

9560.0223 PLACEMENT CONSIDERATIONS.

Items A to E must be followed when a local agency temporarily removes a child from the home in accordance with part 9560.0220, subpart 9, or from a facility in accordance with part 9560.0222, subpart 13:

A. The child shall be placed in the least restrictive setting consistent with the child's health and welfare and in closest proximity to the child's family as possible.

B. If a child has been taken into immediate custody, placement may be with a child's relative or in a shelter care facility.

C. An Indian child shall be placed according to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1915, and the Minnesota Indian Family Preservation Act, Minnesota Statutes, sections 260.751 to 260.781. If an extended family member as defined in United States Code, title 25, section 1903(2), is not available, temporary placement must be made in the following order of preference, absent good cause to the contrary:

- (1) with a foster home licensed or approved by the tribe;
- (2) with an Indian foster home licensed by an authorized non-Indian authority; or
- (3) with an institution approved by the tribe or operated by an Indian organization.

If an Indian child's tribe establishes a different order of placement preference by resolution, the local agency shall follow that order.

D. The placement considerations of Minnesota Statutes, section 260C.193, subdivision 3, must be followed.

E. Placement of a child must not be delayed or denied based on the race, color, or national origin of the child or foster parent.

Statutory Authority: *MS s 14.388; 256.01; 256E.05; 257.175; 393.07; 626.556*

History: *17 SR 3412; L 1999 c 139 art 4 s 2; 25 SR 1772; 29 SR 1367*

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