

## CHAPTER 9560

### DEPARTMENT OF PUBLIC WELFARE

### SOCIAL SERVICES FOR CHILDREN

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#### 9560.0280 DELIVERY OF CHILD PROTECTIVE SERVICES.

Subpart 1. **Basic requirement.** Any child in Minnesota who is in need of protection is to receive such service in the county in which the child lives or is found, irrespective of family income and legal or poor relief settlement of the child or family.

Subp. 2. **Complaints of neglect or abuse.** The local social service agency must accept all complaints alleging that a child has been physically or sexually abused or neglected. Neglect includes conditions or actions which threaten either the child's physical health or the child's mental health. Upon receiving such complaints, the local social service agency shall immediately notify the local police or sheriff's department.

*[For text of subp 2, items A to F, see M R. 1983]*

G The local social service agency shall file a petition in juvenile court for an extension of time to hold a child in a shelter care facility longer than 72 hours excluding weekends or holidays when the agency determines that it is necessary to detain a child for his or her own protection.

H When placing a child in a shelter care facility, the local social service agency shall determine whether disclosure of the location of the facility to the child's parent, guardian, or custodian may place the child in danger. The decision of whether or not to disclose the location shall then be contained in the written report to the court and to the facility supervisor.

Subp. 3. **Keeping the child in his house.** Where the need for protective intervention has been established, the local social service agency shall, whenever possible, provide services that preserve the child within the family unit while at the same time assuring the child a safe environment. Such services may include, but are not limited to: family counseling, homemaking services or in-home services, and referral to parent support organizations to courses in parenting or child care such as may be available in the community.

Subp. 4. **Court intervention.** If services necessary to provide the child a safe environment are rejected, the child protection worker shall petition the court for authorization to intervene.

Subp. 5. **Summary of agency's findings.** Following the assessment of a child abuse or neglect report, the local social service agency shall, when requested, provide the reporting party a summary of the agency's findings. The summary shall be limited to:

A. the agency's determination that the report was either substantiated, unsubstantiated, or presently inconclusive;

B. the agency's intention to provide, or not provide, or refer to, remedial services; and

C. the local social service agency may deny the request of the reporting party if it determines that disclosure of the information is detrimental to the child's best interests

Subp. 6. **Nonemergency removal from home.** When the need for removal of a child from its home is considered necessary but not emergent, the local social service agency shall request permission of the juvenile court for sufficient time to place the child in an orderly fashion.

When a child is under legal custody and has been removed from its home, the local social service agency shall obtain the consent of the child's parents for major decisions affecting the child. If the parents fail to consent, and the decision is essential to the child's health and safety, a court order may be obtained.

The local social service agency shall obtain the written consent of the child's parents, and a court order, if a child under legal custody is to be placed in a facility outside the state. If the parents refuse or fail to give consent, a court order is sufficient.

The local social service agency shall provide the court written reports and recommendations at such times as the court may direct or prior to the expiration of any order giving it responsibility for a child. Such reports shall contain information sufficient to support the recommendation and to enable the court to make a decision in the child's best interest.

Subp. 7. **Prostitution and obscenity.** Local social service agency responsibility in accepting reports of acts of prostitution or involvement in the production of obscene material or performances by persons under 18 years of age.

Upon receiving a report of juvenile prostitution or juveniles involved in the production of obscene material or performances, the local social service agency shall:

A. assess the victim's circumstances to determine the need for protective services;

B. provide counseling and assistance to the victim in order to encourage and support her/him in discontinuing in prostitution; or involvement in the production of obscene acts or material;

C. offer the victim and the victim's family such services as may be needed to protect the victim, and preserve or reestablish family relationships; and

D. if such services are rejected, inform the victim and family of the agency's responsibility and authority to seek juvenile court intervention

If immediate custody is necessary to protect the victim or to restrain the victim from engaging in prostitution, or involvement in the production of obscene acts or material, the protective service worker shall request a juvenile court order granting the agency temporary legal custody.

Subp. 8 **Abuse in supervised or licensed facility.** When child maltreatment is reported in a state supervised or licensed facility, including a foster home, the local social service agency shall immediately contact the facility to determine the validity of the report.

Where such reports are valid, the local social service agency shall:

A. assess present risk to the child and assure steps are taken to protect the child;

B. as soon as possible, inform the child's parents or guardians of the incident;

C. when an incident involves a child placed out of his/her home county, inform the agency responsible for the child's placement;

D. notify the state agency responsible for licensing within 48 hours excluding holidays and weekends. The notification shall include the identity of the facility in which the incident occurred, the name, age, and sex of the victim and the name and status of the alleged perpetrator, if known; and the nature and extent of the child's injuries, measures taken to assure necessary treatment and

protection, and the name of the protective services worker responsible for investigating the incident.

**Subp. 9. Reports of abuse or neglect.** Every incident of suspected physical or sexual abuse or neglect reported to the local social service agency shall be reported to the state agency on forms provided by the state agency. Such reports shall be sent to the state agency within 20 days of receipt of the report. Reports to the state agency are for statistical information only. The identity of the victim, the victim's family, and suspected perpetrator should not be included on the copy of the report sent to the state agency.

**Statutory Authority:** *MS s 256.01 subds 2,4; 256E.05 subd 1; 257.175; 260.171; 626.556*

**History:** 8 SR 1079

## 9560.0290 OFFICIAL REPORTS.

**Subpart 1. Agency duties.** The local social service agency shall assess and classify and record all reports as either substantiated, unsubstantiated, or unable to substantiate within 90 days of receiving the initial report. At the conclusion of the assessment the subjects of the report shall be notified in writing of the agency's determination of the classification of the report. The subjects of the report shall also be informed of their right to review the report subject to applicable Minnesota law. If a report is substantiated and a child protection case is opened, the subject's copy of the social service application shall constitute sufficient written notification of the classification.

**Subp. 2. Records relating to reports.** The name of the person making a child abuse or neglect report shall not be disclosed to the subject of the report while the report is under assessment. Upon completion of the assessment, the name of the reporting party shall be confidential and shall be disclosed only upon court order.

Records relating to reports which are supported by evidence and information obtained during the assessment, and are determined by the agency to be substantiated, shall be destroyed seven years following the date of the final entry in the case record.

If upon initial assessment, a report is determined to be unsubstantiated, the subject of the report shall be notified in writing of the report's classification, the agency's intent to destroy the records relating to the report, and the subject's right to have the records maintained as private data, except that the name of the reporting party shall remain confidential and shall be disclosed only upon court order. If no request to maintain the records is made by the subject within 30 days of the mailing of the notification, the records shall be destroyed.

If upon assessment a report is classified as unable to substantiate by the local social service agency, the records relating to the report may be kept for one year. If, after one year, neither the local social service agency nor the law enforcement agency is able to substantiate the report, the subject shall be notified in writing of the report's classification, the agency's intent to destroy the records, and the subject's right to have the records maintained as private data, except that the name of the reporting party shall be disclosed only upon court order. If no request to maintain the records is made by the subject within 30 days of the mailing of the notification, the records shall be destroyed.

**Statutory Authority:** *MS s 256.01 subds 2,4; 256E.05 subd 1; 257.175; 260.171; 626.556*

**History:** 8 SR 1079

**9560.0520 DEFINITIONS.**

*[For text of subs 1 to 9, see M R 1983]*

Subp. 10. **Administrative review.** "Administrative review" is a review open to the participation of the parents of the child and conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management or of the delivery of services to either the child or the parents.

Subp. 11. **Difficulty of care payment.** "Difficulty of care payment" means a supplemental maintenance payment determined by the local social services agency and based upon an assessment of the child's special needs due to existing physical, mental, or emotional handicaps. A difficulty of care payment does not include payment for services rendered by a licensed foster parent.

Subp. 12. **Dispositional hearing.** A "dispositional hearing" is a hearing held by a family or juvenile court, or another court, including a tribal court, of competent jurisdiction, or by an administrative body appointed or approved by the court, to determine the future status of the child, including whether the child should be continued in foster care for a specified period, should be placed for adoption, or should be continued in foster care on a permanent or long-term basis.

Subp. 13. **Foster care maintenance payments.** "Foster care maintenance payments" means payments to cover the cost of and the cost of providing a child's food, clothing, shelter, daily supervision, school supplies, and personal incidentals, and reasonable travel to the child's home for visitation. In the case of institutional care, the term includes the reasonable costs of administration and operation of the institutions which are necessary to provide the things listed in the preceding sentence.

Subp. 14. **Residential facility.** "Residential facility" means any group home, family foster home, or other publicly supported out-of-home residential facility, including any out-of-home residential facility under contract with the state, county, or other political subdivision, or any agency thereof, to provide those services.

Subp. 15. **Voluntary placement.** "Voluntary placement" is an out-of-home placement of a minor by or with participation of the social service agency, after the parents or guardian of the minor have requested the assistance of the agency and signed a voluntary placement agreement.

Subp. 16. **Voluntary placement agreement.** "Voluntary placement agreement" means a written agreement, binding on the parties to the agreement, between the social service agency and the parents or guardians of a minor child, which specifies the legal status of the child and the rights and obligations of the parents, the child, and the agency.

**Statutory Authority:** *MS s 256.01 subd 2; 256.82 subd 3; 256E.05 subd 1; 257.071; 257.175; 260.40; 393.07 subs 1,2,3*

**History:** 8 SR 1537

**9560.0610 CASE PLACEMENT PLAN AND REVIEW.**

Subpart 1. **Agency compliance requirements.** For those children who are placed in foster family homes, group homes, or relatives' homes unless placement with the relative is planned to be permanent, and for whom the local social service agency has placement or supervisory responsibility, the agency shall comply with the requirements in subparts 2 to 5.

Subp. 2. **Case placement plan.** The agency shall prepare a written plan for each child who is placed in a foster home or residential facility. The plan must be prepared before the child is placed unless the child's situation requires immediate placement. If an emergency placement is necessary, the case plan must be prepared within 30 days after the initial placement.

The case placement plan must include the following components:

A. The agency's assessment of the family, including:

- (1) a list of the presenting problems which brought the family to the agency, or a statement of why the agency intervened in the family situation;
- (2) a discussion of services that were provided to prevent the need for the removal of the child from the home, and why the services were not successful, or why the parents requested placement of their child;
- (3) a discussion of alternative plans that were considered and why foster care was chosen; and
- (4) a discussion of why the particular foster home or facility was selected, including a description of the facility that was selected and the reason it was chosen, the reason a foster home was not used if the child was placed in an institution, and the reason why the child was not placed in the local county if the child was placed in another county or state.

B. A signed agreement among the agency, the parents, and, if able to understand the meaning of this agreement, the child which includes:

- (1) an assessment of the specific reasons for the placement of the child in a foster home or institution, including a description of the problems or conditions in the home which necessitated removal of the child from the home;
- (2) the specific actions to be taken by the parents to eliminate or correct the problems or conditions which necessitated placement, and the time period during which the actions are to be taken;
- (3) the financial responsibilities and obligations, if any, of the parents for the support of the child during the period the child is in the foster home;
- (4) the date on which the child is expected to be returned to the home of his parents;
- (5) the specific action to be taken by the child, if appropriate, to change behavior which contributed to the need for placement;
- (6) the social and other supportive services to be provided by the agency to assist the parents and the child during the period the child is in the foster home;
- (7) the frequency of contacts of the agency with the parents and the child; and
- (8) the visitation rights and obligations of the parents during the period the child is in the foster home.

C. An agreement signed by the agency, the parents, the foster parents, and if able to understand the meaning of this agreement, the child which includes:

- (1) the authority and responsibility of the foster parents to arrange for medical and dental care for the child;
- (2) the authority and responsibility of the foster parents to arrange for education for the child and to meet with teachers regarding the child's progress;
- (3) the specific action and behavior of the child that the foster parents are to work with;
- (4) the authority and responsibility of the foster parents for supervision of the child;
- (5) the plan for the parents to visit the child, which includes the specific days for visits, the specific hours for the beginning and end of each visit, and any special conditions affecting visitation; and
- (6) the social service to be provided by the agency to assist the foster parents, including the frequency of contacts and the person assigned to them.

D. The agency shall advise the parents of their right to receive assistance from any person or social service agency and their right to legal counsel in the preparation of the placement plan.

E. The agency shall explain to the parents that if the parents are unable to correct the conditions necessary for their child's return home, they could lose their parental rights.

F. If the agency cannot comply with any placement plan requirement, the agency shall document the reason in the record.

Subp. 3. **Administrative review.** All cases must be reviewed by an administrative panel periodically, but at least once every six months. The review must be open to the parents, the child, and the foster parents. The review must determine:

- A. whether the placement remains necessary and appropriate;
- B. the extent of compliance with the case plan;
- C. the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care; and
- D. the likely date by which the child may be returned to the home or placed for legal adoption or guardianship.

Subp. 4. **Petition for court review.** As an alternative to the administrative review for children placed in foster care by voluntary agreement, the local social service agency may petition the court pursuant to Minnesota Statutes, section 260.131, subdivision 1a, for review of the foster care to determine if placement is in the best interests of the child.

Subp. 5. **Dispositional hearing.** For each child in foster care under court order pursuant to Minnesota Statutes, section 260.191, subdivision 1, the local social services agency shall petition the court for a dispositional hearing pursuant to Minnesota Statutes, section 260.191, subdivision 2, no later than 12 months after the initial dispositional hearing and annually thereafter during the continuation of foster care. For each child in foster care whose parental rights have been terminated and the child made a ward of the commissioner of public welfare, the local social services agency shall petition the court pursuant to Minnesota Statutes, section 260.242, subdivision 2, paragraph (d) for a dispositional hearing. The dispositional hearing must be held in a juvenile court or a tribal court of competent jurisdiction, or by an administrative body appointed or approved by the court.

When the dates of the dispositional hearing and the periodic review coincide, the dispositional hearing may replace the periodic review. A periodic review cannot substitute for a dispositional hearing.

Children in permanent foster care, whose placement was approved by the court pursuant to Minnesota Statutes, section 260.242, subdivision 2, paragraph (d) are excluded from this requirement.

Subp. 6. **Eighteen-month review of voluntary placements.** If the child is not returned to his home within 18 months after his initial placement in a residential facility, the local social service agency shall either return the child to the home of his parents or file an appropriate petition with the court to review the foster care status of the child and make a decision as to the child's continued placement.

**Statutory Authority:** *MS s 256.01 subd 2; 256.82 subd 3; 256E.05 subd 1; 257.071; 257.175; 260.40; 393.07 subds 1,2,3*

**History:** 8 SR 1537

**9560.0650 MAINTENANCE STANDARDS.**

Subpart 1. **Payments.** The local social services agency shall make payments based on the following maintenance standards:

Age	Monthly Maintenance Standard	Initial Clothing
0-11	\$212 (\$244 effective January 1984)	up to \$146 (up to \$168 effective January 1984)
12-14	\$293	up to \$288
15-18	\$320	up to \$348

The initial clothing allowance shall be available based on the child's needs during the first 60 days of the initial placement. The state agency shall annually review and revise the maintenance standard based on "USDA Estimates of the Cost of Raising a Child," issued by the United States Department of Agriculture, Agricultural Resources Service, Publication 1411 (October, 1982).

Subp. 2. **Additional maintenance needs.** In addition to the basic maintenance standard, monthly payments for additional maintenance needs shall be made as determined by the local social services agency. The local county board shall establish difficulty of care payments for all children in foster care.

Subp. 3. **Agency contract care.** When foster care is provided for a child through contract with another public or private agency, foster care maintenance payments and difficulty of care payments shall be determined according to the rate schedule in subparts 1 and 2. If the local social service agency is contracting for administrative or social service costs, payments to the cooperating agency shall be in an amount which is additional to the maintenance rate established in subparts 1 and 2.

Subp. 4. **Fee conditions.** The local social service agency may pay a fee for services to foster parents based on the foster parents' skills, experience, or training. This fee is not a maintenance expense.

Subp. 5. **Local fund.** The local social service agency may, through action by the county welfare board, human service board, or board of county commissioners, establish a local fund of county money through which the agency may reimburse foster parents for the cost of repairing damage done to the foster home and contents by the foster child, and the additional car insurance premium cost of a foster child who possesses a permit or license to drive a car.

**Statutory Authority:** *MS s 256.01 subd 2; 256.82 subd 3; 256E.05 subd 1; 257.071; 257.175; 260.40; 393.07 subds 1,2,3*

**History:** 8 SR 1537