

1 Department of Public Welfare

2

3 Adopted Amendment to Rule Governing Foster Care for Children

4

5 Rule as Adopted

6 12 MCAR S 2.204 Foster care -- children.

7 A. [Unchanged.]

8 B. Definitions.

9 1.-9. [Unchanged.]

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

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

27 12. Administrative review. "Administrative review" is a  
28 review open to the participation of the parents of the child and  
29 conducted by a panel of appropriate persons, at least one of  
30 whom is not responsible for the case management of or the  
31 delivery of services to either the child or the parents.

32 13. Voluntary placement. "Voluntary placement" is an  
33 out-of-home placement of a minor by or with participation of the  
34 social service agency, after the parents or guardian of the  
35 minor have requested the assistance of the agency and signed a  
36 voluntary placement agreement.

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1 14. Voluntary placement agreement. "Voluntary placement  
2 agreement" means a written agreement, binding on the parties to  
3 the agreement, between the social service agency and the parents  
4 or guardians of a minor child, which specifies the legal status  
5 of the child and the rights and obligations of the parents, the  
6 child, and the agency.

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

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

20 C. Services to children in foster care.

21 1. Service delivery.

22 a.-g. [Unchanged.]

23 h. Service plan and review. For those children who  
24 are placed in foster family homes, group homes or relatives'  
25 homes (unless placement with the relative is planned to be  
26 permanent) and for whom the local social service agency has  
27 placement or supervisory responsibility, the agency shall comply  
28 with the requirements in (1)-(4).

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

35 The case placement plan must include the following  
36 components:

1 (a) the agency's assessment of the family,  
2 including:

3 (i) a list of the presenting problems which  
4 brought the family to the agency, or a statement of why the  
5 agency intervened in the family situation;

6 (ii) a discussion of services that were  
7 provided to prevent the need for the removal of the child from  
8 the home, and why the services were not successful, or why the  
9 parents requested placement of their child;

10 (iii) a discussion of alternative plans that  
11 were considered and why foster care was chosen;

12 (iv) a discussion of why the particular foster  
13 home or facility was selected, including a description of the  
14 facility that was selected, and the reason it was chosen; the  
15 reason a foster home was not used if the child was placed in an  
16 institution; and the reason why the child was not placed in the  
17 local county if the child was placed in another county or state;

18 (b) a signed agreement among the agency, the  
19 parents, and, if appropriate able to understand the meaning of  
20 this agreement, the child which includes:

21 (i) an assessment of the specific reasons for  
22 the placement of the child in a foster home or institution,  
23 including a description of the problems or conditions in the  
24 home which necessitated removal of the child from the home;

25 (ii) the specific actions to be taken by the  
26 parents to eliminate or correct the problems or conditions which  
27 necessitated placement, and the time period during which the  
28 actions are to be taken;

29 (iii) the financial responsibilities and  
30 obligations, if any, of the parents for the support of the child  
31 during the period the child is in the foster home;

32 (iv) the date on which the child is expected  
33 to be returned to the home of his parents;

34 (v) the specific action to be taken by the  
35 child, if appropriate, to change behavior which contributed to  
36 the need for placement;

1 (vi) the social and other supportive services  
2 to be provided by the agency to assist the parents and the child  
3 during the period the child is in the foster home;

4 (vii) the frequency of contacts of the agency  
5 with the parents and the child; and

6 (viii) the visitation rights and obligations  
7 of the parents during the period the child is in the foster home;

8 (c) an agreement signed by the agency, the  
9 parents, the foster parents, and if appropriate able to  
10 understand the meaning of this agreement, the child which  
11 includes:

12 (i) the authority and responsibility of the  
13 foster parents to arrange for medical and dental care for the  
14 child;

15 (ii) the authority and responsibility of the  
16 foster parents to arrange for education for the child and to  
17 meet with teachers regarding the child's progress;

18 (iii) the specific action and behavior of the  
19 child that the foster parents are to work with;

20 (iv) the authority and responsibility of the  
21 foster parents for supervision of the child;

22 (v) the plan for the parents to visit the  
23 child, which includes the specific days for visits, the specific  
24 hours for the beginning and end of each visit, and any special  
25 conditions affecting visitation; and

26 (vi) the social service to be provided by the  
27 agency to assist the foster parents, including the frequency of  
28 contacts and the person assigned to them.

29 (d) the agency shall advise the parents of their  
30 right to receive assistance from any person or social service  
31 agency and their right to legal counsel in the preparation of  
32 the placement plan;

33 (e) the agency shall explain to the parents that  
34 if the parents are unable to correct the conditions necessary  
35 for their child's return home, they could lose their parental  
36 rights; and

1 (f) if the agency cannot comply with any  
2 placement plan requirement, the agency shall document the reason  
3 in the record.

4 (2) Administrative review. All cases must be  
5 reviewed by an administrative panel periodically, but at least  
6 once every six months. The review must be open to the parents,  
7 the child, and the foster parents. The review must determine:

8 (a) whether the placement remains necessary and  
9 appropriate;

10 (b) the extent of compliance with the case plan;

11 (c) the extent of progress which has been made  
12 toward alleviating or mitigating the causes necessitating  
13 placement in foster care; and

14 (d) the likely date by which the child may be  
15 returned to the home or placed for legal adoption or  
16 guardianship.

17 (3) Petition for court review. As an alternative to  
18 the administrative review for children placed in foster care by  
19 voluntary agreement, the local social service agency may  
20 petition the court pursuant to Minnesota Statutes, section  
21 260.131, subdivision ~~1~~21.a., for review of the foster care to  
22 determine if placement is in the best interests of the child.

23 (4) Dispositional hearing. For each child in foster  
24 care under court order pursuant to Minnesota Statutes, section  
25 260.191, subdivision 1, the local social services agency shall  
26 petition the court for a dispositional hearing pursuant to  
27 Minnesota Statutes, section 260.191, subdivision 2, no later  
28 than 12 months after the initial dispositional hearing and  
29 annually thereafter during the continuation of foster care. For  
30 each child in foster care whose parental rights have been  
31 terminated and the child made a ward of the commissioner of  
32 public welfare, the local social services agency shall petition  
33 the court pursuant to Minnesota Statutes, section 260.242,  
34 subdivision 2, clause (d) for a dispositional hearing. The  
35 dispositional hearing must be held in a juvenile court or a  
36 tribal court of competent jurisdiction, or by an administrative

1 body appointed or approved by the court.

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

6 Children in permanent foster care, whose placement was  
7 approved by the court, pursuant to Minnesota Statutes, section  
8 260.242, subdivision 2, clause (d) are excluded from this  
9 requirement.

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

17 i.-k. [Unchanged.]

18 1.

19 (1) The local social services agency shall make  
20 payments based on the following maintenance standards:

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22	Age	Monthly Maintenance Standard	Initial Clothing
23	0-11	\$212 (\$244 effective	up to \$146 (up to \$168
24		January 1984)	effective January 1984)
25	12-14	\$293	up to \$288
26	15-18	\$320	up to \$348
27			

28  
29 The initial clothing allowance shall be available based on  
30 the child's needs during the first 60 days of the initial  
31 placement. The state agency shall annually review and revise  
32 the maintenance standard based on "USDA Estimates of the Cost of  
33 Raising a Child," issued by the United States Department of  
34 Agriculture, Agricultural Resources Service, Pub. 1411 (October,  
35 1982).

36 (2) In addition to the basic maintenance standard,  
37 monthly payments for additional maintenance needs shall be made  
38 as determined by the local social services agency. The local  
39 county board shall establish "difficulty of care" payments for

1 all children in foster care.

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

10 (4) The local social service agency may pay a fee  
11 for services to foster parents based on the foster parents'  
12 skills, experience, or training. This fee is not a maintenance  
13 expense.

14 (5) The local social service agency may, through  
15 action by the county welfare board, human service board, or  
16 board of county commissioners, establish a local fund of county  
17 money through which the agency may reimburse foster parents for  
18 the cost of repairing damage done to the foster home and  
19 contents by the foster child, and the additional car insurance  
20 premium cost of a foster child who possesses a permit or license  
21 to drive a car.

22 m. [~~Reletter-as-n-~~ Unchanged.]

23 D. [Unchanged.]