

9560.0654 DIFFICULTY OF CARE ASSESSMENTS.

Subpart 1. **General.** Within the highest appropriate level and the respective point range of subparts 2 to 7, a single point value shall be assigned based on the age of the child, the number of conditions requiring special care, and the degree of difficulty of caring for each condition.

Subp. 2. **Level A.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level A if the child requires a moderate amount of additional supervision or assistance, including that required by:

- (1) dependency, passivity, or lack of responsiveness and ability to relate to others;
- (2) abnormal seeking of affection or attention;
- (3) problems with separation from the birth parents or attachment to the foster parents;
- (4) psychosomatic complaints;
- (5) night terrors;
- (6) stress reactions, such as minor destructiveness;
- (7) chemical abuse;
- (8) immaturity or poor social skills;
- (9) problems with authority figures;
- (10) chronic disorders with some physical incapacity;
- (11) a physical disability, although the child is self sufficient;
- (12) presence of long-term infections;
- (13) delayed development;
- (14) need for help with hygiene, eating, toileting, and dressing beyond that normally required at the child's age level;
- (15) need for a special diet prescribed by a physician;
- (16) need for weekly therapy for medical, physical, or emotional problems, truancy or behavior problems, in which the foster parent participates with the child;
- (17) need for home tutoring provided by the foster parent if the child is learning disabled or requires remedial education;
- (18) need for supervision of family visits;

(19) other conditions or behaviors that are equivalent to the requirement for additional supervision appropriate to subitems (1) to (18); and

B. within level A, shall be assigned no fewer than one and no more than 35 difficulty of care points.

Subp. 3. **Level B.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level B if the child requires a significant amount of additional supervision or assistance, including that required by:

- (1) need for a structured behavioral program;
- (2) difficulty with peers;
- (3) lack of verbal responsiveness;
- (4) fear of or hostility to adults or authority figures;
- (5) infrequent running away overnight;
- (6) lying or stealing;
- (7) chemical abuse;
- (8) expression of suicidal thoughts or gestures;
- (9) chronic medical disorders or developmental delay, including developmental disability, with significant incapacity and need for motivation or skill development;
- (10) a program of physical therapy prescribed by a professional for up to one hour per day to be provided by a foster parent;
- (11) speech and hearing problems, such as those that require a communication board or sign language;
- (12) presence of infections, which present a risk to the family;
- (13) need for help with eating, toileting, hygiene, and dressing significantly beyond that normally required of the child's age level;
- (14) need for help with braces, prosthetics, or casts;
- (15) truancy, school performance, or behavior problems requiring increased contact by the foster parents with the school, court, or other agencies;
- (16) sexual acting out;
- (17) need to assist the child in relating to the birth parents;
- (18) need to supervise family visits in the foster home;

(19) attention deficit disorder;

(20) other conditions or behaviors that are equivalent to the requirement for additional supervision appropriate to subitems (1) to (19); and

B. within level B, shall be assigned no fewer than 36 and no more than 70 difficulty of care points.

Subp. 4. **Level C.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level C if the child requires an extensive amount of additional supervision or assistance, including that required by:

- (1) unsocialized or withdrawn behavior;
- (2) self-destructive or self-defeating behavior with suicidal expressions and gestures;
- (3) attention deficit disorder;
- (4) frequent running away;
- (5) sexual or physical abuse inflicted upon the child;
- (6) destructive acting-out, either physically or sexually;
- (7) repeated violations of law concerning persons or property;
- (8) chemical abuse;
- (9) problems with authority figures;
- (10) chronic medical disorders or severe developmental delay including developmental disability, with incapacity which may require frequent hospitalizations;
- (11) a severe physical disability, and the child is not ambulatory or is oppositional;
- (12) feeding problems, including swallowing or vomiting after meals;
- (13) a program of physical therapy prescribed by a professional for between one and two hours per day to be provided by a foster parent;
- (14) need for help in hygiene, eating, toileting, dressing, and diapering, beyond that normally required for the child's age;
- (15) need for therapy for medical, physical, or emotional problems, which the foster parent attends with the child at least twice weekly;
- (16) truancy, behavior, or school performance problems requiring extensive contact by the foster parents with the school, court, or other agencies;

(17) need for parenting education for the birth parents by the foster parents during visitations;

(18) need to protect child from threatening birth parents;

(19) other conditions or behaviors that are equivalent to the requirement for additional supervision appropriate to subitems (1) to (18); and

B. within level C, shall be assigned no fewer than 71 and no more than 105 difficulty of care points.

Subp. 5. **Level D.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level D if the child requires an exceptional amount of additional supervision or assistance, including that required by:

(1) phobic or compulsive behaviors;

(2) inappropriate sexual aggressiveness, self-mutilation, or extreme vulnerability;

(3) self-destructive or self-defeating behavior with suicidal expressions and gestures;

(4) assaultive behavior;

(5) antisocial personality disorder;

(6) chemical abuse;

(7) a recent suicidal attempt;

(8) a severe disability with multiple handicaps;

(9) developmental delay including developmental disability;

(10) attention deficit disorder with hyperactivity;

(11) need for frequent supervision of an appliance, such as a shunt or ilial conduit;

(12) lack of bowel or bladder control, if child is over 12 years of age;

(13) a program of physical therapy prescribed by a professional for between two and three hours per day to be provided by a foster parent;

(14) uncontrollable seizures;

(15) a tracheotomy with need for suctioning;

(16) a gastrostomy;

(17) heavy weight, needing lifting;

(18) disabilities requiring feeding and diapering or dressing and hygiene performed by a foster parent;

(19) need for therapeutic visits for physical, mental, or emotional problems, attended by a foster parent more often than twice weekly;

(20) need for relief of the foster parent by another adult;

(21) other conditions or behaviors that are equivalent to the requirement for additional supervision appropriate to subitems (1) and (20); and

B. within level D, shall be assigned no fewer than 106 and no more than 140 difficulty of care points.

Subp. 6. **Level E.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level E if the child requires an extraordinary amount of supervision or assistance, including that required by:

(1) frequent and recent suicide attempts;

(2) frequent and recent arsonist behavior;

(3) high risk of danger to the child or others by the child;

(4) life threatening illness with a guarded prognosis or expectation of death, which may require frequent hospitalization;

(5) need for a heart monitor;

(6) need for tracheotomy suctioning;

(7) need for gavage feeding;

(8) need for intravenous feeding or intestinal massage;

(9) need for extensive burn care;

(10) a program of physical therapy prescribed by a professional for between three and four hours per day to be provided by a foster parent; or

(11) other conditions or behaviors that are consistent with the requirement for additional supervision appropriate to subitems (1) to (10); and

B. within level E, shall be assigned no fewer than 141 and no more than 175 difficulty of care points.

Subp. 7. **Level F.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level F if the child requires supervision or assistance in excess of that of Level E under subpart 6; and

B. within level F, shall be assigned no fewer than 176 and no more than 225 difficulty of care points.

Statutory Authority: *MS s 256.82*

History: *13 SR 1448; L 1994 c 631 s 31; L 2005 c 56 s 2*

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