

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to Maintenance Payments and

4 Difficulty of Care Payments for Children in Foster Care

5

6 Rules as Adopted

7 9560.0650 MAINTENANCE STANDARDS.

8 Subpart 1. [Unchanged.]

9 Subp. 2. [See Repealer.]

10 Subp. 3. Agency contract care. When foster care is
 11 provided for a child by a provider licensed under parts
 12 9545.0010 to 9545.0260 through contract with a public or private
 13 agency, foster care maintenance payments and difficulty of care
 14 payments shall be determined according to the rate schedules in
 15 subpart 1 and parts 9560.0653 to 9560.0655. If the local social
 16 services agency is contracting for administrative or social
 17 services costs, the payments to the contracting agency shall be
 18 in addition to the rates established in subpart 1 and parts
 19 9560.0653 to 9560.0655.

20 Subp. 4. and 5. [Unchanged.]

21 Subp. 6. Reassessment. The agency shall reassess a child:

- 22 A. at the end of 12 months;
- 23 B. at the request of a foster parent;
- 24 C. when a child is placed in a different facility; or
- 25 D. if a child's level of need changes.

26 9560.0651 DIFFICULTY OF CARE ASSESSMENTS AND PAYMENTS.

27 Parts 9560.0652 to 9560.0656 provide criteria for assessing
 28 the difficulty of care and the payment rate for a child in
 29 foster care.

30 9560.0652 DEFINITIONS.

31 Subpart 1. Scope. The terms used in parts 9560.0653 to
 32 9560.0656 have the meanings given them in this part.

33 Subp. 2. Activities of daily living. "Activities of daily
 34 living" means activities of basic self-care, including eating,

1 dressing, grooming, hygiene, and toileting.

2 Subp. 3. **Mental retardation.** "Mental retardation" means
3 the condition of a person with mental retardation as defined in
4 part 9525.0015, subpart 20.

5 Subp. 4. **Mental illness.** "Mental illness" has the meaning
6 given in Minnesota Statutes, section 245.462, subdivision 20.

7 9560.0653 DIFFICULTY OF CARE PAYMENTS.

8 The local social services agency shall make payments in
9 addition to the basic maintenance standards of part 9560.0650,
10 subpart 1, for children with mental, physical, or emotional
11 handicaps who require additional supervision or assistance in
12 behavior management, activities of daily living, management of
13 medical problems, or interaction with the natural parents and
14 the community. The local social services agency shall assess
15 each child under this part and the difficulty of care levels in
16 part 9560.0654.

17 9560.0654 DIFFICULTY OF CARE ASSESSMENTS.

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

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

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

- 28 (1) dependency, passivity, or lack of
29 responsiveness and ability to relate to others;
30 (2) abnormal seeking of affection or attention;
31 (3) problems with separation from the natural
32 parents or attachment to the foster parents;
33 (4) psychosomatic complaints;
34 (5) night terrors;
35 (6) stress reactions, such as minor

1 destructiveness;

2 (7) chemical abuse;

3 (8) immaturity or poor social skills;

4 (9) problems with authority figures;

5 (10) chronic disorders with some physical

6 incapacity;

7 (11) a physical handicap, although the child is

8 self sufficient;

9 (12) presence of long-term infections;

10 (13) delayed development;

11 (14) need for help with hygiene, eating,

12 toileting, and dressing beyond that normally required at the

13 child's age level;

14 (15) need for a special diet prescribed by a

15 physician;

16 (16) need for weekly therapy for medical,

17 physical, or emotional problems, truancy or behavior problems,

18 in which the foster parent participates with the child;

19 (17) need for home tutoring provided by the

20 foster parent if the child is learning disabled or requires

21 remedial education;

22 (18) need for supervision of family visits;

23 (19) other conditions or behaviors that are

24 equivalent to the requirement for additional supervision

25 appropriate to subitems (1) to (18); and

26 B. within level A, shall be assigned no fewer than

27 one and no more than 35 difficulty of care points.

28 Subp. 3. Level B. A child eligible for difficulty of care

29 payments under part 9560.0653:

30 A. shall be assessed at level B if the child requires

31 a significant amount of additional supervision or assistance,

32 including that required by:

33 (1) need for a structured behavioral program;

34 (2) difficulty with peers;

35 (3) lack of verbal responsiveness;

36 (4) fear of or hostility to adults or authority

1 figures;

2 (5) infrequent running away overnight;

3 (6) lying or stealing;

4 (7) chemical abuse;

5 (8) expression of suicidal thoughts or gestures;

6 (9) chronic medical disorders or developmental
7 delay, including mental retardation, with significant incapacity
8 and need for motivation or skill development;

9 (10) a program of physical therapy prescribed by
10 a professional for up to one hour per day to be provided by a
11 foster parent;

12 (11) speech and hearing problems, such as those
13 that require a communication board or sign language;

14 (12) presence of infections, which present a risk
15 to the family;

16 (13) need for help with eating, toileting,
17 hygiene, and dressing significantly beyond that normally
18 required of the child's age level;

19 (14) need for help with braces, prosthetics, or
20 casts;

21 (15) truancy, school performance, or behavior
22 problems requiring increased contact by the foster parents with
23 the school, court, or other agencies;

24 (16) sexual acting out;

25 (17) need to assist the child in relating to the
26 natural parents;

27 (18) need to supervise family visits in the
28 foster home;

29 (19) attention deficit disorder;

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

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

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

- 1 A. shall be assessed at level C if the child requires
2 an extensive amount of additional supervision or assistance,
3 including that required by:
- 4 (1) unsocialized or withdrawn behavior;
 - 5 (2) self destructive or self-defeating behavior
6 with suicidal expressions and gestures;
 - 7 (3) attention deficit disorder;
 - 8 (4) frequent running away;
 - 9 (5) sexual or physical abuse inflicted upon the
10 child;
 - 11 (6) destructive acting-out, either physically or
12 sexually;
 - 13 (7) repeated violations of law concerning persons
14 or property;
 - 15 (8) chemical abuse;
 - 16 (9) problems with authority figures;
 - 17 (10) chronic medical disorders or severe
18 developmental delay including mental retardation, with
19 incapacity which may require frequent hospitalizations;
 - 20 (11) a severe physical handicap, and the child is
21 not ambulatory or is oppositional;
 - 22 (12) feeding problems, including swallowing or
23 vomiting after meals;
 - 24 (13) a program of physical therapy prescribed by
25 a professional for between one and two hours per day to be
26 provided by a foster parent;
 - 27 (14) need for help in hygiene, eating, toileting,
28 dressing, and diapering, beyond that normally required for the
29 child's age;
 - 30 (15) need for therapy for medical, physical, or
31 emotional problems, which the foster parent attends with the
32 child at least twice weekly;
 - 33 (16) truancy, behavior, or school performance
34 problems requiring extensive contact by the foster parents with
35 the school, court, or other agencies;
 - 36 (17) need for parenting education for the natural

1 parents by the foster parents during visitations;

2 (18) need to protect child from threatening
3 natural parents;

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

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

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

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

14 (1) phobic or compulsive behaviors;

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

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

19 (4) assaultive behavior;

20 (5) antisocial personality disorder;

21 (6) chemical abuse;

22 (7) a recent suicidal attempt;

23 (8) a severe disability with multiple handicaps;

24 (9) developmental delay including mental
25 retardation;

26 (10) attention deficit disorder with
27 hyperactivity;

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

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

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

35 (14) uncontrollable seizures;

36 (15) a tracheotomy with need for suctioning;

- 1 (16) a gastrostomy;
- 2 (17) heavy weight, needing lifting;
- 3 (18) disabilities requiring feeding and diapering
- 4 or dressing and hygiene performed by a foster parent;
- 5 (19) need for therapeutic visits for physical,
- 6 mental, or emotional problems, attended by a foster parent more
- 7 often than twice weekly;
- 8 (20) need for relief of the foster parent by
- 9 another adult;
- 10 (21) other conditions or behaviors that are
- 11 equivalent to the requirement for additional supervision
- 12 appropriate to subitems (1) and (20); and

13 B. within level D, shall be assigned no fewer than
 14 106 and no more than 140 difficulty of care points.

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

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

- 20 (1) frequent and recent suicide attempts;
- 21 (2) frequent and recent arsonist behavior;
- 22 (3) high risk of danger to the child or others by
- 23 the child;
- 24 (4) life threatening illness with a guarded
- 25 prognosis or expectation of death, which may require frequent
- 26 hospitalization;
- 27 (5) need for a heart monitor;
- 28 (6) need for tracheotomy suctioning;
- 29 (7) need for gavage feeding;
- 30 (8) need for intravenous feeding or intestinal
- 31 massage;
- 32 (9) need for extensive burn care;
- 33 (10) a program of physical therapy prescribed by
- 34 a professional for between three and four hours per day to be
- 35 provided by a foster parent; or
- 36 (11) other conditions or behaviors that are

1 consistent with the requirement for additional supervision
2 appropriate to subitems (1) to (10); and

3 B. within level E, shall be assigned no fewer than
4 141 and no more than 175 difficulty of care points.

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

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

10 B. within level F, shall be assigned no fewer than
11 176 and no more than 225 difficulty of care points.

12 9560.0655 DIFFICULTY OF CARE PAYMENT RATE.

13 Subpart 1. Payment rate. Except as provided by subpart 2,
14 the local social services agency shall make payments to the
15 foster care provider at the rate of \$3.70 per month for each
16 point assessed under part 9560.0654.

17 Subp. 2. Existing placements. In a placement for which a
18 difficulty of care payment was established and was being made
19 prior to the effective date of parts 9560.0650 to 9560.0656, and
20 the payment is greater than the payment which would be made
21 under subpart 1, the local social services agency shall continue
22 to pay the greater amount until the child's difficulty of care
23 changes or the placement terminates.

24 Subp. 3. Annual revision of payment rate. By November 1
25 of each year following the effective date of parts 9560.0650 to
26 9560.0656, the commissioner shall review and revise the
27 difficulty of care payment rate in subpart 1 based on USDA
28 Estimates of the Cost of Raising a Child, published by the
29 United States Department of Agriculture, Agricultural Resources
30 Service, Publication 1411. The revision shall be the average
31 percentage by which costs increase for the age ranges
32 represented in the USDA Estimates of the Cost of Raising a
33 Child. The USDA Estimates of the Cost of Raising a Child is
34 subject to annual revision.

35 9560.0656 DOCUMENTATION.

1 Subpart 1. **Assessment instrument.** The local social
2 services agency shall document the assessment of the difficulty
3 of care under parts 9560.0653 and 9560.0654 using a written
4 assessment instrument consistent with parts 9560.0653 and
5 9560.0654. The case record shall include a description of each
6 condition on which the assessment is based.

7 Subp. 2. **Approval of assessment instrument.** The
8 assessment instrument required by subpart 1 must be approved by
9 the commissioner.

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11 EFFECTIVE DATE. Parts 9560.0651 to 9560.0656 and the
12 amendments to part 9560.0650, are effective ~~December-25,-1988~~
13 January 1, 1989.

14

15 REPEALER. Minnesota Rules, part 9560.0650, subpart 2, is
16 repealed.