsible for providing you with background information about every child who is placed in your home. This information will include:

- A description of the child's behaviors
- The possible length of the placement
- The visiting agreement which has been made with the child's parents
- A description of the agency's goals and expectations for the placement (case plan)
- Medical and dental information special needs, psychological, educational or vocational services
- Medical card
- Coordinating the comfort call

## **Negative Licensing Actions**

The applicant has the right to appeal to DHS any time an application for a foster care license is denied, revoked, or suspended. Grounds for denial or revocation of a license are based on failure, inability or refusal to comply with the foster family home standards spelled out in Chapter 2960 and MN. Stat. 245A. The State must notify, via certified mail, any foster family home whose license is denied, suspended or revoked. The letter must state the grounds for such action.

A foster care license can also be suspended or made conditional if a home does not meet Chapter 2960 standards or MN. Stat. 245A.

**A suspension** of your license is a temporary withdrawal of the Department of Human Services' permission to operate a foster family home. During a suspension, foster children are removed from your care. If the issues have been corrected at the end of the suspension period, your license can be reinstated. If your license is suspended, you have 10 days to appeal the decision.

**If your license is made conditional**, foster children may be allowed to remain in your home and your license is continued. The problem areas are defined, and steps taken to correct those deficiencies are made clear. If your foster care license is made conditional, you have 10 days to appeal. Failure to correct the deficiencies which led to suspension or probation may lead to revocation of a license.

**Correction order** will state what needs to be corrected based on licensing rules and statues. It is up to the foster family to decide how they will correct and document what has been identified on the correction order. Once items listed on the order have been corrected, the provider signs and returns the correction order. Failure to complete the correction order may result in a negative action.

Appeal hearings are heard by the State Office of Hearing Examiners. At the hearing, the applicant or foster parent may be represented by an attorney or advocate and has the right to call, examine and cross examine witnesses. The final decision in the appeal will be made by the Commissioner of Human Services. If that decision is not satisfactory to either the agency or the person appealing, a further appeal can be made to district court.

The Minnesota Department of Human Services (DHS) mandates that in accordance with the new licensing law (Minnesota Statutes, section 245A.07, subd. 3), fines be assessed for violations of rules or laws concerning foster care.

Examples of such fines are:

- Determination of maltreatment of a child under section 626.556 (\$1,000.00 per determination)
- Violation of law or rule governing matters of health, safety, or supervision, including but not limited to the provision of adequate staff-to-child ratios, and failure to submit a background study (\$200.00 per occurrence)
- Violation of law or rule other than those mentioned above (\$100.00 per occurrence)

## **Complaints**

As foster parents, you may receive an allegation/complaint about the care you provide. Complaints come in regardless of whether the alleged incident happened or not. Ramsey County is mandated to investigate all complaints made against foster parents.

All complaints are reviewed by Child Protection Screener. Depending on the complaint, different approaches may be taken.

- If it is a licensing issue, your licensing worker may contact you directly
- If the incident meets Child Protection guidelines; A child protection worker will be assigned to investigate the incident. While this investigation is taking place, workers involved with your home will not be able to discuss detail of the investigation with you. However, you may ask your worker about your rights, and request information regarding the process. In some cases, the child protection worker and the foster care licensing worker will work together during the

### investigation

Depending on the severity of the complaint, the decision may be made to remove the children immediately.

After the complaint has been investigated a determination will be made. Complaints that are substantiated (proven to be true) can result in a correction order or a negative licensing action. In serious cases that have been substantiated, Child Protection may choose to take further action.

## **THE NUTS AND BOLTS OF FOSTER CARE**

### **Enrolling Foster Children in School**

All school-age children need to be enrolled in school. Homeschooling must be pre-approved by the placing social worker. Communicate with the placing social worker regarding enrolling the child in school. Any educational records that the school requires can be obtained by calling the child's social worker.

### **Taking Children Out of State**

To take a foster child out of state, you must get permission from the placing social worker. The request should be made as soon as possible to process the necessary paperwork as this will most likely require a court order. This includes neighboring states.

### **Foster Care Payments**

Ramsey County foster care payments are processed monthly. Foster parents will receive a Placement Invoice Form (PIF) towards the end of the month. On this form, you will enter the days of placement for each child in your care. After completing the form, mail to:

**Ramsey County Social Services**  
**Attention: Children's Services Accounting**  
**160 East Kellogg Boulevard, Room 9200**  
**St. Paul, MN 55101-1494**

You **cannot** bill Ramsey County for the same days that a child is in respite care, shelter, or other placement. If you have questions about your payment, please call the payment line at 651-266-4199. Please note that Foster Care cannot hold beds for foster children that are temporarily out of the home unless prior authorization was given by the placing worker (a prior authorization would not exceed 7 days).

### **Income Taxes**

Consult with a professional tax preparer about your situation. We are not allowed to give social security numbers of foster children to providers.

### **Initial Clothing Allowance**

An initial clothing allowance might be available to help you cover the costs of buying clothing for foster children who come into your care from their own home without necessary clothing items. The child's social worker determines the amount of clothing order. You and the child's worker will jointly complete the Clothing Inventory (RCW-2825, Part 1) which will determine the need for clothing and the amount of the clothing order. Be sure to check with the child's worker before buying clothing for a foster child.

### **On-Going Clothing Needs**

Your basic foster care rate includes money for a child's on-going clothing needs. You are responsible for keeping receipts and writing what personal items (clothing, toys, suitcase, etc.) you purchase on the Clothing Inventory, Part 2. When a child leaves your home, the child must leave with a suitcase/duffel bag and 7 days' (depending on length of placement) worth of clothing appropriate for the season or changing season. You and the child's worker will jointly complete the Clothing Inventory, Part 3.

## Insurance

Foster parents in Minnesota are insured by the Minnesota Joint Underwriting Association (MJUA). The premiums on this limited liability policy are paid by the State. A copy of the policy is included in the Appendix in the back of the guide. The policy provides foster parents with coverage "To pay on behalf of the insured all sums which the insured shall become legally obligated to pay as a result of bodily injury, property damage or personal injury arising out of the insured's activities as a foster parent while the foster child in the care, custody and control of the foster parent."

The policy covers a per incident rate for property damage caused by a foster child. Exclusions include motor vehicles, boats, three wheelers, etc. This coverage does not include damage to your home. You may contact your insurance agent and find out if your homeowners or renters insurance cover you as a foster parent.

For additional information about this policy call MJUA 952-641-0260.

## Automobiles

Foster children are only allowed to ride with licensed and insured drivers. All children must be secured with a seat belt at all times. State law requires children under the age of age 8 must be in the recommended car seat restraint for the specific child. Anyone transporting a child under 8 needs to have completed the Child Passenger Restraint Training prior to securing a child in a car seat. **Never** leave children alone in a car.

Ramsey County does not pay for automobile insurance for foster children. Talk to the child's social worker about requirements for a foster child to get a driver's license.

## Foster Care Rates

The State of Minnesota Department of Human Services has established a rate schedule to reimburse a basic daily rate for each child. This basic rate is meant to include housing, food, clothing, allowance, incidentals and transportation. The basic rate depends on the age of the child.

### CHILD FOSTER CARE MAINTENANCE STANDARDS

EFFECTIVE July 1, 2023 to June 30, 2024

Age of Child	Monthly Basic Rate	Daily Basic Rate
0-5	\$731.00	\$24.03
6-12	\$866.00	\$28.47
13-20	\$1023.00	\$33.63

MAPCY (Minnesota Assessment for Parenting and Youth) assesses levels of care.

A child may also be eligible for MAPCY, which is a supplemental payment amount measuring the extra needs of a child and the parenting being provided to meet those needs: such as transporting to medical appointments and supervising visits with parents.



MAPCY Level	Monthly Supplemental Rate	Alternative Monthly Supplemental Rate	Daily supplemental Rate	Alternative Daily Supplemental Rate
Level B	\$0	\$0	\$0	\$0
Level C	\$115	\$58	\$3.78	\$1.91
Level D	\$230	\$115	\$7.56	\$3.78
Level E	\$345	\$173	\$11.34	\$5.69
Level F	\$460	\$260	\$15.12	\$7.56
Level G	\$575	\$288	\$18.90	\$9.47
Level H	\$690	\$345	\$22.68	\$11.34
Level I	\$805	\$403	\$26.47	\$13.25
Level J	\$920	\$460	\$30.25	\$15.12
Level K	\$1,035	\$518	\$34.03	\$17.03
Level L	\$1,150	\$575	\$37.81	\$18.90
Level M	\$1,265	\$633	\$41.59	\$20.81
Level N	\$1,380	\$690	\$45.37	\$22.68
Level O	\$1,495	\$748	\$49.15	\$24.59
Level P	\$1,610	\$805	\$52.93	\$26.47
Level Q	\$1,725	\$863	\$56.71	\$28.37

If you do not receive the payment you expected, i.e. the number of days you were paid for is incorrect, notify the placing social worker or your licensing social worker immediately so that the problem can be resolved. Foster parents will be asked to refund over payments to the agency.

### **Right to Reassessment**

MAPCY rates could increase or decrease depending on the assessment. MAPCY rating may be reassessed in the following situations:

1. At the end of six (6) months in the same placement
2. At the request of a foster care provider; placing social worker or MAPCY rater
3. When a child is placed in a different facility
4. If a child's level of need changes (MN. R. 9560.0650, Subp 6)

## **Disagreement on MAPCY Rate, Procedure, and Rights**

If you disagree with a MAPCY rate or if your MAPCY rate is decreased at the time of reassessment, you can request a reassessment.

During the dispute you may be asked to provide additional information about behaviors, supervision, visitation and any other areas of concern. Additional documentation could also include educational, medical and psychological evaluations. The MAPCY rater will review the additional information.

If there is no agreement the MAPCY rate determination is reviewed by the management consultants for the child's social worker and the Placement Services Unit. If the provider still does not agree with the MAPCY rate they have the right to file a social service appeal.

## **Right to Appeal**

If you disagree with a room and board payment and/or MAPCY determination and mediation has been unsuccessful you have a right to a fair hearing review by the Minnesota Department of Human Services (DHS). To make such an appeal, please submit a written request for a hearing to:

**Appeals Office  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3813**

**OR**

An appeal request can be submitted via the internet. At [www.dhs.state.mn.us](http://www.dhs.state.mn.us) choose the link titled Forms, on the eDOCs page type in "Appeal to State Agency" (DHS-0033) and choose search. The form page provides direction on how to complete and submit it.

**OR**

If you prefer, there is also an option of requesting the "Appeal to State Agency" form or sending your appeal request via fax to DHS at: 651-431-7523.

**OR**

**You can request the "Appeal to State Agency" form be sent to you by calling the Ramsey County – Health and Wellness Appeals Specialist at 651-266-3660.**

**Payment After Age 18:** If a child turns 18 while in the foster care system, they may be eligible for continued foster care. This payment may continue through age 21. Talk to your licensing worker for information on eligibility of a specific the child.

## **RAMSEY COUNTY RESPITE**

Respite is temporary care of a child to give the foster parent/parent a break. It is also used when the caretaker has a family emergency, or they need to be hospitalized themselves.

Foster families must use a licensed foster home for respite unless the care is provided in the original foster home by an approved substitute caregiver or is done in the home of a family member of the child which has been approved by the social worker.

The license holder must give a respite care provider the following information related to the foster child's health, safety, and welfare:

- Information about the foster child's emotional, behavioral, medical, and physical condition
- Any medication the foster child takes
- The foster child's daily routine and schedule
- The names and telephone numbers of individuals to contact in case of emergency
- Information about medical providers and how to obtain medical care for the child

The license holder must give a substitute care provider the following information:

- The location of a fire extinguisher and first aid supplies
- Emergency and fire evacuation plans
- Information about child abuse and mandatory reporting laws
- If an emergency occurs which involves the foster child, the substitute caregiver must notify the placing agency as soon as possible.

## **Medically fragile children**

If you are caring for a medically fragile child, you should consult the child's worker to:

- Obtain all the information needed to care for this child and that the information is accurate
- Consult directly with any medical personnel active with that child
- You must be trained on any life supporting medical equipment / procedures prior to the child coming into your home. This must be documented on the Foster Care Training and Skills Form

A respite care provider follows the same guidelines for maximum capacity in the foster home. Foster homes must not have more than six foster children at the same time. The license holder must maintain a ratio of one adult for each five children.

## **Substitute Caregiver**

The use of an approved substitute caregiver in the foster home may be less disruptive to the child than if the child/youth were placed elsewhere. If the provider is away from their home overnight, the substitute must be approved and meet the following criteria:

## CHILD FOSTER CARE

Respite and Substitute Care for Family Settings  
Minnesota Rules, part 2960.3090  
Minnesota Statutes, section 245A.144; 245A.175; & 245A.18

### DEFINITIONS & REQUIREMENTS

<p><b>SUBSTITUTE CARE</b></p>	<p>Temporary care of foster children <u>inside the foster home</u> by someone other than the foster parent <u>for overnight or longer</u></p>
<p><b>LONG-TERM SUBSTITUTE CAREGIVER</b></p> <p>* Minnesota Statutes, section 245C.04, subd. 1 (g) (1) requires that a new background study must be submitted through NETStudy when an individual returns to a position requiring a BGS following an absence of 120 or more consecutive days.</p>	<p>Long-term substitute care means <u>more than 72 hours</u> of continuous care for a foster child.</p> <p>Qualifications: a substitute caregiver must:</p> <ul style="list-style-type: none"> <li>✓ Be at <b>least</b> 18 years of age</li> <li>✓ Have a completed background study</li> </ul> <p>If providing <u>more than 30 cumulative days</u> of substitute care in a 12-month period:</p> <ol style="list-style-type: none"> <li>(1) Submit a signed statement of good health and be physically able to care for foster children; and</li> <li>(2) Have at least <b>6</b> hours of training or <b>20</b> hours of experience caring for children with needs specific to the child being cared for; and</li> </ol> <ul style="list-style-type: none"> <li>✓ Provide documentation of medical equipment training on the equipment used to care for the foster child</li> </ul> <p><u>Children’s Mental Health Training</u> – required prior to caring for foster children</p> <p><u>Fetal Alcohol Spectrum Disorders Training</u> – annual training must include one hour of training on fetal alcohol spectrum disorders</p> <p><u>Sudden Unexpected Infant Death (SUID) &amp; Abusive Head Trauma (AHT) Training</u> – required prior to caring for foster children through age five</p> <p><u>Child Passenger Restraint Training</u> – required prior to <u>transporting</u> foster children under age nine</p>
<p><b>SHORT-TERM SUBSTITUTE CAREGIVER</b></p> <p>(Not required to have a background study unless it is anticipated that they will become a long-term substitute caregiver).</p>	<p>Short-term substitute care means <u>less than 72 hours</u> of continuous care for a foster child.</p> <ul style="list-style-type: none"> <li>✓ Does not have to meet the requirements of a long-term substitute caregiver</li> <li>✓ The foster parent and the placing agency must agree the short-term substitute caregiver is able to meet the needs of the foster child</li> <li>✓ Must provide documentation of medical equipment training on the equipment used to care for the foster child from an appropriate training source</li> </ul> <p><u>SUID &amp; AHT Training</u> – required prior to caring for foster children through age five</p> <p><u>Child Passenger Restraint Training</u> – required prior to <u>transporting</u> foster children under age nine</p>
<p><b>RESPITE CARE</b></p>	<p>Temporary care of <i>foster children</i> in a <b>licensed</b> foster home <u>other than the foster home the child was placed in</u></p>
<p><b>NOTICE REQUIREMENTS</b></p>	<p><u>Non-emergency situations</u>: License holder, parent, and placing agency must agree on respite care and substitute care arrangements within <b>10</b> working days prior to the use of such care or agree on respite care according to an ongoing written agreement. License holder must notify the placing agency when respite or long-term substitute care is being provided</p> <p><u>Emergency situations</u>: License holder must notify the placing agency of the emergency ASAP</p>

## **Information to respite caregiver**

### **Babysitting Guidelines**

Supervision: As a foster parent you are responsible to ensure the children in your care receive appropriate supervisor while living in your home.

- It is a good practice to inform the placing and licensing worker if you plan on using a babysitter
- When hiring a babysitter, it is important to consider the foster child's age, physical, development and social needs. The babysitter must be able capable of meeting each child's needs.
- Anyone over the age of 14 or older whom you know to be sufficiently reliable and mature may care for foster children.
- Babysitting can occur in your home or in the home of the sitter.

### **MEDICAL AND DENTAL CARE**

Ramsey County ensures all foster children have medical and dental insurance. Foster parents are not responsible for foster children's medical and dental bills. Standard medical expenses like visits to a doctor or dentist, prescription drugs, glasses or allergy shots are paid either by their parent's insurance, an HMO or a medical card issued by the State of Minnesota. Foster parents should not pay for any medical expenses. Foster parents can request the child's medical card from the child's placing worker.

Foster parents do not consent to medical or dental procedures. Ramsey County or the parents must sign off on any forms. Some non-routine medical expenses require prior authorization by the Department of Human Services. Please make sure to take the child in for routine medical and dental procedures.

Be sure to report any accident, illness, hospitalization, or death of a child in placement to the child's placing worker and your licensing worker as soon as possible. Your record keeping manual can help you keep track of this information.

### **Verification of Training for Medical Situations**

State law requires that the county ensures foster care providers are formally trained to use medical equipment, administer certain medications, or do medical procedures needed to sustain life or monitor a medical condition while children are in foster care placement. This training is to be completed before a child is placed or immediately if a child is already in care and requires medical care.

If you are uncertain if training or prior experience is necessary, ask the question, "If the equipment is turned off or not used properly, would it result in a life-threatening situation?" If the answer is "YES," training by a qualified person or previous experience with the same equipment in the past six months is required.

A person qualified to train foster care providers is a health care professional or an individual authorized to provide training when the equipment is delivered. (A social worker or case aide is not a qualified health care professional.)

Please have the qualified trainer complete the Foster Care Training and Skills Form. Notify your licensing worker of any equipment or medical procedures you are using with a specific child.

The placing social worker or parents can request verification that the foster care provider has been trained and has the skills to do the medical cares required. Please send the completed Skills Form to your licensing worker.

## **Children in Placement**

Some children will go through the following stages during their placement. Each child's reaction will be different.

### **Separation**

The children you care for have been separated from their families for many reasons. That separation, regardless of the issues at home, are similar for the child experiencing grief and loss. Foster children go through a grieving process to help them through stages and be able to accept their feelings and behaviors.

The grieving process has four distinct stages. Each step includes both emotions and actions which the child might display. Sometimes, the stages overlap, and children may act as though they are in different stages on subsequent days.

### **Shock**

This first stage of grief can fool you into believing that the child is coping well with separation. It is known as the honeymoon stage, and usually lasts about 10 days to two weeks. They may be conforming and docile.

### **Anger & Protest**

Children in this stage are often anxious and sometimes have trouble sleeping, or they have nightmares. Children need reassurance that they are safe and that everything is all right. Often children in the second stage of grief weep for no apparent reason or act helpless and are dependent on those around them. Sometimes they feel anger toward the person for "leaving" them, or they blame themselves for the separation. It is important that the child expresses feelings of anger so that they do not build up inside. This second stage of grief may last many months.

### **Despair**

Children in despair feel sadness and possibly depression like symptoms. Sometimes in this stage, children develop self-consoling movements, such as: thumb sucking, head banging or body rocking.

### **Detachment from the Loss**

Children who reach the fourth stage of grief exhibit hope. They feel that they have some control over their lives and can handle the situation. These children still think about the lost person or persons, but their thoughts are reality based and are not obsessive. Children who regain their hope begin to invest in new relationships and are less afraid of emotional attachment.

The child's social worker is available to help you support a child who is working through the healing process. If you feel you need some guidance or support with a particular child, ask for help.

## **Abused Children**

Many of the children you will care for as foster parents have been abused during their lives, either physically, mentally, or sexually. Others have been neglected.

Abused children need help building good feelings about themselves. You can build good feelings by assigning a child achievable task and giving them positive reinforcement for what they've done.

Every abused or neglected child is an individual, with different reactions to the pain they have experienced. All children will try to protect themselves from pain. There are a variety of defense mechanisms, or behaviors, which children use to try to protect themselves.

Abuse and neglect have physical effects on children. They may exhibit learning disabilities, speech impediments, memory delays or hearing problems. If you notice any of these conditions in a child you care for, be sure you inform the child's social worker.

## **Sexual Abuse**

A child's response to having been sexually abused varies depending on their age at the time of the experience. Some children who have been sexually abused may act out sexually, either with adults or other children. A positive non-judgmental reaction is critical. Children need to feel that they are lovable human beings and that they did not cause the abuse.

## **SAFETY ISSUES AND SUPERVISION**

Supervision can be based on age and child's development level.

Tips for Safety:

- Do not leave infants, toddlers, or school age children alone. They need to be supervised by an adult in the home and yard.
- Teens might be able to spend some unsupervised time; if they are mature enough to handle it.
- Remember that age does not mean ability.
- No child should ever be left unsupervised overnight.
- Give children chores and responsibilities appropriate to their ability so they can learn independence.
- Do not leave infants and toddlers in a swing, highchair or infant seat unattended.

### **Kitchen**

- Supervise stove and microwave cooking
- Keep handles of pots and pans pointed in, so young children cannot pull them off the stove
- Store household cleaning supplies, chemicals, and flammable products out of children reach

### **Bedroom**

- Sleep infants in a crib with a well-fitting mattress or pack and play (bassinets are not allowed).

- Sleep infants on their backs! This decreases the risk of sudden infant death syndrome.
- Do not put blankets, pillows, toys, etc., in a crib this could suffocate, choke or strangle a child.
- Slats on a crib should not be more than 2 ½ inches apart.
- Children must have their own bed; however, a young sibling group of the same sex can share a bed.
- Children should not share a bedroom with the opposite sex unless both of them are under two years of age. Under certain circumstances opposite sex children might be allowed to share a bedroom; however, permission from the placing worker and licensing worker is needed.
- Children cannot share a bedroom with an adult unless it is an infant or a child with high-risk medical needs that cannot be monitored any other way. Placing and licensing workers must give permission for the situation with the special need's child.
- Do not put a young child in a top bunk unless they do not fall out of bed and can safely get down on their own.

### **Bathrooms**

- Children should never be left in the bathtub unattended.
- The water temperature should not exceed 120 degrees.

### **Bikes and Wheeled Toys**

- Children should always wear bike helmet.
- Protective gear should be worn when rollerblading, ice skating, skate boarding, and when using a scooter.

### **Swimming**

- Supervise all foster children, no matter what their age, at pools and lakes.
- Life jackets should always be worn.

### **Community**

- Meet friends and their families to make sure the child is safe when at someone else's home.
- Do not let children wander the neighborhood; know where they are.
- Take advantage of community activities, sports, libraries, churches, and after school programs.

### **Fire**

- Make sure fire and carbon monoxide detectors work
- Practice fire drills both for waking and sleeping times
- Talk about the dangers of fire
- Keep matches and lighters away from children

### **Weapons and Violence**

- Keep all firearms in a locked case
- Do not leave firearms loaded



- Keep the ammunition separate and locked from the firearms
- Talk to the child about what to do if someone they know has a gun even if that person is an adult
- Problem solve about ways other than violence to solve conflicts

### **Medicine and Drugs**

- Make sure all scheduled 2 medications are locked and out of the reach of children. This includes over-the-counter medication that could be abused or taken accidentally.

If you have questions about supervision or safety of your foster children call the placing or licensing worker.

### **Dual license**

Ramsey County does not allow traditional foster care applicants to have a Child Care license and Child Foster Care license. Relative/kin applicants who already have a childcare license and a relative/kin is placed in their home a variance request may be made to the Department of Human Services and Childcare licensing for a dual license.

## WHERE TO CALL FOR HELP

### Adult and Youth Services:

Foster Care Licensing Information .....	651-266-5437
Adult Protection Intake.....	651-266-4012
Adult Crisis .....	651-266-7900
Child Foster Care Licensing Coverage Line.....	651-266-3929
Children Services Intake.....	651-266-4500
Chemical Health Evaluation .....	651-266-4008
Children’s Mental Health Crisis Response .....	651-266-7878
Emergency Social Services .....	651-291-6795
Financial Assistance Services .....	651-266-4444
Foster Parent Payment Line.....	651-266-4199
Midwest Children’s Resource Center.....	651-220-6750
Saint Paul Public Schools Placement Center.....	651-632-3701

### Police/Juvenile Detention Center:

Saint Paul Police .....	651-291-1111
Juvenile Detention Center .....	651-266-5115
Ramsey County Community Corrections .....	651-266-5300

## RESOURCES FOR FOSTER CHILDREN AND PARENTS

Organization	Resource	Contact Information
<p><b>Adoption is Love</b> Adoption is Love programs allow volunteers and donors the chance to help families in their own community give back to adoptive and foster community.</p>	<p>Granting a wish to a MN Foster Child. Cards of Love Holiday Socks Adoption Grants</p>	<p><a href="mailto:Julie@AdoptionisLoveFund.org">Julie@AdoptionisLoveFund.org</a> 651.373.3457 <a href="http://www.adoptionislovetfund.org">www.adoptionislovetfund.org</a>.</p>
<p><b>Alley Shoppe</b> Provides free clothing and household items to eligible families in Ramsey County. Must have a referral from social worker, clergy, school, Salvation Army, Dorothy Day or east side Family Center and other organizations.</p>	<p>Clothing/Household Items</p>	<p>Arlington Hills Lutheran Church 1115 Greenbrier St St. Paul, MN 55106 651.771.5504</p>
<p><b>CASA Minnesota</b> CASA Minnesota also provides CASA Cares Grants to children and youth in foster care. CASA Cares can provide up to \$500.00 per child per year to kids in foster care for some of the things that make childhood awesome. Bikes and helmets. Summer camp. Music Lessons. Native American Dance Regalia.</p>	<p>Grants for misc. items.</p>	<p>CASA Minnesota PO Box 17358 Minneapolis, MN 55417 Office: 612.728.5930 Email: <a href="mailto:info@casamn.org">info@casamn.org</a></p>
<p><b>CLUES</b> A linguistically and culturally relevant resource and service nonprofit organization by Latinos for Latinos. Our programs and services connect families to resources, skills, institutions, and systems and create an environment for people to be engaged and empowered. CLUES programs are designed to provide access to resources and opportunities for Latino families and individuals to be healthier, prosperous and engaged</p>	<p>Health and family wellness, economic self-sufficiency, education</p>	<p>797 7th St E. St. Paul, MN 55106 651. 379.4200 <a href="http://www.clues.org">www.clues.org</a></p>
<p><b>Family Innovations</b> Provides Community Based services within the 9-county metro area. We are certified through the Minnesota Department of Human Services as a Children’s Therapeutic Services and Support (CTSS) provider, an Adult Rehabilitative Mental Health Services (ARMHS) provider and an Intensive Treatment to Foster Care (ITFC) provider.</p>	<p>Family and community counseling, specializing in systemic therapy</p>	<p>Office-Based Counseling Call 651.407.3631 Home-Based Counseling call 651.748.5019 2103 County Rd D, Ste B Maplewood, MN 55109 <a href="mailto:info@familyinnovations.com">info@familyinnovations.com</a></p>
<p><b>Foster the Love MN</b> Supports and serves the foster community of Minnesota.</p>	<p>Clothing/ Hygiene</p>	<p>E mail: <a href="mailto:fosterthelovemn@gmail.com">fosterthelovemn@gmail.com</a> <a href="http://www.fosterthelovemn.org">www.fosterthelovemn.org</a></p>
<p><b>Fraser</b></p>	<p>Autism and early childhood</p>	<p>General Inquiries</p>

<b>Organization</b>	<b>Resource</b>	<b>Contact Information</b>
Fraser's mission is to make a meaningful and lasting difference in the lives of children, adults, and families with special needs. We accomplish this by providing education, healthcare and housing services.	mental health services.	Phone: 612-861-1688 Fax: 612-861-6050 Email: <a href="mailto:fraser@fraser.org">fraser@fraser.org</a>
<b>Head Start</b> Community Action Head Start is a no-cost child and family development program for eligible families living in Ramsey County. Head Start programs support children's growth and development in a positive learning environment through a variety of services.	School readiness, physical development, and family well being	450 Syndicate Street North, Suite 5 St. Paul, MN – 55104 651.603.5820 More locations listed on website. <a href="http://www.headstartprogram.us/city/mn-st_paul">www.headstartprogram.us/city/mn-st_paul</a>
<b>Help Me Grow</b> Help Me Grow provides resources for families to understand developmental milestones and learn if there are concerns. This helps families take the lead in seeking additional support or referring their child for a comprehensive, confidential screening or evaluation at no cost. Minnesota's Help Me Grow is an interagency initiative of the State of Minnesota Department of Education, Department of Health and Department of Human Services. We partner with all local service agencies.	Information and resources for children with developmental disabilities.	E-mail: <a href="mailto:MDE.ECSE@state.mn.us">MDE.ECSE@state.mn.us</a> 1.866.693.4769 <a href="http://helpmegrowmn.org/HMG/AboutHMG/Support/index.html">http://helpmegrowmn.org/HMG/AboutHMG/Support/index.html</a>
<b>Hmong American Partnership</b> Offers crisis-intervention for individuals and families involved with the law and courts, safety planning for victims of abuse and high-risk people, and trauma response to anyone in need of immediate aid and support. Through case management with culturally specific staff, we will assess your needs and connect you to basic need resources such as food, shelter, housing, and legal and emergency assistance.	Family Crisis Intervention	1075 Arcade St. St Paul, MN 55106 651.495.9160 Email: <a href="mailto:info@hmong.org">info@hmong.org</a>
<b>Kente Circle, LLC</b> Provides culturally sensitive therapy services to the Twin Cities' diverse communities where they provide unique learning opportunities.	Therapy Service	345 E 38 <sup>th</sup> St Minneapolis, MN 55409 612.243.1600 <a href="mailto:info@kentecircle.com">info@kentecircle.com</a> <a href="http://www.kentecircle.com">www.kentecircle.com</a>
<b>Lutheran Social Services</b> Offers families services including adoption, pregnancy counseling, foster care, housing services, crisis nurseries, financial	Adoption and Foster Care	1605 Eustis St St. Paul, MN 55108 651.646.7771 <a href="mailto:welcome@chlss.org">welcome@chlss.org</a>

Organization	Resource	Contact Information
counseling, marriage preparation, mental health services and educational groups.		<a href="http://www.lssmn.org">www.lssmn.org</a>
<p><b>MN Adopt</b> MN ADOPT is contracted by the Department of Human Services. MN ADOPT is dedicated to supporting and sustaining families who adopt Minnesota Waiting Children by providing online resources and referrals to therapeutic and crisis services, support groups, adoption information and comprehensive training opportunities.</p>	Adoption resources and support.	777 Raymond Ave St. Paul, Minnesota 55114 Phone: 612.861.7115 866.303.6276 Fax: 612.861.7112 <a href="mailto:info@mnadopt.org">info@mnadopt.org</a> <a href="http://www.mnadopt.org/resources/">www.mnadopt.org/resources/</a>
<p><b>North American Council on Adoptable Children's Adoption Support Network (NACAC)</b> Through advocacy, adoption support, leadership development, and education the North American Council on Adoptable Children (NACAC) works to ensure all children in foster care have permanent, loving families and adoptive families have the support they need. In Minnesota, NACAC operates the Adoptive Foster Kinship Connections (AFKC), the state's only peer-to-peer support network for adoptive, foster, and kinship families.</p>	Support services	970 Raymond Ave #106 St. Paul, MN 55114 651.644.3036 <a href="mailto:info@nacac.org">info@nacac.org</a> <a href="http://www.nacac.org/">www.nacac.org/</a>
<p><b>Nystrom and Associates</b> A group of professional care providers from the fields of psychiatry, psychology, clinical social work, marriage and family therapy, and nursing who are committed to helping individuals and families that are experiencing personal, emotional, marital, or psychological challenges.</p>	Behavioral Health	1900 Silver Lake Rd, Ste 110 Minneapolis, MN 55112 Email: <a href="mailto:contactus@nystromcounseling.com">contactus@nystromcounseling.com</a> . Phone: 651.628.9566 <a href="http://www.nystromcounseling.com">www.nystromcounseling.com</a> Offices in several locations.
<p><b>PACER Center</b> Pacer Center enhances the quality of life and expands opportunities for children, youth, and young adults with all disabilities and their families so each person can reach his or her highest potential. Grandparent Group - To provide support, both physical and emotional, to our children - the parents of children with disabilities, thus enhancing the grandparenting role.</p>	Parent training and information center for children with disabilities.	PACER Center, Inc. 8161 Normandale Blvd. Bloomington, MN 55437 <b>Phone</b> 952.838.9000 Toll-free: 800.537.2237 Fax: 952.838.0199 <a href="https://www.pacer.gov/">https://www.pacer.gov/</a>
<p><b>Payne-Phalen District Five Planning Council</b> The Payne-Phalen Community Council (District Five) exists to promote the</p>	Home Repair	567 Payne Avenue St. Paul, MN 55130 651.774.5234

Organization	Resource	Contact Information
physical, social and economic development and human dignity of people of all ages, backgrounds, cultures, and communities within its geographic boundaries		paynephalen.org/resources/homes-and-housing/homeowner-information/
<b>Proof Alliance</b> (formerly Minnesota Organization on Fetal Alcohol Syndrome MOFAS)- Proof Alliance’s Mission is to prevent prenatal alcohol exposure and to improve the quality of life for people living with fetal alcohol spectrum disorders (FASD).	Support, resources, and information related to Fetal Alcohol Spectrum Disorders.	1876 Minnehaha Avenue W St. Paul, MN 55104 Toll Free: 1.866.906.6327 Phone: 651.917.2370 www.profalliance.org.
<b>Saint Paul – Ramsey County Public Health WIC Program</b> WIC is a supplemental food, nutrition and breastfeeding program that helps eligible pregnant women, new mothers, babies, and young children eat well, learn about nutrition and stay healthy.	Nutrition/Food	There are six neighborhood WIC clinics located throughout Ramsey County. Call 651.266.1300 <a href="https://www.wicprograms.org/co/mn-ramsey">https://www.wicprograms.org/co/mn-ramsey</a>
<b>Think Small</b> To advance quality care and education of children in their crucial early years.	Child Care	10 Yorkton Ct St. Paul, MN 55117 651.641.0305 www.thinksmall.org
<b>Wilder Child Guidance Clinic</b> The clinic is open to anyone who is in need of a mental health assessment, diagnosis or treatment. Wilder In-Home Therapy Services provide intensive mental health treatment and support to children ages 4 – 17 and their families. Sliding scale fee.	Mental health services	Amherst H. Wilder Foundation 451 Lexington Pkwy N St. Paul, MN 55104 General phone: 651.280.2000 Child Guidance Clinic: 651.280.2310

## Appendix

### *MN FOSTER PROVIDER LIABILITY INSURANCE MJUA (MN JOINT UNDERWRITING ASSOCIATION)*

#### **FOSTER PROVIDER LIABILITY INSURANCE**

##### **WHO IS COVERED?**

Adult and child family foster care providers and family adult day services providers in the State of Minnesota licensed by the Minnesota Department of Human Services, Minnesota Department of Corrections, and those licensed and approved by Indian Tribal Governments.

##### **WHAT IS COVERED?**

We will pay damages you become legally obligated to pay for as a result of injury or damage in the course of providing foster care. This includes:

Injury caused by a foster client - \$250,000 per occurrence/\$1,000,000 aggregate limit

Injury to client for alleged negligent care by the foster care provider - \$250,000 per occurrence/\$1,000,000 aggregate limit

Damage to someone else's property caused by foster client- \$250 limit

Damage to foster client's property - \$250 limit

##### **WHAT IS NOT COVERED?**

Basic exclusions to the policy include:

Damage to any property that is owned by, rented to, or leased by the provider or anyone in the provider's household

Damages arising out of an act or omission that a reasonable person would know is likely to result in injury or property damage

Any injury or property damage resulting from the operation or use of an auto, aircraft or watercraft

Damages arising out of sexual abuse or molestation

Please refer to the policy for a complete list of what the policy does not cover.

##### **WHAT TO DO IF YOU HAVE A CLAIM OR AN INCIDENT?**

If something should happen when you are providing foster care or adult day services that may result in a claim or law suit against you, it is your duty to notify MJUA. The policy requires that you provide MJUA with a written report. Incident report forms are available on the MJUA web site [www.mjua.org](http://www.mjua.org). We also ask that you call to report an incident as soon as possible. Also, if you have a question as to whether something is covered, please call.

If you need to report an incident or have questions, call Dan Haldorson, Claims Specialist at 952-641-0262 or 1-800-552-0013.

Written incident reports can be mailed to MJUA, 12400 Portland Avenue South, Suite 190, Burnsville, MN 55337, faxed to 952-641-0274 or emailed to Dan Haldorson at [danh@mjua.org](mailto:danh@mjua.org).

The information above is a brief overview of the coverage and any question regarding the actual coverage of the policy is determined by the policy language.

**CHILD FOSTER CARE ANNUAL TRAINING GUIDELINES**

2960.3070 Subp.2. In-service training.

Each foster parent is required to complete a minimum of **12 hours of training per year** for each licensing year. Failure to complete required annual training could result in a correctional order and/or other negative action against your license.

**1 hour of FASD training is required annually, 1 hour of Mental Health training is required annually**

SUID/AHT and Car Seat training are valid for 5 years. Foster parents are responsible to know when their SUID and Car Seat classes are due.

All license holders are encouraged to participate in Ramsey County trainings. All trainings must be related to children that are either being cared for or may be cared for in the future by the foster parent.

Foster Parents must keep a file of their training records and Certificates of Completion for licensing. The annual training limit is **per provider** not per child. The listed trainings below must relate to the child in your care.

Ramsey County Foster Care Trainings	No annual limit
Community-Based Workshops and Trainings	No annual limit
Videos/On-Line Trainings/Podcasts	No annual limit
Books	6 hour annual limit
Specialized Medical Equipment Training	1 hour annual limit
Early Education Classes for FC & FP	No annual limit
Early Education Assessment for Foster Child	1 hour annual limit
IEP Related to Foster Child	1 hour annual limit
OT or PT for Foster Child	1 hour annual limit
Mental Health Assessment/Therapy for FC	1 hour annual limit
Public Health Nurse Assessment	1 hour annual limit
Foster Care Support Groups that include a training component	No annual limit

**Documentation Required**

Class training requires a certificate of attendance. If one is not provided a written description of the training, what you learned, when you attended the class, length of class, trainer and how it will help you as a foster parent.

Online/YouTube training requires a certificate of completion and/or completion of the accompanying questionnaire or post-test. If these are not available written description of the training, what you learned, when you completed the training, the length of the training and how it will help you as a foster parent

Books require the date you completed the book, title and author of the book, description of the book, what you learned, and how it will help you as a foster parent.

Specialized Medical Equipment Training. The professional/instructor can provide you with a signed statement of the training and the length of the training.

Early Education Classes require a description of each class and how it is related to foster care.



## **TRAINING RESOURCES**

- Ramsey County offers ongoing training to child foster care providers and sends out a schedule of training to providers quarterly.  
Ramsey County: training line 651-266-5437  
<http://www.co.ramsey.mn.us/hs/fostercare>
- Other county online trainings:  
<http://www.anokacounty.us/3227/Mandatory-Training>  
<http://www.anokacounty.us/3243/On-Line-Training>  
<https://www.scottcountymn.gov/239/Online-Video-Training>
- Department of Human Services: <http://mn.gov/dhs/> (look under A-Z Topics and select foster care or search training for foster care) or  
[http://www.dhs.state.mn.us/main/idcplg?IdcService=GET\\_DYNAMIC\\_CONVERSION&dDocName=dhs16\\_180707&RevisionSelectionMethod=LatestReleased](http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&dDocName=dhs16_180707&RevisionSelectionMethod=LatestReleased)
- NAMI (National Alliance on Mental Illness) MN: Offers free trainings online and in person in the metro area.  
<http://namihelps.org/education.html>  
Phone: 651-645-2948
- Foster parent college: <http://www.fosterparentcollege.com/>  
Requires fees providers are responsible for paying
- Foster parent and adoptive community: <http://www.fosterparents.com/>  
Requires fees providers are responsible for paying
- MN Adopt: [www.mnadopt.org/training](http://www.mnadopt.org/training)
- MN Association for Children’s Mental Health: [www.macmh.org](http://www.macmh.org)
- MOFAS- MN Organization on Fetal Alcohol Syndrome: <https://www.mofas.org/training-and-webinars/>
- North American Council on Adoptable Children:  
[www.nacac.org/conference/trainingwebinars.html](http://www.nacac.org/conference/trainingwebinars.html)
- PACER Center: <http://www.pacer.org/>  
Archived trainings are available to stream
- Wilder Foundation: <http://www.wilder.org/Programs-Services/Consultation-and-Training/Pages/default.aspx>

**CHILDREN’S MENTAL HEALTH TRAINING- CFC- Available on YouTube**

The following information is provided on behalf of the Minnesota Child Welfare Training System (MCWTS).

MCWTS has created some additional Children's Mental Health recorded webinar trainings. At this time, there is not any way to document that a foster parent watched the recording such as a certificate of participation. However, it is one more option for licensors to share with their families. We are working on two more recorded webinars that we hope to have completed in less than 6 months.

The introduction to Children's Mental Health online version is almost complete. We have been working closely with a vendor to make this training happen. This training will have a list of questions that need to be answered with 80% correct and will have the ability to print out a certificate of participation.

**CSP9221B Children's Mental Health for Resource Families – Anxiety (1.5 Hours-Classroom)**

This training provides a 1.5 hours overview of a common mental health diagnosis that foster and adoptive children often present within the child welfare system. Anxiety will be discussed in terms of main origins, symptoms, behaviors, treatment, interventions, and cultural considerations. This course meets the annual training requirement in MN Statute 245A. This training is also available on the DHS YouTube (1 Hour) link at: <https://youtu.be/ZU-1hfHmnAM>

**CSP9221C Children's Mental Health for Resource Families- Attention Deficit Hyperactivity Disorder - ADHD (1.5 Hours- Classroom)**

This training provides a 1.5 hours overview of a common mental health diagnosis that foster and adoptive children often present within the child welfare system. Attention Deficit Hyperactivity Disorder will be discussed in terms of origins, symptoms, behaviors, treatment, interventions, and cultural considerations. This course meets the annual training requirement in MN Statute 245A. This training is also available on the DHS YouTube (1 Hour) link at: <https://youtu.be/7MezNUnJRi4>.

**CSP9221D Children's Mental Health for Resource Families – Depression – (1.5 Hours – Classroom)**

This training provides 1.5 hours of overview of a common mental health diagnosis that foster and adoptive children often present within the child welfare system. Depression will be discussed in terms of origins, symptoms, behaviors, treatment, interventions and cultural considerations. This course meets the annual training requirement in MN Statute 245A. This training is also available on the DHS YouTube (1 Hour) link at: <https://youtu.be/VfKpLLknCa0>

**CSP9221E –Children's Mental Health for Resource Families – Obsessive Compulsive Disorder – OCD – (1.5 Hours – Classroom)**

This training provides 1.5 hours of overview of a common mental health diagnosis that foster and adoptive children may present within the child welfare system. Obsessive Compulsive Disorder (OCD) will be discussed in terms of origins, symptoms, behaviors, treatment,

interventions and cultural considerations. This course meets the annual training requirement in MN Statute 245A. This training is also available on the DHS YouTube (1 Hour) link at:

<https://youtu.be/nzqlkT-D7nk>

**CSP9221F Children’s Mental Health for Resource Families – Autism – (1.5 hours – Classroom)** This training provides 1.5 hours of overview of a common mental health diagnosis that foster and adoptive children may present within the child welfare system. Autism will be discussed in term of origins, symptoms, behaviors, treatment, interventions and cultural considerations. This course meets the annual training requirement in MN Statute 245A. This training is also available on the DHS YouTube (1 Hour) link at: <https://youtu.be/pmgyBlq-5G8>

***Other YouTube Trainings:***

**FASD training presented by Proof Alliance (formerly MOFAS)- 1.5 hours-** Basics of FASD. YouTube link: [https://www.youtube.com/watch?v=yEK3jdhD\\_xo](https://www.youtube.com/watch?v=yEK3jdhD_xo)

**Caring for the Infant Experiencing Withdrawal- Presented by Becky Baker MSN, RNC and Megan Main BSN, RNC- 2 hours** YouTube link: [https://www.youtube.com/watch?v=bkXjens\\_0c8&feature=youtu.be](https://www.youtube.com/watch?v=bkXjens_0c8&feature=youtu.be)

**Substance Abuse Training- presented by Building Successful Families Program (VMS)- 2 hours-** Information for parents and caregivers regarding substance abuse and addiction. YouTube link: <https://www.youtube.com/watch?v=NHIOXE0kieg>

**Trauma Informed Care- Kelly Henderson, Ph.D., Executive Director of Formed Families – 1 hour-** This webinar will present an overview of childhood trauma and how traumatic experiences can impact the learning and behavior of children and youth with special needs. We will explore how parents and caregivers can not only support their own children and youth, but also encourage schools and other agencies to adopt trauma-sensitive practices. YouTube Link: <https://www.youtube.com/watch?v=QyIFyVWtS4E>

**Child Behavior Solutions Webinar: Overcoming Anger, Aggression and Violence in Kids – 2 hours** [https://www.youtube.com/watch?v=kyiR\\_w5lvXs&list=PLgtAV1tyUQyX6Mwth1aEusuoEg1qbfCLy&index=11&t=0s](https://www.youtube.com/watch?v=kyiR_w5lvXs&list=PLgtAV1tyUQyX6Mwth1aEusuoEg1qbfCLy&index=11&t=0s)

**De-escalation Techniques in Foster Care- 1 hr** <https://www.youtube.com/watch?v=BL9mF7oCD8c&list=PLPiuTL9M9EIBheyilP5vfUPj-s7V4nJOE>

**Amazing stories of violent children with RAD and the families that love them- 1.5hrs.** <https://www.youtube.com/watch?v=SnrKgsV9QQg>

**“Life after foster care” Youth Voices – Dave Thomas Foundation – 1 hr.** [https://www.youtube.com/watch?v=Jie\\_iO44fs](https://www.youtube.com/watch?v=Jie_iO44fs)

**Trauma informed care – 1.5 hrs.** <https://www.youtube.com/watch?v=v5BblyrXQhg>

**LGTBQ Youth in Foster Care – 1 hr.**

<https://www.youtube.com/watch?v=FZ3eAHCOA2E>

**Substance Abuse Training – 2 hr.**

<https://www.youtube.com/watch?v=NHIOXE0kieg>

**“ReMoved” Series- ReMoved** explores from the child's point of view the emotional journey of children who are taken from their homes and placed in the foster care system. **All 3 clips- 50 min**

**Part 1:**

<https://www.youtube.com/watch?v=IOeQUwdAjE0>

**Part 2:**

<https://www.youtube.com/watch?v=l1fGmEa6WnY>

**Part 3:**

<https://www.youtube.com/watch?v=fegRjSgRYXk>

**Trauma and Stress for those Involved in Foster Care- 30 min**

[https://www.youtube.com/watch?v=dYB3IjFI-dY&list=PLvA\\_zo7AVScraLbwSxCzGLCpsp9-n4oaN&index=11&t=0s](https://www.youtube.com/watch?v=dYB3IjFI-dY&list=PLvA_zo7AVScraLbwSxCzGLCpsp9-n4oaN&index=11&t=0s)

**Preventing Human Trafficking for Foster Parents-** Foster parents are important in keeping youth in foster care safe. This training will provide information about sex trafficking and labor trafficking, what the risk factors are, how to help prevent human trafficking and what resources are available to help- **40 min**

<https://www.youtube.com/watch?v=y1sbuX6YJ5o>

NOFAS FASD training:

<https://www.youtube.com/watch?v=qS4WDdjE3nU>

# MINNESOTA RULES AND STATUES

## REQUIREMENTS: FOSTER FAMILY AND RESIDENCE SETTINGS, AND TREATMENT FOSTER CARE

### REQUIREMENTS: FOSTER FAMILY AND RESIDENCE SETTINGS, AND TREATMENT FOSTER CARE

2960.3000 FOSTER FAMILY SETTINGS.

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#### **2960.3000 FOSTER FAMILY SETTINGS.**

##### **Subpart 1. Purpose and applicability.**

Parts 2960.3000 to 2960.3100 establish the minimum standards that a foster family setting must meet to qualify for licensure. Parts 2960.3200 to 2960.3230 contain requirements for foster residence settings. Additional licensing requirements for foster family settings that offer treatment foster care are in parts 2960.3300 to 2960.3340.

##### **Subp. 2. Outcomes.**

One of the goals of foster care must be that the foster child will experience a safe and healthy family life. The license holder must also promote the child's development as a physically and mentally healthy person. To accomplish these outcomes, the license holder must:

- A. actively participate with the agency placing the child, to implement the case plan and meet the needs of the child; and
- B. as much as possible, considering the child's age, the child's needs, and the case plan, include the child in the daily life of the family, including eating meals with the family and participating in recreational activities.

##### **Subp. 3. Community interests.**

The license holder must rely on the advice and counsel of the advisory board or board of directors of the licensing agency regarding community interests and the needs of the community served by the foster home. A license holder, who is supervised by a county, may rely on the advice and counsel of the supervising county and its employees regarding community interests and the needs of the clients and

community. The requirements of this subpart do not apply to foster homes licensed by the Department of Corrections.

**Subp. 4. Statement of intended use.**

The license holder must work with the licensing agency to develop a statement of intended use. The statement of intended use must specify:

- A. the number of children the foster home is licensed for, the age range of children to be placed in the home, and any limitations affecting the placement of children in the home;
- B. whether or not the home will serve as an emergency shelter home, a treatment foster care home, or a home for medically fragile children; and
- C. circumstances when the ratio of one adult to five children does not need to be maintained.

The statement of intended use must be approved by the licensing agency, but may be modified at any time by agreement between the licensing agency and the license holder to reflect changes that affect the placement of children in the home.

**Subp. 5. Program outcomes.**

The license holder must cooperate with the licensing agency's attempt to determine the outcomes of a child's foster care placement. The outcome information must be shared with the license holder and incorporated into the evaluation process outlined in part 2960.3100, subpart 1, item G.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

Published Electronically:

August 5, 2008

**2960.3010 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 2960.3000 to 2960.3340 have the meanings given them in this part.

Subp. 2. **Applicant.** "Applicant" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 3, and a person who has completed and signed an application form. Applicant includes a current license holder who is seeking relicensure or recertification.

Subp. 3. **Assessment.** "Assessment" means the process used by a qualified person to identify and evaluate the child's strengths, weaknesses, problems, and needs.

Subp. 4. **Aversive procedure.** "Aversive procedure" has the meaning given in part 9525.2710, subpart 4.

Subp. 5. **Basic services.** "Basic services" means services provided at the foster home to the foster child that meets the foster child's basic need for food, shelter, clothing, medical and dental care, personal cleanliness, privacy, spiritual and religious practice, safety, and adult supervision.

Subp. 6. **Caregiver.** "Caregiver" means a person who provides services to a child according to the child's case plan in a setting licensed or certified under parts 2960.0010 to 2960.3340.

Subp. 7. **Case manager.** "Case manager" means the supervising agency responsible for developing, implementing, and monitoring the case plan.

Subp. 8. **Case plan.** "Case plan" means a plan of care for a foster child that is developed by the supervising agency with the child's parents and license holder and monitored by the placing agency.

Subp. 9. **Chemical.** "Chemical" means alcohol, solvents, and other mood altering substances, including controlled substances as defined in Minnesota Statutes, section 152.01, subdivision 4.

Subp. 10. [Repealed, 32 SR 2268]

Subp. 11. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or the commissioner of the Department of Corrections.

Subp. 12. **Cultural competence or culturally competent.** "Cultural competence" or "culturally competent" means a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals to work effectively in cross-cultural situations.

Subp. 13. **Deprivation procedure.** "Deprivation procedure" has the meaning given in part 9525.2710, subpart 12.

Subp. 14. **Direct contact.** "Direct contact" means providing face-to-face care, training, supervision, counseling, consultation, or medication assistance to a child.

Subp. 15. **Disability.** "Disability" has the meaning given in Minnesota Statutes, section 363A.03, subdivision 12.

Subp. 16. **Discipline.** "Discipline" means the use of reasonable, age-appropriate consequences designed to modify and correct behavior according to a rule or system of rules governing conduct.

Subp. 17. **Education.** "Education" means the regular and special education and related services to which school-age children are entitled as required by applicable law and rule.

Subp. 18. **Emotional disturbance.** "Emotional disturbance" has the meaning given in Minnesota Statutes, section 245.4871, subdivision 15.

Subp. 19. **Family.** "Family" means persons related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact.

Subp. 20. **Foster care.** "Foster care" has the meaning given in part 9560.0521, subpart 9.

Subp. 21. **Foster child.** "Foster child" means 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.

Subp. 22. **Foster family or household members.** "Foster family or household members" means persons related by blood, marriage, or adoption and unrelated persons who are presently residing together.

Subp. 23. **Foster family setting.** "Foster family setting" means the foster home in which the license holder resides.

Subp. 24. **Foster home.** "Foster home" means the dwelling unit used by the license holder to provide foster care to the foster child.

Subp. 25. **Foster parent.** "Foster parent" means an individual licensed under Minnesota Statutes to provide foster care.

Subp. 26. **Foster residence setting.** "Foster residence setting" means a foster home in which the license holder does not reside.

Subp. 27. **License.** "License" means written authorization issued by the commissioner of human services or corrections allowing the license holder to provide foster care service at a foster home for a specified time and in accordance with the terms of the license and the rules of the commissioner of human services or corrections.

Subp. 28. **License holder.** "License holder" means an individual, corporation, partnership, voluntary association, or other organization or entity that is legally responsible for the operation of the foster home that has been granted a license by the commissioner of human services under Minnesota Rules and Minnesota Statutes, chapter 245A, or the commissioner of corrections under Minnesota Statutes, section 241.021, subdivision 2. The duties of the license holder may be discharged by a person designated by the license holder to act on behalf of the license holder.

Subp. 29. **Licensed professional.** "Licensed professional" means a person qualified to complete a diagnostic evaluation, including a physician licensed under Minnesota Statutes, chapter 147, or a qualified mental health professional licensed under Minnesota Statutes, section 148B.18, subdivision 10, or a person defined as a "mental health professional" in Minnesota Statutes, section 245.4871, subdivision 27.

Subp. 30. **Licensing agency.** "Licensing agency" means a county, individual, corporation, partnership, voluntary association, the Department of Corrections, or other organization or entity that recommends licensure of an applicant for a license or license renewal to the state according to parts 9543.0010 to 9543.0150.

Subp. 31. **Medication assistance.** "Medication assistance" means helping children take medication and monitoring the effects of medication but does not include administering injections. For purposes of this subpart, "medication" means a prescribed substance that is used to prevent or treat a condition or disease, to heal, or to relieve pain.

Subp. 32. **Person assisted by medical technology.** "Person assisted by medical technology" means a person who has a chronic or acute health condition which requires the routine use of a medical device to assist or maintain a life-sustaining body function and requires ongoing care or monitoring by trained personnel on at least a daily basis.

Subp. 33. **Placing agency.** "Placing agency" means a private agency licensed according to parts 9545.0755 to 9545.0845 or a county agency that places a child according to parts 9560.0500 to 9560.0670.



Subp. 34. **Psychotropic medication.** "Psychotropic medication" means a medication prescribed to treat mental illness and associated behaviors or to control or alter behavior. The major classes of psychotropic medication are antipsychotic or neuroleptic, antidepressant, antianxiety, antimania, stimulant, and sedative or hypnotic. Other miscellaneous classes of medication are considered to be psychotropic medication when they are specifically prescribed to treat a mental illness or to alter behavior based on a foster child's diagnosis.

Subp. 35. **Residential program.** "Residential program" means a program that provides 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment for a child outside of the child's home pursuant to Minnesota Statutes, chapter 245A.

Subp. 36. **Respite care.** "Respite care" means temporary care of foster children in a licensed foster home other than the foster home the child was placed in.

Subp. 37. **Screening.** "Screening" means an examination of a child by means of a test, interview, or observation to determine if the child is likely to have a condition that requires assessment or treatment.

Subp. 38. **Seclusion.** "Seclusion" means confining a person in a locked room.

Subp. 39. **Shelter care or emergency shelter care.** "Shelter care" or "emergency shelter care" means a residential program offering short-term, time-limited placements of 90 days or less to children who are in a behavioral or situational crisis, need out-of-home placement in a protective environment, and have an immediate need for services.

Subp. 40. **Staff.** "Staff" means a person who works for a foster residence setting license holder and is employed to work as an hourly employee, shift-staff employee, or houseparent.

Subp. 41. **Substitute care.** "Substitute care" means temporary care of foster children inside the foster home by someone other than the foster parent for overnight or longer.

Subp. 42. **Time-out.** "Time-out" means a treatment intervention in which a caregiver trained in time-out procedures removes a child from an ongoing activity to an unlocked room or area commonly used as a living space that is safe and where the child remains until the precipitating behavior abates or stops.

Subp. 43. **Treatment foster care.** "Treatment foster care" means a culturally relevant, community-based and family-based method by which planned, integrated treatment services are provided to foster children and their parents by foster parents who are qualified to deliver treatment services. Treatment service may be provided to children with severe emotional disturbance, developmental disabilities, serious medical conditions, or serious behavioral problems, including, but not limited to, criminal sexual conduct, assaultiveness, or substance abuse.

Subp. 44. **Treatment plan.** "Treatment plan" means a written plan of intervention, treatment, and services for a child in a foster setting that is developed by a license holder or placing agency on the basis of a child's screening, assessment, and case plan. The treatment plan, which is developed with the child and the child's parents, identifies goals and objectives of treatment, treatment strategy, a schedule for accomplishing treatment goals and objectives, and the entities responsible for providing treatment services to the child.

Subp. 45. **Variance.** "Variance" means written permission from the commissioner of human services or corrections for a license holder to depart from a rule standard for a specific period of time pursuant to Minnesota Statutes, section 245A.04, subdivision 9.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09; 254A.03; 254B.03; 254B.04

## **2960.3020 LICENSING PROCESS.**

Subpart 1. **License required.** An individual, corporation, partnership, voluntary association, other organization, or controlling individual must not provide foster care without a license from the commissioner of human services or corrections unless an exclusion specified in this chapter or Minnesota Statutes, section 245A.03, subdivision 2, applies.

Subp. 2. **Application.** Application for a license must be made to the county agency in the county where the applicant resides or to a Minnesota-licensed child placing agency on a form approved by the commissioner of human services. Group foster homes licensed by the Department of Corrections under chapter 2925 and Minnesota Statutes, section 241.021, subdivision 2, as of the adoption of this chapter, may apply to the Department of Corrections for a foster care license according to subpart 12. An application for licensure is complete when the applicant signs the license application and submits all of the information required in this subpart.

Subp. 3. **License does not guarantee placement.** Licensure under parts 2960.3000 to 2960.3340 is not an entitlement, a right, or a guarantee that children will be placed in the foster home. The agency responsible for the child retains the right to choose which licensed foster home is best suited for an individual child in need of foster care placement.

Subp. 4. **License not transferable.** A license under parts 2960.3000 to 2960.3340 is not transferable to another person, entity, or site.

Subp. 5. **Commissioner's right of access.** The commissioner of human services' right of access must be according to Minnesota Statutes, section 245A.04, subdivision 5. The commissioner of corrections must have access to a Department of Corrections licensed foster home according to Minnesota Statutes, section 241.021.

Subp. 6. **Limited licensure.** A license holder may be licensed through only one Minnesota-licensed child placing agency or county social services agency at a time. A license holder must not be licensed at the same time by both the Department of Human Services and the Department of Corrections. A license holder must not simultaneously hold a relative foster care emergency license issued according to Minnesota Statutes, section 245A.035, and a separate foster family setting license issued under this chapter.

Subp. 7. **Notice of changes in household conditions.** The license holder must immediately notify the licensing agency of foster home and foster family or household member changes that affect the terms of the license or the ability of the license holder to provide care to children.

Subp. 8. **Roomers and boarders.** A license holder must not have adult roomers or boarders in the foster home without the licensing agency's approval. Roomers or boarders are subject to an applicant background study according to part 2960.3060, subpart 2.

Subp. 9. **Variance standards.** A license applicant or license holder may request, in writing, a variance from rule requirements that do not affect the health, safety, or rights of the child or others. The commissioner of human services or corrections may grant variances according to Minnesota Statutes, section 245A.04, subdivision 9. A variance request must include:

- A. the part or parts of the rule for which a variance is sought;
- B. the reason why a variance from the specified provision is sought;
- C. the period of time for which a variance is requested;
- D. written approval from the fire marshal, building inspector, or health authority when the variance request is for a variance from a fire, building, or health code; and
- E. alternative equivalent measures the foster care applicant or license holder will take to ensure the health and safety of children if the variance is granted.

The decision of the commissioner of human services or corrections to grant or deny a variance request is final and not subject to appeal under Minnesota Statutes, chapter 14.

Subp. 10. **Other licenses.** A license holder cannot concurrently hold a license for family child care or adult family foster care without a variance from the licensing agency.

Subp. 11. **Denial of license.** The commissioner of human services or corrections shall deny a license if the applicant fails to fully comply with laws or rules governing the program or fails to cooperate with a placing or licensing agency. Failure to fully comply shall be indicated by:

- A. documentation of specific foster home deficiencies that may endanger the health or safety of children;
- B. failure to be approved by fire, building, zoning, or health officials;
- C. documentation of a disqualification of the applicant for licensure or relicensure, or the controlling individual regarding a background study which has not been set aside; or
- D. any other evidence that the applicant is not in compliance with applicable laws or rules governing the program.

Subp. 12. **Department of Corrections licensed foster homes.** Foster homes licensed by the Department of Corrections under chapter 2925 and Minnesota Statutes, section 241.021, subdivision 2, at the time of the adoption of this chapter, may continue to be licensed as foster homes by the Department of Corrections, acting as the licensing agency. Foster homes that are licensed by the Department of Corrections must meet the standards in parts 2960.3000 to 2960.3340. The Department of Corrections will use the standards in this part to issue or deny a foster care license.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

### **2960.3030 CAPACITY LIMITS.**

Subpart 1. **Maximum foster children allowed.** A foster home must have no more than six foster children. The maximum number of children allowed in a home is eight, including a foster parent's own children. The license holder must maintain a ratio of one adult for each five children.

Subp. 2. **Capacity limits.** The capacity limits in items A to C apply to foster homes.

- A. A foster home must have no more than three children who are under two years of age or who are nonambulatory, unless the license holder maintains a ratio of at least one adult present when

children are present for every three children under two years of age or children who are nonambulatory.

- B. A foster home must have no more than four foster children at one time if any of the children have severe or profound developmental disabilities, have severe emotional disturbance, or is a person assisted by medical technology.
- C. The number of foster children a foster home may accept must be limited based on the factors in subitems (1) to (5):
  - (1) the license holder's ability to supervise, considering the adult-to-child ratio in the home;
  - (2) the license holder's training, experience, and skills related to child care;
  - (3) the structural characteristics of the home;
  - (4) the license holder's ability to assist children in the home during emergencies; and
  - (5) the characteristics of the foster children, including age, disability, and emotional problems.

Subp. 3. [Repealed, L 2019 1Sp9 art 2 s 134]

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

History: 28 SR 211; L 2005 c 56 s 2; L 2019 1Sp9 art 2 s 134

Published Electronically: October 30, 2019

### **2960.3040 FOSTER HOME PHYSICAL ENVIRONMENT.**

Subpart 1. **Fire, health, building, and zoning codes.** The foster home must comply with applicable fire, health, building, and zoning codes.

Subp. 2. **Sleeping space.** A foster child must be provided with a separate bed suitably sized for the child, except that two siblings of the same sex may share a double bed. A foster child must not be assigned sleeping space in a building, apartment, trailer, or other structure that is separate from the foster family home or in an unfinished attic, an unfinished basement, or a hall or any other room normally used for purposes other than sleeping. Bedrooms that are used by foster children must have two exits.

Subp. 3. **Space for belongings.** A foster child must have an identified space for clothing and personal possessions with cabinets, closets, shelves, or hanging space sufficient to accommodate clothing and personal possessions.

Subp. 4. **Dining area.** The dining area must be able to accommodate, at one time, all persons residing in the home.

Subp. 5. **Construction or remodeling.** Changes in a foster home resulting from construction or remodeling must meet applicable building codes. The license holder must notify the licensing agency of changes to the licensed setting resulting from construction if those changes affect a licensing requirement.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

### **2960.3050 FOSTER HOME SAFETY.**

Subpart 1. **Inspection by licensing agency.** Prior to licensure, the foster home must be inspected by a licensing agency employee using the home safety checklist from the commissioner of human services. The applicant must correct deficiencies in the foster home which were identified by the agency. The

licensing agency may require a health inspection if the foster home's condition could present a risk to the health of a foster child.

Subp. 2. **Fire code inspections required.** If one of the conditions in items A to E exist, the foster home must document inspection and approval of the foster home according to Minnesota Statutes, section 299F.011, and the Uniform Fire Code by the state fire marshal or a local fire code inspector who is approved by the state fire marshal:

- A. the foster home contains a freestanding solid fuel heating appliance;
- B. the foster home is a manufactured home as defined in Minnesota Statutes, section 327B.01, subdivision 13, and was manufactured before June 15, 1976;
- C. the licensing agency identifies a potential hazard in a single-family detached home, or a mixed or multiple-occupancy building;
- D. the home is to be licensed for four or more foster children; or
- E. the foster home has a foster child sleeping in a room that is 50 percent or more below ground level.

Subp. 3. **Emergency procedures.** The license holder must give the licensing agency a floor plan of the foster home showing emergency evacuation routes. Emergency procedures must include a plan for care of children, evacuation, temporary shelter, and gathering at a meeting place to determine if anyone is missing. The plan must specifically address the needs of children whose behavior increases the risk of having a fire. The foster parent must give the emergency procedures to the agency, and the foster parent and licensing agency must review the emergency procedures during relicensure.

Subp. 4. **Pets.** A foster home serving children less than six years of age must not keep reptiles, chickens, or ducks as pets. A foster home serving children six years of age and older that keeps reptiles, chickens, or ducks as pets must require a thorough hand washing following the handling of the animal, its food, and anything the animal has touched. Pets in family residences must be immunized and maintained as required by local ordinances and state law.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

## **2960.3060 LICENSE HOLDER QUALIFICATIONS.**

### Subpart 1. **Experience.**

The prospective license holder must agree to cooperate with the licensing agency and:

- A. have at least the equivalent of two years of full-time experience caring for or working with the issues presented by the children they will care for, whether they are the license holder's own children or other children;
- B. agree to receive training in child care and development as needed in order to meet the individual needs of the children placed in the foster home;
- C. be related to the child needing foster care; or
- D. be an important friend with whom the child has resided or had significant contact.

### Subp. 2. **Background study.**

A license holder and individuals identified in Minnesota Statutes, sections 241.021 and 245A.04, subdivision 3, must submit to a background study.

- A. Background checks conducted by the Department of Human Services must be conducted according to Minnesota Statutes, section 245A.04, subdivision 3.

- B. Background checks conducted by the Department of Corrections must be conducted according to Minnesota Statutes, section 241.021, subdivision 6.

Subp. 3. **Personal characteristics of applicants.** The applicant must comply with the requirements of items A to G.

- A. The applicant must be at least 21 years old at the time of application.
- B. The applicant 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, and are physically able to care for foster children and indicate any limitations the applicant and household members may have.
- C. The applicant and adult household members must sign a statement that they have been free of chemical use problems for the past two years.
- D. The applicant must help the licensing agency obtain at least three letters of reference that provide information about the license holder's support system, the observed license holder's interactions with children, and the ability of the license holder and foster family to accept different points of view.
- E. The applicant must help the licensing agency get previous foster care studies completed on the applicant by any other agency to which the applicant has applied for foster care licensure.
- F. The licensing agency must make a determination as to whether a prospective license holder and foster parent can provide appropriate structure and is suitable to be licensed if a prospective license holder or foster parent has had either of the following:
  - (1) a child for whom the applicant is legally responsible was removed from the applicant's home and placed in foster care, a correctional facility, or a residential treatment center for severe emotional disturbance under Minnesota Statutes, chapter 260C, within one year prior to the date of application; or
  - (2) the applicant has a child in voluntary foster care under Minnesota Statutes, section 260C.193, 260C.201, 260C.227, or 260D.11.
- G. The licensing agency may consult with a specialist in such areas as health, mental health, or chemical dependency to evaluate the abilities of the applicant to provide a safe environment for foster children. The licensing agency and the specialist must evaluate each applicant individually. The licensing agency must request a release of information from the applicant prior to assigning the specialist to evaluate the applicant. The licensing agency must tell the applicant why it is using a specialist to evaluate the applicant.

Subp. 4. **Home study of applicant.** The applicant must cooperate with a home study conducted by the licensing agency. At a minimum, there must be one in-home interview and documented interviews with all household members over seven years of age. The home study must be completed using the commissioner of human services' designated format. The applicant must demonstrate the ability to:

- A. provide consistent supervision, positive and constructive discipline, and care and training to contribute to the foster child's well-being;
- B. understand the licensing agency's programs and goals;
- C. work within agency and state policies;
- D. share responsibility for the foster child's well-being with the foster child's social worker, school, and legal parents;
- E. actively support the foster child's racial or ethnic background, culture, and religion, and respect the child's sexual orientation;

- F. accept the foster child's relationship with the child's family and relatives and to support visitation and family reunification efforts;
- G. have a current network of support that may include extended family, and neighborhood, cultural, and community ties that the applicant can use to strengthen the applicant's abilities, and for support and help;
- H. meet the foster child's special needs, if any, including medical needs, disabilities, or emotional disturbance;
- I. deal with anger, sorrow, frustration, conflict, and other emotions in a manner that will build positive interpersonal relationships rather than in a way that could be emotionally or physically destructive to other persons; and
- J. nurture children be mature and demonstrate an ability to comply with the foster child's care plan, and meet the needs of foster children in the applicant's care.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

### **2960.3070 FOSTER PARENT TRAINING.**

Subpart 1. **Orientation.** A nonrelative foster parent must complete a minimum of six hours of orientation before admitting a foster child. Orientation is required for relative foster parents who will be licensed as a child's foster parents. Orientation for relatives must be completed within 30 days following the initial placement. The foster parent's orientation must include items A to E:

- A. emergency procedures, including evacuation routes, emergency telephone numbers, severe storm and tornado procedures, and location of alarms and equipment;
- B. relevant laws and rules, including, but not limited to, chapter 9560; Minnesota Statutes, chapters 245A, 260, and 260C; and Minnesota Statutes, section 626.556; and legal issues and reporting requirements;
- C. cultural diversity, gender sensitivity, culturally specific services, cultural competence, and information about discrimination and racial bias issues to ensure that caregivers will be culturally competent to care for foster children according to Minnesota Statutes, section 260C.212, subdivision 11;
- D. information about the role and responsibilities of the foster parent in the development and implementation of the case plan and in court and administrative reviews of the child's placement; and
- E. requirements of the licensing agency.

Subp. 2. **In-service training.** Each foster parent must complete a minimum of 12 hours of training per year in one or more of the areas in this subpart or in other areas as agreed upon by the licensing agency and the foster parent. If the foster parent has not completed the required annual training at the time of relicensure and does not show good cause why the training was not completed, the foster parent may not accept new foster children until the training is completed. The nonexclusive list of topics in items A to Z provides examples of in-service training topics that could be useful to a foster parent:

- A. cultural competence and transcultural placements;
- B. adoption and permanency;
- C. crisis intervention, including suicide prevention;
- D. sexual offender behaviors;
- E. children's psychological, spiritual, cultural, sexual, emotional, intellectual, and social development;
- F. legal issues including liability;
- G. foster family relationships with placing agencies and other service providers;

- H. first aid and life-sustaining treatment such as cardiopulmonary resuscitation;
- I. preparing foster children for independent living;
- J. parenting children who suffered physical, emotional, or sexual abuse or domestic violence;
- K. chemical dependency, and signs or symptoms of alcohol and drug abuse;
- L. mental health and emotional disturbance issues;
- M. Americans with Disabilities Act and Individuals with Disabilities Education Act;
- N. caring for children with disabilities and disability-related issues regarding developmental disabilities, emotional and behavioral disorders, and specific learning disabilities;
- O. privacy issues of foster children;
- P. physical and nonphysical behavior guidance, crisis de-escalation, and discipline techniques, including how to handle aggression for specific age groups and specific issues such as developmental disabilities, chemical dependency, emotional disturbances, learning disabilities, and past abuse;
- Q. birth families and reunification;
- R. effects of foster care on foster families;
- S. home safety;
- T. emergency procedures;
- U. child and family wellness;
- V. sexual orientation;
- W. disability bias and discrimination;
- X. management of sexual perpetration, violence, bullying, and exploitative behaviors;
- Y. medical technology-dependent or medically fragile conditions; and
- Z. separation, loss, and attachment.

Subp. 3. **Medical equipment training.** Foster parents who care for children who rely on medical equipment to sustain life or monitor a medical condition must meet the requirements of Minnesota Statutes, section 245A.155.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

## **2960.3080 PLACEMENT, CONTINUED STAY, AND DISCHARGE.**

Subpart 1. **Placement criteria.** Foster care placement is governed by the statement of intended use developed by the licensing agency and the license holder. The license holder may decline to accept a foster child without a stated reason. The requirements of parts 2960.0510 to 2960.0530 do not apply if the foster home serves as an emergency shelter home.

Subp. 2. **Screening.** The license holder must cooperate with the placing agency to ensure that the child's needs are identified and addressed.

Subp. 3. **Child's property.** The foster child must be allowed to bring personal possessions, as agreed upon between the child, the child's parent, the placing agency, and the license holder, to the foster home and must be allowed to accumulate possessions to the extent the home is able to accommodate them.

Subp. 4. **Information about foster children.** Before placement or within five days following placement, the placing agency shall give the license holder written information in items A to K about the child:

- A. the child's placement history summary;
- B. name and nicknames;
- C. date of birth;
- D. gender;



- E. name, address, and telephone number of the child's parents, guardian, and advocate;
- F. race or cultural heritage of the child, including tribal affiliation, if any;
- G. description of the child's presenting problems, including medical problems, circumstances leading to placement, mental health concerns, safety concerns including assaultive behavior, and victimization concerns;
- H. description of assets and strengths of the child and, if available, related information from the child, child's family, including siblings, and concerned persons in the child's life;
- I. name, address, and telephone number of the contact person for the last educational program the child attended, if applicable;
- J. spiritual or religious affiliation of the child and the child's family; and
- K. information about the child's medication and diet needs and the identities of the child's recent health care providers.

The child's placing agency shall update the information in items A to K as new information becomes available.

Subp. 5. **Cooperation required.** The license holder must cooperate with the child's placing agency according to items A and B.

- A. The license holder must provide basic services to the child.
- B. The license holder must cooperate with the child's case manager and other appropriate parties to develop and implement the child's case plan during the child's stay in the foster home. The license holder shall cooperate in the following areas:
  - (1) identify and share information, if appropriate, with persons who are directly involved in the child's treatment plan and tell those persons about major treatment outcomes the child will achieve while in the home, including attaining developmentally appropriate life skills that the child needs to become functional in the community;
  - (2) report the child's behaviors and other important information to the placing agency and others as indicated in the child's case plan;
  - (3) recommend changes in the child's case plan to the case manager if needed;
  - (4) give the placing agency additional significant information about the foster child as it becomes known;
  - (5) facilitate the child's school attendance and enroll the child in a local school district or, if appropriate, the child's district of residence;
  - (6) provide a child with timely access to basic, emergency, and specialized medical, mental health, and dental care and treatment services by qualified persons; and
  - (7) maintain a record of illness reported by the child, action taken by the foster parent, and the date of the child's medical, psychological, or dental care.

Subp. 6. **Foster child services.** The license holder must:

- A. work with the child's placing agency and child's parents to develop a plan to identify and meet a foster child's immediate needs. The license holder must collaborate with the placing agency to provide the basic services to the child;
- B. encourage age-appropriate activities, exercise, and recreation for the foster child;
- C. seek consultation or direction from the placing agency if issues arise that cannot be resolved between the license holder and the foster child;
- D. explain house rules and tell the foster child about the license holder's expectations about behavior, the care of household items, and the treatment of others; and

- E. know the whereabouts of the child in the license holder's care. The license holder must be guided by the case plan or court order in determining how closely to supervise the child. The license holder must immediately notify the placing agency if the child runs away or is missing.

**Subp. 7. Foster child diet.**

A foster child must be provided food and beverages that are palatable, of adequate quantity and variety, served at appropriate temperatures, and have sufficient nutritional value to promote the child's health. If the child has a medically prescribed diet, then the license holder must provide the diet as ordered by a physician or other licensed health care provider.

**Subp. 8. Discipline.** The license holder must consider the child's abuse history and developmental, cultural, disability, and gender needs when deciding the disciplinary action to be taken with the child. Disciplinary action must be in keeping with the license holder's discipline policy. The discipline policy must include the requirements in items A and B.

A. Children must not be subjected to:

- (1) corporal punishment, including, but not limited to: rough handling, shoving, ear or hair pulling, shaking, slapping, kicking, biting, pinching, hitting, throwing objects at the child, or spanking;
- (2) verbal abuse, including, but not limited to: name calling; derogatory statements about the child or child's family, race, gender, disability, sexual orientation, religion, or culture; or statements intended to shame, threaten, humiliate, or frighten the child;
- (3) punishment for lapses in toilet habits, including bed wetting or soiling;
- (4) withholding of basic needs, including, but not limited to: a nutritious diet, drinking water, clothing, hygiene facilities, normal sleeping conditions, proper lighting, educational services, exercise activities, ventilation and proper temperature, mail, family visits, positive reinforcement, nurturing, or medical care. However, a child who destroys bedding or clothing, or uses these or other items to hurt the child's self or others, may be deprived of such articles according to the child's case plan;
- (5) assigning work that is dangerous or not consistent with the child's case plan;
- (6) disciplining one child for the unrelated behavior or action of another, except for the imposition of restrictions on the child's peer group as part of a recognized treatment program;
- (7) restrictions on a child's communications beyond the restrictions specified in the child's treatment plan or case plan, unless the restriction is approved by the child's case manager; and
- (8) requirements to assume uncomfortable or fixed positions for an extended length of time, or to march, stand, or kneel as punishment.

B. The license holder:

- (1) must not require a child to punish other children;
- (2) must follow the child's case plan regarding discipline;
- (3) must not use mechanical restraints or seclusion, as defined in part 2960.3010, subpart 38, with a foster child;
- (4) must ensure that the duration of time-out is appropriate to the age of the child; and
- (5) must meet the requirements of part 9525.2700, subpart 2, item F, regarding the use of aversive or deprivation procedures with a foster child with a developmental disability.

**Subp. 9. Visitation and communication.** The license holder must follow the visitation and communication plan in a foster child's case plan, which was developed by the placing agency and child's parents, or required by court order. In the absence of a case plan or court order regarding visitation, the license holder must work with the placing agency and the child's parents to jointly develop a visitation plan.

Subp. 10. **Complaints and grievances.** The license holder must work with the licensing agency to develop written complaint and grievance procedures for foster children. The procedures must meet at least the following requirements:

- A. the agency or license holder must tell the child and the child's parent or legal representative about the complaint and grievance procedures and upon request give the child or the child's parent or legal representative a copy of the procedures and any forms needed to complain or grieve;
- B. the license holder must notify the placing and licensing agency about a written complaint or grievance and the resolution of the complaint or grievance; and
- C. a license holder's response to a complaint or grievance that alleges abuse or neglect must meet the requirements of the Maltreatment of Minors Act, Minnesota Statutes, section 626.556.

Subp. 11. **Discharge.** The license holder must work with the child's placing agency to ensure a planned discharge and compliance with Minnesota Statutes, section 260C.212, subdivision 3. Before an unplanned discharge, the license holder must confer with other interested persons to review the issues involved in the decision. During this review process, which must not exceed 30 days, the license holder must determine whether the license holder, treatment team, if any, interested persons, and the child can develop additional strategies to resolve the issues leading to the discharge and to permit the child an opportunity to continue to receive services from the license holder. If the review indicates that the decision to discharge is warranted, the reasons for it and the alternatives considered or attempted must be documented. A child may be temporarily removed from the foster home during the review period if the child is a danger to self or others. This subpart does not apply to a child removed by the placing authority or a parent or guardian.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

## **2960.3090 RESPITE AND SUBSTITUTE CARE FOR FAMILY SETTINGS.**

Subpart 1. **Notice requirements.** In nonemergency situations, the license holder, parent, and placing agency must agree on respite care and substitute care arrangements within ten working days prior to the use of respite care or substitute care or must agree on respite care according to an ongoing written agreement. In an emergency that may require the use of respite or substitute care, the license holder must notify the placing agency of the emergency as soon as possible. The license holder must notify the placing agency when respite care or long-term substitute care is being provided.

Subp. 2. **Qualifications of long-term substitute caregiver.** A substitute caregiver must:

- A. be at least 18 years of age;
- B. have completed a background study within the past 12 months;
- C. have no statutory or rule disqualification;
- D. if providing more than 30 cumulative days of substitute care in a 12-month period:
  - (1) submit a signed statement attesting to good health and being physically able to care for foster children; and
  - (2) have at least six hours of training or 20 hours of experience in caring for children with the particular needs of the foster children to be cared for; and
- E. provide documentation of medical equipment training on the equipment used to care for the foster child from an appropriate training source.

Subp. 3. **Short-term substitute caregiver.** As used in parts 2960.3000 to 2960.3340, "short-term substitute care" means less than 72 hours of continuous care for a child. A short-term substitute

caregiver does not have to meet the requirements of subpart 2. However, the foster parent and the placing agency must agree that the short-term substitute caregiver is able to meet the needs of the foster child. The short-term substitute caregiver must provide documentation of medical equipment training on the equipment used to care for the foster child from an appropriate training source.

**Subp. 4. Information to respite caregiver.** The license holder must give a respite care provider the information in items A to D related to the foster child's health, safety, and welfare:

- A. information about the foster child's emotional, behavioral, medical, and physical condition;
- B. any medication the foster child takes;
- C. the foster child's daily routine and schedule; and
- D. the names and telephone numbers of individuals to contact in case of emergency and information about medical providers and how to obtain medical care for the child.

**Subp. 5. Information to substitute caregivers.** The license holder must give a substitute care provider the information in subpart 4, and in items A to D:

- A. the location of a fire extinguisher and first aid supplies;
- B. emergency and fire evacuation plans;
- C. information about child abuse and mandatory reporting laws; and
- D. if an emergency occurs which involves the foster child, the substitute caregiver must notify the placing agency as soon as possible about the emergency.

**Subp. 6. Overnights and short trips.** The license holder must seek direction from the placing agency about whether or not the foster child may go on overnights or short trips outside the supervision of the license holder.

**Subp. 7. Foster residence settings.** Foster residence settings may not use respite caregivers, long-term substitute caregivers, and short-term substitute caregivers. Subparts 1 to 6 do not apply to foster residence settings.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

## **2960.3100 RECORDS.**

**Subpart 1. Foster care license records.** The license holder must cooperate with the licensing agency to ensure the agency has the following records:

- A. a copy of the application for licensure signed by the applicant;
- B. a license holder agreement form supplied by the Department of Human Services which is signed by the applicant and the agency;
- C. reports and signed statements from specialists, and signed statements from the license holder, the license holder's children, and other household members concerning the physical health of the license holder, the license holder's children, and other household members;
- D. a current completed commissioner's home safety checklist (D.S.-644) plus a written report from the fire marshal on any specific fire hazards, if required;
- E. the prelicensing home study and supporting documentation;
- F. references obtained through the licensing process;
- G. a documented annual evaluation of the licensed foster home, conducted jointly by the license holder and the licensing agency, including, at a minimum:

- (1) a review of all foster placements in the past year and an assessment of the impact and outcomes of the placement on the child, child's family, license holder, and development and implementation of the case plan;
  - (2) a review of any comments, suggestions, or concerns raised by placing agencies and an assessment of implications for training and foster home policies or procedures;
  - (3) a review of any grievances, their outcomes, and an assessment of implications for training and foster home policies or procedures;
  - (4) review of the ability of the license holder to care for children; and
  - (5) the development of a plan for the next year's foster care training and development;
- H. documentation for any rule variance from this chapter; and
- I. a record of training received by the license holder and staff, if any, and foster parents, including a list of training on medical equipment used to sustain life or monitor a medical condition.

Subp. 2. **Foster child records.** The license holder must keep a record for each foster child in care. The record must include the child's medical records, which includes records of illnesses and medical care provided to the child; grievance records, including documentation of the grievance resolution; and other documentation as required by the child's case plan.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

## **ADDITIONAL REQUIREMENTS FOR FOSTER RESIDENCE SETTINGS**

### **2960.3200 FOSTER RESIDENCE LICENSE HOLDERS.**

Subpart 1. **Scope.** Parts 2960.3200 to 2960.3230 apply to foster homes which are foster residence settings.

Subp. 2. **Purpose and applicability.** Parts 2960.3200 to 2960.3230 apply to foster homes in which the license holder does not reside at the licensed foster home. The foster residence setting license holder must meet the requirements of parts 2960.3200 to 2960.3230, in addition to the requirements of parts 2960.3000 to 2960.3100.

Subp. 3. **Exemption.** The training and orientation requirements of part 2960.3070 do not apply to foster residence settings.

**Statutory Authority:** L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09

**CHAPTER 9543, LICENSURE OF PROGRAMS  
DEPARTMENT OF HUMAN SERVICES**

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**FAMILY DAY CARE AND ADULT AND CHILD FOSTER CARE  
9543.0010 PURPOSE AND APPLICABILITY.**

Subpart 1. **Purpose.** The purpose of parts 9543.0010 to 9543.0150, is to promote uniform enforcement of rules governing licensure of family day care, adult foster care, family adult day services, and child foster care programs and to establish minimum standards for performing licensing functions related to those rules.

Subp. 2. **Full applicability to county agencies.** Parts 9543.0040 to 9543.0130 apply in their entirety to county agencies.

Subp. 3. **Limited applicability to private agencies.** Parts 9543.0040 to 9543.0070, 9543.0090 to 9543.0110, and 9543.0130 apply to private agencies authorized by the commissioner to perform licensing functions related to child foster care.

**Statutory Authority:** MS s 14.386; 14.388; 245A.09; 245A.16

**9543.0020 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 9543.0010 to 9543.0150, the following terms have the meanings given them.

Subp. 2. **Abuse.** "Abuse" has the meaning given it in Minnesota Statutes, section 626.557, subdivision 2, paragraph (d).

Subp. 3. **Agency.** "Agency" means a county agency as defined in subpart 9 or a private agency as defined in subpart 17.

Subp. 4. **Applicant.** "Applicant" means an applicant as defined in Minnesota Statutes, section 245A.02, subdivision 3, who has completed and signed a license application form. Applicant includes a current license holder who is seeking relicensure.

Subp. 5. **Authorized.** "Authorized" means that a private agency is in compliance with parts 9543.0040 to 9543.0070, 9543.0090 to 9543.0110, and 9543.0130 and has been licensed by the commissioner to perform the child foster care program licensing functions under part 9543.0030, subpart 2.

Subp. 6. **Certification.** "Certification" means the commissioner's written notice to a county agency performing licensing functions delegated under part 9543.0030, subpart 1, that the county agency is in compliance with the requirements in parts 9543.0040 to 9543.0130.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. 8. **Complaint.** "Complaint" means a report of an alleged license violation made to the agency about a program.

Subp. 9. **County agency.** "County agency" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 6.

Subp. 10. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 10a. **Family adult day services.** "Family adult day services" means the services defined in Minnesota Statutes, section 245A.143, subdivision 1.

Subp. 11. **Imminent danger.** "Imminent danger" means a child or vulnerable adult is threatened with immediate and present abuse or neglect that is life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury.

Subp. 12. **License.** "License" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 8.

Subp. 13. **License holder.** "License holder" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 9.

Subp. 14. **Maltreatment.** "Maltreatment" has the meaning given it in Minnesota Statutes, section 626.556, subdivision 10e.

Subp. 15. **Negative licensing action.** "Negative licensing action" means denial of a license application, issuance of a fine, or suspension, revocation, or temporary immediate suspension of an existing license.

Subp. 16. **Neglect.** "Neglect" has the meaning given it in Minnesota Statutes, sections 626.556, subdivision 2, paragraph (g) and 626.557, subdivision 2, paragraph (e).

Subp. 17. **Private agency.** "Private agency" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 12.

Subp. 18. **Program.** "Program" means family day care, child foster care, adult foster care or family adult day services programs.

Subp. 19. **Prospective applicant.** "Prospective applicant" means a person who expresses interest to an agency in applying for a license to provide a program but who has not submitted a signed application form to the agency.

Subp. 20. **Variance.** "Variance" means written permission from the commissioner for a license holder to depart for a specified time from a standard specified in rule.

Subp. 21. **Violation.** "Violation" means failure to comply with applicable laws or rules governing a program.

**Statutory Authority:** MS s 14.386; 14.388; 245A.09; 245A.16

### **9543.0030 LICENSING FUNCTIONS.**

Subpart 1. **Delegation to county agencies.** County agencies are delegated responsibility to perform the following functions related to licensure of programs:

- A. accept and process license applications;
- B. conduct inspections, studies, and evaluations of programs;
- C. recommend approval or denial of applications for licensure;
- D. process variance requests;



- E. monitor compliance with applicable licensing rules;
- F. investigate allegations of license violations;
- G. investigate unlicensed programs;
- H. issue correction orders;
- I. recommend forfeiture orders and negative licensing actions;
- J. enforce orders of the commissioner; and
- K. represent the commissioner in contested case proceedings conducted under Minnesota Statutes, chapter 14.

Subp. 2. **Delegation to private agencies.** Private agencies must be authorized by the commissioner to perform the following functions related to the licensure of child foster care programs:

- A. accept and process license applications;
- B. conduct inspections, studies, and evaluations of programs;
- C. recommend approval or denial of applications for licensure;
- D. process variance requests;
- E. monitor compliance with child foster care licensing rules;
- F. investigate allegations of license violations;
- G. issue correction orders;
- H. recommend forfeiture orders and negative licensing actions;
- I. enforce orders of the commissioner; and
- J. assist and cooperate with the commissioner and attorney general in contested case proceedings.

**Statutory Authority:** MS s 245A.09; 245A.16

#### **9543.0040 LICENSE APPLICATION PROCEDURES.**

Subpart 1. **Licensure information.** The agency shall provide information on license application procedures to prospective applicants according to items A to D.

- A. The agency shall provide in writing to all prospective applicants, the information in subitems (1) to (3):
  - (1) a summary of license requirements;
  - (2) a description of the agency's licensing study process; and
  - (3) the agency's timelines for processing license applications.
- B. The agency shall provide the license application form prescribed by the commissioner to every prospective applicant who requests an application.
- C. An agency that requires prospective applicants to attend an informational meeting before receiving a license application form must ensure that meetings take place at least every two months on either a group or individual basis.
- D. Upon receiving a completed and signed license application form, the agency shall provide the applicant a copy of the program rules.

Subp. 2. **Licensing study.** The agency shall perform a licensing study of the applicant that includes:

- A. a background study performed according to subpart 3;
- B. a written record of a home study that includes:
  - (1) on-site inspection of the residence;
  - (2) home visits necessary to fully evaluate the applicant's qualification for licensure; and
  - (3) when an applicant has been operating a program:
    - a) an in-home visit to observe compliance with program requirements;

- b) documented requests for program evaluations from parents or legal guardians of children in family day care; and
- c) evaluations from placement workers for foster care;
- C. three letters of reference;
- D. where the agency has knowledge the applicant was previously licensed, a reference from that previous agency;
- E. reports from the fire marshal, building officials, and health officials that are required by rules governing the program;
- F. for foster care licensing applicants, the information in part 9543.0060, subpart 4; and
- G. any other reports or evaluations necessary to fully evaluate the applicant's qualifications for licensure and compliance with applicable laws and rules.

Subp. 3. **[Repealed, L 2004 c 288 art 1 s 83]**

Subp. 4. **Completed application.** An application is completed when all studies, reports, and evaluations in subparts 2 and 3 have been completed and received by the agency.

Subp. 5. **Licensing recommendation.** The agency shall forward its licensure recommendation to the commissioner within 20 working days after an application is completed. The agency shall make its recommendation according to items A to C:

- A. The agency shall recommend that the commissioner issue a license when the agency determines that the applicant fully complies with laws and rules governing the program and is qualified for licensure.
- B. The agency may recommend that the commissioner issue a license and grant a variance according to part 9543.0050.
- C. The agency shall recommend that the commissioner deny a license application if the agency determines the applicant fails to fully comply with laws or rules governing the program and variance requirements. The agency shall submit evidence to support its recommendation. Evidence may include:
  - (1) documentation of specific facility deficiencies that endanger the health or safety of persons served by the program;
  - (2) documentation of any disqualification that has not been set aside;
  - (3) reports of agency investigations and on-site observations;
  - (4) reports from law enforcement agencies;
  - (5) reports from county child or adult protection services;
  - (6) reports from fire, building, or health officials;
  - (7) complaints that relate to the program; or
  - (8) any other evidence that the applicant is not in compliance with applicable laws or rules governing the program.

Subp. 6. **License renewal.** Before the expiration date of a license, the agency shall:

- A. at least 30 days before the license expiration date, provide an application form and notice of the license expiration date to the license holder;
- B. conduct a licensing renewal study that includes information under subpart 2, items A, B, E, and F; and
- C. make a licensing recommendation to the commissioner.

Subp. 7. **License extension.** Before the expiration date of a program that is being investigated or a program that is appealing an order of revocation or suspension, the agency shall request the commissioner to extend the license pending disposition of the investigation or appeal.

Subp. 8. **Tracking licensing progress.** The agency shall track the progress of each application for licensure on a form approved by the commissioner including:

- A. the dates and documentation of all events described in subparts 2 to 7;
- B. the status of the license application 120 calendar days after receipt of a signed application form;
- C. the date and circumstances when a license application is withdrawn or a license is returned or not renewed by the license holder;
- D. the date the license is issued or denied; and
- E. if a license is issued, the date the license is effective and the expiration date of the license.

**Statutory Authority:** MS s 245A.09; 245A.16

### **9543.0050 VARIANCE REQUESTS.**

Subpart 1. **Variance information.** A variance request must include the following information:

- A. the part or parts of the rule for which a variance is sought;
- B. the reasons why a variance from the specified provisions is sought;
- C. the period of time for which a variance is requested;
- D. written approval from the fire marshal, building inspector, or health authority when the variance request is for a variance from a fire, building, or health code; and
- E. alternative equivalent measures the applicant or license holder will take to ensure the health and safety of persons served by the program if the variance is granted.

Subp. 2. **Variance procedures.** Except as provided in subpart 3, a request for a variance must be submitted in writing by the applicant or license holder.

For variances excluded from the delegation authority under Minnesota Statutes, section 245A.16, subdivision 1, the agency shall forward to the commissioner within ten working days of receipt of the request the information in subpart 1 and the agency's recommendation to approve or deny the request. The commissioner shall send a written decision to grant or deny the variance request to the applicant or license holder and to the agency.

Subp. 3. **Foster care capacity variance at request of agency.** The agency may orally request from the commissioner a variance from child foster care capacity limits on behalf of a license holder. If the commissioner grants the variance, the agency shall submit to the commissioner the information in subpart 1 within five working days after the variance is granted.

**Statutory Authority:** MS s 14.386; 14.388; 245A.09; 245A.16

### **9543.0060 LICENSING FOSTER CARE PROGRAMS.**

Subpart 1. **Additional foster care licensing requirements.** Agencies that perform foster care licensing functions shall comply with the requirements in subparts 2 to 6, in addition to other applicable requirements.

Subp. 2. **Program information.** The agency shall provide prospective applicants with information about foster care to enable the prospective applicant to decide whether to apply for licensure. The information must include:

- A. the types of individuals the agency places in foster care;
- B. the responsibilities of foster care license holders and of the agency; and
- C. the agency's policies governing foster care.

Subp. 3. **Orientation and preplacement training.** The agency shall provide applicants the orientation and preplacement training required in rules governing the program.

Subp. 4. **Foster care licensing study.** In addition to the licensing study under part 9543.0040, subpart 2, the licensing study of an applicant for foster care must include:

- A. in-person interviews with all family members and other adults living in the household;
- B. social history information; and
- C. an evaluation of whether the individual meets the specific qualifications required in Minnesota Rules governing child foster care or adult foster care.

A written report of the foster care licensing study must be kept in the applicant's record.

Subp. 5. **Duties of agency.** The agency shall:

- A. enter into a foster parent agreement with the license holder for child foster care;
- B. coordinate with placement workers to ensure that the license holder is visited by a placement worker or the licenser at least monthly for the first six months after the first placement in child foster care;
- C. provide the license holder a copy of the annual relicensing evaluation report;
- D. establish a grievance mechanism for resolving differences between the agency and the license holder and provide the license holder with a written description of grievance procedures;
- E. ensure that the foster care provider has a means of contacting the agency 24 hours per day, seven days per week; and
- F. ensure that training is available to enable license holders to meet the training requirements in rules governing foster care programs.

Subp. 6. **Notice of closure.** When a foster care program is closed, the agency shall notify the commissioner on forms prescribed by the commissioner.

**Statutory Authority:** MS s 245A.09; 245A.16

#### **9543.0070 INVESTIGATIONS OF LICENSED PROGRAMS.**

Subpart 1. **Reports of abuse or neglect of persons served by licensed programs.** If an agency receives a complaint alleging abuse or neglect of persons served by a program, the agency shall follow the procedures in items A to C.

- A. The agency shall immediately report the complaint to the county child or adult protection unit where the program is located.
- B. The agency shall cooperate with the county child or adult protection unit as requested in conducting the investigation required under part 9555.7300 or 9560.0222.
- C. Upon completion of the investigation, the agency shall take the appropriate licensing action indicated by the findings of the investigation.

Subp. 2. **Timelines.** Except for reports of abuse, neglect, or maltreatment, the agency shall investigate all complaints of licensing violations received about programs for which it performs licensing functions. The agency shall investigate the complaints according to items A to C:

- A. A complaint that alleges imminent danger or recurring physical injury to persons served by the program must be:
  - (1) reported according to subpart 1; and
  - (2) reported to the commissioner immediately.
- B. Investigation of a complaint that does not indicate imminent danger to persons served by the program but that may result in a negative licensing action under part 9543.0100 must begin within three working days after the agency receives the complaint.
- C. Investigation of a complaint that does not involve an issue of safety under item A or B for persons served by the program must begin within ten working days after the agency receives the complaint.

Subp. 3. **Determination.** The agency shall gather sufficient information about every complaint to:

- A. make a determination that a licensing violation occurred, did not occur, or no determination can be made; and
- B. if a violation occurred, issue a correction order or recommend a negative licensing action.

Subp. 4. **Reports of death.** The agency shall ensure that the death of a person served by a program is reported to the medical examiner or coroner and ombudsman as required in Minnesota Statutes, sections 626.556, subdivision 9, and 626.557, subdivision 9a.

Subp. 5. **Recording complaints and investigations.** The agency shall:

- A. maintain a register for recording complaints about licensed programs and tracking the status of each investigation;
- B. record in the license holder's file the disposition of each complaint involving the license holder; and
- C. maintain the records according to Minnesota Statutes, section 13.46.

**Statutory Authority:** MS s 14.386; 14.388; 245A.09; 245A.16

#### **9543.0080 COUNTY INVESTIGATION OF UNLICENSED PROGRAMS.**

Subpart 1. **Unlicensed family day care and adult foster care.** When a county agency learns that a family day care or adult foster care program required to be licensed is operating without a license, the county shall, within five working days, notify the operator in writing that a license is required or the program must discontinue operation.

- A. If the operator discontinues the unlicensed operation, no further action is required.
- B. If an operator who is eligible for licensure fails to sign an application form within 30 calendar days after notice that a license is required or fails to cooperate in the licensing study, the county agency shall:
  - (1) ask the county attorney to take legal action to halt the continued operation of the program or obtain misdemeanor prosecution of the operator; and
  - (2) inform the commissioner of the unlicensed program.
- C. Nothing in items A and B prevents a county agency from immediately asking the county attorney to seek a court order against the continued operation of an unlicensed program.

Subp. 2. **Unlicensed child foster care.** The agency shall report to the county child protection unit when it learns of a child in an unlicensed foster care program that is required to be licensed.

**Statutory Authority:** MS s 245A.09; 245A.16

#### **9543.0090 CORRECTION ORDERS AND CONDITIONAL LICENSE.**

Subpart 1. **Correction order, training.** An agency shall not issue correction orders unless licensors have been trained by the department on procedures for issuing correction orders. A correction order must be on forms prescribed by the commissioner. A copy of the correction order must be kept in the license holder's file.

Subp. 2. **Criteria for issuing correction orders.** A correction order may be issued if all of the following conditions are met:

- A. the violation does not imminently endanger the health, safety, or rights of persons served by the program;
- B. the violation is not listed in part 9543.0100, subpart 3;
- C. the violation is not serious or chronic; and
- D. the violation will be corrected within a reasonable time.

Subp. 3. **Time limitation.** A correction order must include a specific time period for correcting the violation.

Subp. 4. **Compliance with correction order.** The agency shall ensure that license holders provide evidence of compliance with a correction order or, if appropriate, recommend further action to the commissioner.

Subp. 5. **Conditional license.** The agency may recommend a conditional license if:

- A. on the basis of factors in part 9543.0100, subpart 1, the agency demonstrates that revocation or suspension of the license is not warranted;
- B. the agency demonstrates that continued operation of the program:
  - (1) is in the best interests of persons served by the program; and
  - (2) would not pose a risk of harm to persons served by the program; and
- C. the agency submits to the commissioner a plan for monitoring the program to ensure the safety of persons served during the conditional license.

**Statutory Authority:** MS s 14.386; 14.388; 245A.09; 245A.16

#### **9543.0100 NEGATIVE LICENSING ACTIONS.**

Subpart 1. **Basis for recommendation.** When recommending a negative licensing action, the agency shall:

- A. submit to the commissioner the following information:
  - (1) the citation to laws or rules that have been violated;
  - (2) the nature and severity of each violation;
  - (3) whether the violation is recurring or nonrecurring;
  - (4) the effect of the violation on persons served by the program;
  - (5) an evaluation of the risk of harm to persons served;

- (6) any evaluations of the program by persons served or their families;
  - (7) relevant facts, conditions, and circumstances concerning the operation of the program, including information identified in part 9543.0040, subpart 5, item C;
  - (8) any relevant information about the qualifications of the applicant or license holder or persons living in the residence; and
  - (9) any aggravating or mitigating factors related to the violation; and
- B. notify the county attorney of the recommendation.

Subp. 2. **Temporary immediate suspension of license.** If the license holder's actions or failure to comply with applicable law or rule poses an imminent risk of harm to the health, safety, or rights of persons served by a program, the agency must take actions described in items A to C:

- A. The agency shall notify the commissioner immediately.
- B. If the commissioner orders a temporary immediate suspension, the agency shall arrange for delivery, by personal service, of written notice of temporary immediate suspension to the license holder. The notice shall state:
  - (1) the reason for the temporary immediate suspension;
  - (2) that the program must discontinue operation immediately;
  - (3) the license holder's right to appeal and an expedited hearing; and
  - (4) that the commissioner has taken the action.
- C. The agency shall make a recommendation for further action to the commissioner.

Subp. 3. **Revocation or denial of license.** Violations that are grounds for recommending license revocation or denial include, but are not limited to:

- A. immediate suspension of a license under subpart 2;
- B. a disqualifying crime or conduct listed in Minnesota Statutes, section 245C.15, that has not been set aside under Minnesota Statutes, section 245C.22, or for which a variance has not been granted under Minnesota Statutes, section 245C.30, or in rules governing the program;
- C. a false statement knowingly made by the license holder, on the license application;
- D. failure or refusal to provide the commissioner access to the physical plant and grounds, documents, persons served, and staff;
- E. recurring failure to comply with discipline standards in rules governing the program;
- F. severe or recurring failure to comply with capacity limits; or
- G. licensing violations that occur while the license is probationary or suspended.

Subp. 4. **License suspension.** The agency may recommend license suspension rather than revocation under subpart 3 if the agency submits information demonstrating:

- A. on the basis of factors in subpart 1, revocation is not warranted; and
- B. suspension rather than revocation:
  - (1) is in the best interests of persons served by the program; and
  - (2) would not pose a risk of harm to persons served by the program.

Subp. 5. **[Repealed, 30 SR 585]**

Subp. 6. **Notification of licensee of negative licensing action.** The agency shall give written notice to a license holder when the agency recommends a negative licensing action to the commissioner.

Subp. 7. **Notice to parents of negative licensing action.** The agency shall give written notice of a negative licensing action to the parents or guardians of children in the programs as follows:

- A. When the agency recommends a negative licensing action to the commissioner, the agency shall immediately inform parents and guardians that a negative licensing action has been recommended and that they will be informed of the commissioner's action on the recommendation.
- B. When the commissioner orders a negative licensing action, the agency shall immediately inform parents and guardians:
  - (1) that a negative licensing action has been ordered and the circumstances for the action;
  - (2) the effect of the negative licensing action on the operation of the program; and
  - (3) that an explanation of the appeal process available to the license holder is available upon request.
- C. If the commissioner does not order a negative licensing action following the agency recommendation, the agency shall inform parents and guardians when the agency receives the commissioner's decision.

Subp. 8. **Notice of negative licensing action to county.** If a negative licensing action has been ordered against a child foster care program that is supervised by a private agency, the private agency shall notify in writing the county agency in which the program is located and any county that has placements in the home.

**Statutory Authority:** MS s 14.386; 14.388; 245A.09; 245A.16; 256.01; 256E.05; 257.175; 393.07

#### **9543.0110 ENFORCING ORDERS OF COMMISSIONER.**

Subpart 1. **Agency enforcement of commissioner orders.** The agency shall enforce and defend all orders of the commissioner, including immediate suspension, suspension, and revocation.

Subp. 2. **Sanctioned programs.** If the agency has knowledge that a program whose license has been immediately suspended, revoked, or suspended continues to operate, the agency shall immediately report the operation to the county attorney and the commissioner.

Subp. 3. **Programs on conditional status.** The agency shall monitor a program whose license is on conditional status for compliance with the plan developed under part 9543.0090, subpart 5. If the program fails to comply with the terms of its conditional license, the agency shall immediately report the noncompliance to the commissioner.

**Statutory Authority:** MS s 14.386; 14.388; 245A.09; 245A.16

#### **9543.0120 CONTESTED CASE PROCEEDINGS; INFORMAL DISPOSITIONS.**

Subpart 1. **Contested case proceedings.** The county agency shall represent the commissioner in contested case appeals of negative licensing actions involving license holders supervised by the county agency. The county agency shall:

- A. arrange for legal consultation and representation by the county attorney;
- B. prepare all documents necessary for the contested case proceeding;
- C. within 30 days after receipt of the appeal packet from the department, arrange with the Office of Administrative Hearings for the services of an administrative law judge and a timely date and location for the hearing;
- D. serve the notice of and order for hearing as provided in part 1400.5600; and
- E. send a copy of the notice of and order for hearing to the commissioner.



Subp. 2. **Appeals involving private agencies.** The attorney general represents the commissioner in contested case appeals of licensing actions involving license holders licensed based on the recommendation of a private agency.

Subp. 3. **Informal dispositions, stipulated agreements.** In making an informal disposition of a contested case, the county agency shall follow the procedures in items A to D:

- A. The county agency shall obtain preliminary approval from the commissioner to discuss an informal disposition of the contested case.
- B. Before entering into any settlement agreement with an applicant or license holder appealing an order of the commissioner, the county agency shall discuss the terms of the proposed agreement with the commissioner.
- C. If the commissioner approves of the proposed terms, the county agency shall:
  - (1) draft an agreement and obtain signatures of the party appealing and county representatives;
  - (2) submit the signed agreement to the commissioner for approval and signatures; the agreement is not effective until signed by the commissioner; and
  - (3) monitor the program for compliance with the terms of the agreement.
- D. If the commissioner or parties are unable to reach a settlement, the county agency shall schedule a contested case hearing.

**Statutory Authority:** MS s 245A.09; 245A.16

#### **9543.0130 ADMINISTRATIVE REQUIREMENTS.**

Subpart 1. **Maintaining records.** The agency must maintain a record file of each applicant and license holder that includes:

- A. all records required by the rules governing the program;
- B. a record of all investigations and dispositions of all investigations according to Minnesota Statutes, section 13.46;
- C. dates and reports of all licensing studies; and
- D. a list of all persons currently being served by the foster care license holder.

Subp. 2. **Commissioner access.** The agency shall provide the commissioner access to and, if requested, copies of all records and documents in an applicant or license holder's file.

Subp. 3. **Training requirements.** The agency shall require that licensors receive six hours of training each calendar year.

Training must be relevant to licensing functions or to licensed programs.

The agency must keep a record of completed training in each licensor's personnel file.

Subp. 4. **Conflict of interest.** The agency shall ensure that no agency employee or board member who applies for licensure or who is licensed to operate a program based on the agency's recommendation is involved in any licensing recommendation or action related to that employee or board member.

**Statutory Authority:** MS s 245A.09; 245A.16

#### **9543.0140 COUNTY CERTIFICATION.**

Subpart 1. **County agency certification.** The commissioner shall determine whether a county agency is in compliance with parts 9543.0040 to 9543.0130 at least once every four years. When the county

agency is in compliance with parts 9543.0040 to 9543.0130, the commissioner shall certify the county agency for four years.

Subp. 2. **Notification of noncompliance.** The commissioner shall notify the county agency when the county agency has failed to comply with parts 9543.0040 to 9543.0130. The notice must include:

- A. the deficiencies in the county agency's licensing procedures;
- B. the corrective action necessary to correct the deficiencies; and
- C. the time frame for correction of the deficiencies.

Subp. 3. **County compliance.** Within 30 calendar days after receiving a notice of noncompliance, the county shall:

- A. demonstrate compliance with parts 9543.0040 to 9543.0130; or
- B. submit to the commissioner for approval a corrective action plan.

Subp. 4. **Review of corrective action plan.** The commissioner shall review and approve or disapprove the corrective action plan within 30 calendar days after receiving the plan.

Subp. 5. **Provisional certification.** If the county agency does not fully comply with parts 9543.0040 to 9543.0130, but the failure to comply does not constitute a risk to persons served by licensed programs, the commissioner may issue a provisional certification of the county agency upon approval of the corrective action plan submitted under subpart 3, item B.

Subp. 6. **County agency decertification based on demonstrated risk of harm to program participants.** When the commissioner determines that a county agency's failure to comply with parts 9543.0040 to 9543.0130 demonstrates a risk of harm to persons served by licensed programs, the commissioner shall immediately revoke certification of the county agency and initiate sanctions as provided in subpart 7.

Subp. 7. **Funding sanction.** If the county agency is decertified, the commissioner shall certify a funding reduction according to Minnesota Statutes, section 245A.16, subdivision 6.

Subp. 8. **Expiration of certification.** A certification issued to a county agency expires at 12:01 a.m. on the day after the expiration date stated on the certification.

Subp. 9. **Contracting licensing functions.** A county agency must receive prior approval from the commissioner before contracting with an authorized private agency or another county agency to perform licensing functions delegated under part 9543.0030, subpart 1, and remains subject to the certification provisions in part 9543.0140. This subpart does not apply to purchase of service contracts which have as their primary purpose to provide foster care services for individual clients.

**Statutory Authority:** MS s 14.386; 14.388; 245A.09; 245A.16

#### **9543.0150 PRIVATE AGENCY AUTHORIZATION.**

Subpart 1. **Private agency authorization.** The commissioner shall determine private agencies' compliance with parts 9543.0040 to 9543.0070, 9543.0090 to 9543.0110, and 9543.0130. When a private agency is in compliance with parts 9543.0040 to 9543.0070, 9543.0090 to 9543.0110, and 9543.0130, the commissioner shall authorize the private agency to perform licensing functions delegated under part 9543.0030, subpart 2, for a period up to four years. The authorization shall specify the effective and expiration dates of the authorization.

Subp. 2. **Revocation of private agency's authorization.** When the commissioner determines that a private agency's failure to comply with parts 9543.0040 to 9543.0070, 9543.0090 to 9543.0110, and 9543.0130 demonstrates a risk of harm to persons served by licensed programs, the commissioner shall revoke the private agency's authorization to perform licensing functions under part 9543.0030, subpart 2. Revocation of a private agency's authorization is grounds for negative licensing action against a license issued under parts 9545.0755 to 9545.0845. Revocation of authorization or a negative licensing action may be appealed according to Minnesota Statutes, sections 245A.07 and 245A.08.

**Statutory Authority:** MS s 14.386; 14.388; 245A.09; 245A.16

9543.1000 [Repealed, L 2004 c 288 art 1 s 83]  
9543.1010 [Repealed, L 2004 c 288 art 1 s 83]  
9543.1020 [Repealed, L 2004 c 288 art 1 s 83]  
9543.1030 [Repealed, L 2004 c 288 art 1 s 83]  
9543.1040 [Repealed, L 2004 c 288 art 1 s 83]  
9543.1050 [Repealed, L 2004 c 288 art 1 s 83]  
9543.1060 [Repealed, L 2004 c 288 art 1 s 83]  
9543.3000 [Repealed, L 2001 1Sp9 art 14 s 36]  
9543.3010 [Repealed, L 2001 1Sp9 art 14 s 36]  
9543.3020 [Repealed, L 2001 1Sp9 art 14 s 36]  
9543.3030 [Repealed, L 2001 1Sp9 art 14 s 36]  
9543.3040 [Repealed, L 2001 1Sp9 art 14 s 36]  
9543.3050 [Repealed, L 2001 1Sp9 art 14 s 36]  
9543.3060 [Repealed, L 2001 1Sp9 art 14 s 36]  
9543.3070 [Repealed, L 1997 c 248 s 51 subd 2]  
9543.3080 [Repealed, L 2001 1Sp9 art 14 s 36]  
9543.3090 [Repealed, L 2001 1Sp9 art 14 s 36]

**Pathway to Permanency** is a reference guide for adoption of children through foster care. This guide talks about the general process. The link is located below:

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7024A-ENG>

## ADOPTION OF CHILDREN IN FOSTER CARE

DHS-7024A-ENG 5-19

Safe Well Family Healthy  
Connected

**m** DEPARTMENT OF HUMAN SERVICES

# Adoption of children in foster care

Community Independent  
Transition Support Education  
Success Future



Stock photo. Posed by model.

Adoption establishes a legal parent-child relationship between a child in foster care and their committed caregiver. Adoption is the preferred permanency option when reunification is not possible. As legal parents, adoptive parents are legally and financially responsible for their children.

### General adoption process

For children in foster care, the legal adoption process begins with a child's permanency court hearing. After a court orders guardianship of a child to the commissioner of the Minnesota Department of Human Services (department), or makes a child a ward of a tribe, a child's case manager recruits an adoptive family for them. By law, agencies must consider placement in a relative's home before considering placement in a non-relative home.

Once an adoptive family for a child has been identified, a placement agreement is signed by agency staff and prospective adoptive parents. For children under state guardianship, department staff must also sign placement agreements.

An adoption petition is filed with the court, and an adoption finalization hearing is scheduled. If the court is satisfied that adoption is in a child's best interests, it issues an adoption decree.

### For more information

Contact: [Northstar.Benefits@state.mn.us](mailto:Northstar.Benefits@state.mn.us)

### Northstar Adoption Assistance benefits

Northstar Adoption Assistance is a benefit program that supports children with special needs after their adoption. Adoptive parents receive benefits on behalf of children. The following benefits may be available through Northstar Adoption Assistance:

- Monthly payments
- Medicaid
- Nonrecurring expense reimbursement, up to \$2,000 per child
- Reimbursement for pre-approved home and vehicle modifications needed to accommodate a child's special needs.

Adoptive parents may decline benefits.

### Benefit agreement

A benefit agreement provides details about a child's benefits. It must be signed by the financially and legally responsible agency or agencies, prospective adoptive parents, and department staff prior to the court issuing a final decree of adoption.



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## Eligibility for Northstar Adoption Assistance

To be eligible for Northstar Adoption Assistance, children must:

- Meet all eligibility criteria prior to adoption finalization
- Meet citizenship/immigration requirements
- Meet federal requirements based on a child's age, or have had foster care payments paid on their behalf while in foster care prior to a court ordering guardianship to the commissioner or making a child a ward of a tribe
- Be determined a child with special needs
- Have a fully executed benefit agreement in place.

Adoptive parents (and all required household members) must complete background study requirements prior to adoption finalization.

## Special needs determination

The definition of special needs varies across program and policy areas. For Northstar Adoption Assistance, children must meet all three criteria of the special needs determination, which are:

- Child cannot or should not return home.
- Child has at least one of the following factors:
  - A physical, mental, emotional, or behavioral disability, including Supplemental Security Income-eligible disabilities.
  - A member of a sibling group to be adopted at the same time by the same parent(s).
  - Being adopted by the adoptive parent of their sibling, for whom they receive adoption assistance.
  - At risk of developing a disability.
- Agency has made the following reasonable efforts to place child without providing adoption assistance, but those efforts were unsuccessful:
  - Complied with adoption placement preferences under the Indian Child Welfare Act, if applicable.
  - Completed a documented search, including conducting a relative search, considering placement with a relative, and registering child on the State Adoption Exchange.

## Payment amount

Children determined to be at risk of developing a disability are not eligible for payments until the commissioner has determined that a disability has manifested. All other children determined eligible for Northstar Adoption Assistance receive a basic monthly payment. Some children may also receive a supplemental monthly payment, as determined by the Minnesota Assessment of Parenting for Children and Youth (MAPCY).

Payments are not based on a family's income and do not change when family income changes. However, payments may be reduced if a child receives Retirement, Survivors, and Disability Insurance (RSDI); veterans benefits; railroad retirement benefits; and/or Black Lung benefits. Payments may also be automatically adjusted over time for a number of reasons, such as cost of living adjustments and basic payment increases as a child gets older.

Children determined eligible for Northstar Adoption Assistance while under age 6 are assigned the alternate rate, which is half of the amount a child would receive while in foster care. The alternate rate remains with a child through duration of a benefit agreement.

## Ending benefits

To continue receiving Northstar Adoption Assistance, adoptive parents must stay legally responsible for the support of a child and be actually providing that support. Benefits usually end when a youth turns 18, although adoptive parents may ask for an extension, up to age 21. An extension may be granted if special requirements are met.

If a child's adoptive parents die or their parental rights are terminated, benefits may continue under certain circumstances.



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## Key differences between adoption and transfer of permanent legal and physical custody

	Adoption	TPLPC
<b>Legal rights and responsibilities</b>	A legal parent-child relationship is established between adoptive parents and child. Adoptive parents have all rights and responsibilities that birth parents originally had. Birth parents have no parental rights and no legal parent-child relationship.	Relative custodians have primary rights and responsibilities for a child's protection, education, care, supervision, and decision making on behalf of a child. Birth parents retain a legal parent-child relationship with their child, but their rights are secondary, subject to limits imposed by relative custodians. Their rights may include visitation, access to information, and notice of accidents or serious illness.
<b>Permanency of relationship</b>	Adoptive parents are the permanent legal parents. Their parental rights cannot be terminated for reasons a birth parent's rights would not be terminated.	Relative custodians' responsibilities end when a child attains age 18. Birth parents or relative custodians may request modification to the TPLPC order, including requesting the court to return a child to their birth parents after a certain amount of time has passed. Relative custodians may not return a child to the permanent care of a parent from whom they were removed without court approval and notice to the responsible agency.
<b>Child support</b>	Birth parents do not pay child support. They may be responsible for paying arrears owed prior to the termination of parental rights.	Birth parents may have an ongoing child support obligation.
<b>Relationships with birth family, including siblings</b>	Adoptive parents have the right to determine ongoing contact. Birth parents and other birth relatives may enter into contact agreements with adoptive parents regarding a child, but failure to follow such agreements will not result in overturning an adoption.	Relative custodians facilitate visitation and contact with birth parents and other family members, as long as the court has not ruled against such contact. Birth parents may request modification of a court order to specify visitation schedules or request additional visitation.
<b>Child's legal name</b>	Adoptive parents determine a child's legal name.	A child retains their legal name, unless changed by court order.
<b>Child's right to inheritance</b>	A child inherits from adoptive parents as they would from a birth parent.	A child inherits from birth parents. A child has no right to inherit from relative custodians unless specified in a will.
<b>Further involvement with county or tribal child welfare and termination of relationship</b>	As with biological children, adopted children could enter the child welfare system due to abuse or neglect, or to receive treatment for mental health or disability. Existing child welfare laws apply, and a county or tribal agency could assume custody. County and tribal agencies may assess parental fees to pay for children's costs of care.  Adoptive parents' rights cannot be terminated for reasons birth parents' rights would not be terminated.	Children who are the subjects of a TPLPC could enter the child welfare system due to abuse or neglect, or to receive treatment for mental health or disability. Existing child welfare laws apply, and a county or tribal agency could assume custody. County and tribal agencies may assess parental fees to pay for children's costs of care.  Relative custodians may request modification or termination of TPLPC orders.
<b>Tax credit</b>	Adoptive parents may be eligible for a federal tax credit based on the year an adoption finalized.	There is no tax credit for TPLPC. However, relative custodians may be able to claim a child as a dependent.

**651-431-4660**

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