

9560.0440 GENERAL RESPONSIBILITIES.

Subpart 1. **Financial responsibility.** The local agency in the county of financial responsibility shall provide financial assistance and shall pay the cost of services provided to a child under state guardianship.

Subp. 2. **Notice.** The local agency in the child's county of residence shall notify the commissioner and, for a child eligible for tribal membership, the appropriate tribe when a child is placed under state guardianship. The notice to the commissioner must be on the form prescribed by the commissioner and must be provided to the commissioner within 30 days after the child is placed under state guardianship. The notice to the appropriate tribe may be by letter.

Subp. 3. **Social service plan.** The local agency in the child's county of residence must develop a social service plan within 90 days after a child becomes a ward. The plan must be developed according to items A to E.

A. The child's social service plan must be developed by the local agency and with the child if the child is seven years of age or older and capable of articulating his or her thoughts. The plan must be reviewed at least annually by the local agency. A child seven years of age or older at the time of the annual review and capable of articulating his or her thoughts shall participate in the review.

B. The plan must address the emotional, health, educational, vocational, and spiritual needs of the child, and preserve, where feasible, the racial and familial identity of the child. For an Indian child, the plan must include arrangement to apply for or obtain verification of tribal membership status under Minnesota Statutes, section 260.761, subdivision 1. For an Indian child or a child of minority race or minority ethnic heritage, the plan must also comply with the racial, ethnic, and religious placement preference requirements under Minnesota Statutes, sections 260C.212, subdivision 2; 259.29; 259.77; and 260C.193, subdivision 3. If a child has at least one sibling, the plan must provide for preserving the sibling relationship, where feasible.

C. The aim of the plan must be to establish a permanent family relationship for the child through the selection of a family committed to providing a home until the child reaches majority. The plan must include the goal of adoption for a child under age 14, using the procedures required in Minnesota Statutes, section 259.75. However, if there is established a permanent family relationship between the child and the child's relative as defined in part 9560.0430, subpart 8, adoption must be encouraged but is not required as a condition of permanent placement.

For a child age 14 or older, the child shall be counseled regarding adoption and other available permanent placement options. If the child chooses not to be adopted, the local

agency shall notify the commissioner by submitting a written report and a copy of the child's affidavit in the form prescribed by the commissioner.

D. Any plan which permits a child to live independently without local agency guidance does not relieve a local agency of its responsibility to be aware of the child's needs and provide for them if necessary.

E. The goals, plans, and objectives for children under the supervision of licensed child-placing agencies must be made only with the agreement of the local agency in the child's county of residence after notification to the county of financial responsibility, if different from the county of residence.

Subp. 3a. **Review of social service plan.** Within two weeks after a child's move into a county, the county's local agency must review the social service plan developed by the local agency in the child's previous county of residence to determine the continued applicability of the plan.

The local agency in the child's new county of residence may approve or disapprove the plan. If the local agency disapproves the plan, it must notify the local agency in the child's previous county of residence and the county of financial responsibility, if different from the county of residence. If, after 45 days, the local agency and the local agency in the child's previous county of residence continue to disagree as to the plan, the local agency may change the plan after receiving written approval of the change from the commissioner.

Subp. 4. **Change in child's county of residence.** Before a child moves to a new county, the local agency in the child's current county of residence shall notify the new county's local agency and, if applicable, the Indian child's tribe of the change in the child's residence. The notification must be in writing and must indicate that the new county's local agency shall assume responsibility for implementing the social service plan developed under subpart 3. If the child's new county of residence does not become the county of financial responsibility, the child's new county of residence shall provide reports requested by the local agency in the county of financial responsibility. Payment responsibilities for services provided to the child by the child's new county of residence are governed by Minnesota Statutes, chapter 256G.

Subp. 5. **Appointment of guardian ad litem.** The local agency in the child's county of residence shall assure the appointment of a guardian ad litem to represent the child under state guardianship:

- A. when the child has a legal claim against another party;
- B. when the child has an interest in an existing legal action;
- C. when an action has been instituted against the child by another; and
- D. in all other instances when the best interest of the child requires legal counsel.

Statutory Authority: *MS s 256.01; 256.91; 256E.05; 257.175; 259.24; 260.111; 260.241; 260.242; 260.40; 260C.101; 260C.317; 260C.325; 260C.451; 393.07*

History: *L 1984 c 654 art 5 s 58; 15 SR 2533; L 1994 c 631 s 31; L 1999 c 139 art 4 s 2; L 2003 1Sp14 art 11 s 11; L 2007 c 13 art 3 s 36*

Published Electronically: *October 11, 2007*