

**9560.0521 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 9560.0500 to 9560.0670 have the meanings given them in this part.

Subp. 2. **Administrative review.** "Administrative review" means a review open to participation of the parents or guardian and conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of or the delivery of services to the child, parents, or guardian.

Subp. 2a. **Agency.** "Agency" has the meaning given in Minnesota Statutes, section 260C.007.

Subp. 3. **Child.** "Child" means a person under the age of 18.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of human services or the commissioner's designated representative.

Subp. 5. **Custodian.** "Custodian" means a person who is under a legal obligation to provide care and support for a child or who is in fact providing care and support for a child. For an Indian child, custodian means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control have been transferred by the parent of the child, as provided in Minnesota Statutes, section 260.755, subdivision 10.

Subp. 6. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 7. **Difficulty of care payment.** "Difficulty of care payment" means a supplemental maintenance payment determined by the local agency and based upon an assessment of the child's special needs due to existing physical, developmental, or emotional disabilities. A difficulty of care payment does not include payment for services rendered by a licensed foster parent.

Subp. 8. **Dispositional hearing.** "Dispositional hearing" means a hearing held by a family or juvenile court, a tribal court, or another 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 placed for adoption or kept in foster care temporarily or on a long-term basis.

Subp. 9. **Foster care.** "Foster care" means the 24-hour-a-day care of a child following placement by the commissioner or a licensed child-placing agency with legal placement responsibility pursuant to a court order or voluntary placement agreement, in any facility that regularly provides one or more children, when unaccompanied by a parent or guardian, with a substitute for the care, food, lodging, training, education, supervision, or treatment

they need which for any reason cannot be furnished by a parent or guardian in the child's home.

Subp. 10. **Foster care maintenance payments.** "Foster care maintenance payments" means payments to cover the cost of 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 institution.

Subp. 11. **Foster care provider.** "Foster care provider" means a person or entity licensed to provide foster care.

Subp. 12. **Foster family home.** "Foster family home" means a family licensed under parts 9545.0010 to 9545.0260 to provide foster care in their home for children.

Subp. 13. **Guardian or legal guardian.** "Guardian" or "legal guardian" means a person appointed by a parent's will or by the court to have the powers and responsibilities of a parent, except that the guardian is not legally obligated to provide support for the ward out of the guardian's own funds.

Subp. 14. **Indian child.** "Indian child" means an unmarried person under the age of 18 who is either a member of or eligible for membership in an Indian tribe.

Subp. 15. **Legal custody.** "Legal custody" means the right to the care, custody, and control of a child as defined in Minnesota Statutes, section 260B.007, subdivision 8, or 260C.007, subdivision 22.

Subp. 16. **Local agency.** "Local agency" means the social services agency authorized by the county board to provide social services and financial assistance under Minnesota Statutes, section 393.07.

Subp. 17. **Parent.** "Parent" means a child's parent by birth or adoption. For an Indian child, parent includes any Indian person who has adopted a child by tribal law or custom, as provided in Minnesota Statutes, section 260.755, subdivision 14.

Subp. 18. **Placement plan.** "Placement plan" means the written plan as specified in part 9560.0603 for a child in placement.

Subp. 19. **Relative.** "Relative" means an individual who is related to the child and also includes members of the child's extended family and important friends as noted in Minnesota Statutes, section 260C.193, subdivision 3.

Subp. 20. **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 licensed by the state, county, or other political subdivision, or any agency thereof, to provide foster care.

Subp. 21. **Voluntary placement.** "Voluntary placement" means an out-of-home placement of a child by or with participation of the local agency, after the child's parent or guardian has requested the assistance of the agency and signed a voluntary placement agreement.

Subp. 22. **Voluntary placement agreement.** "Voluntary placement agreement" means a written agreement between the local agency and the parent or guardian of a child, which specifies the legal status of the child and the rights and obligations of the parent or guardian, the child, and the local agency.

**Statutory Authority:** *MS s 14.388; 257.071; 257.072; 260C.212; 260C.215*

**History:** *20 SR 2778; L 1999 c 139 art 4 s 2; L 2001 c 178 art 1 s 44; 29 SR 1367; L 2005 c 56 s 2*

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