

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to Provisions of Family

4 Community Support Service

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6 Rules as Adopted

7 9535.4000 APPLICABILITY AND SCOPE.

8 Subpart 1. **Applicability.** Parts 9535.4000 to 9535.4070
9 establish standards and procedures for the provision of family
10 community support services to children with severe emotional
11 disturbance and their families as authorized by Minnesota
12 Statutes, sections 245.487 to 245.4888. Parts 9535.4000 to
13 9535.4070 are intended to comply with, and must be read in
14 conjunction with, Minnesota Statutes, sections 245.461 to
15 245.4888, 256E.09, and chapter 256G. The county board of each
16 county is responsible for administering, planning, monitoring,
17 and evaluating family community support services under parts
18 9535.4000 to 9535.4070 as community social services provided
19 according to Minnesota Statutes, section 256E.08.

20 Subp. 2. **Family community support services to children and**
21 **their families; scope.** Minnesota Statutes, section 245.487,
22 subdivision 3, requires the commissioner to create and ensure a
23 comprehensive and coordinated set of mental health and other
24 necessary services for children. Minnesota Statutes, section
25 245.4873, requires coordination of the development and delivery
26 of mental health services for children to occur on the state and
27 local levels and, in subdivision 3, requires coordination of the
28 local system of care for children. Family community support
29 services, a component of the local system of care, are
30 children's community-based mental health services that are to be
31 provided by a county board, directly or under contract, to a
32 child who resides in the county and the child's family as part
33 of Minnesota's children's mental health service system. Family
34 community support services are designed to provide within the
35 community the kind of support that historically has more

1 commonly been provided to children in residential treatment.
2 Minnesota Statutes, section 245.4873, subdivision 4, requires
3 the child's case manager designated by the local agency to
4 develop the child's family community support plan in a manner
5 that reflects coordination among the local service system
6 providers serving the child.

7 Family community support services must be provided in a
8 manner that is consistent with the core values set forth by the
9 Child Adolescent Service System Program (CASSP) in "A System of
10 Care for Severely Emotionally Disturbed Children and Youth" is
11 incorporated by reference and published by CASSP Technical
12 Assistance Center, Georgetown University Child Development
13 Center, 3800 Reservoir Road, NW, Washington, D.C. 20007
14 (Washington, D.C., 1986). It is not subject to frequent change.
15 A copy is available at the legislative reference library, 6th
16 Floor, 100 Constitution Avenue, St. Paul, MN 55155. This
17 publication and the values and system it endorses are referred
18 to as "the CASSP System of Care."

19 9535.4010 DEFINITIONS.

20 Subpart 1. **Scope.** The terms used in parts 9535.4000 to
21 9535.4070 have the meanings given them in this part.

22 Subp. 2. **Adult with serious and persistent mental illness.**
23 "Adult with serious and persistent mental illness" means a
24 person 18 years of age or older who has serious and persistent
25 mental illness as defined in Minnesota Statutes, section
26 245.462, subdivision 20, paragraph (c).

27 Subp. 3. **Case management services.** "Case management
28 services," for a child, has the meaning given in Minnesota
29 Statutes, section 245.4871, subdivision 3.

30 Subp. 4. **Child.** "Child" means a person less than 18 years
31 old who is eligible for mental health case management and family
32 community support services under Minnesota Statutes, section
33 245.4871, subdivision 6.

34 Subp. 5. **Child with severe emotional disturbance.** "Child
35 with severe emotional disturbance" has the meaning given in

1 Minnesota Statutes, section 245.4871, subdivision 6.

2 Subp. 6. Clinical supervision. "Clinical supervision,"
3 for a child, has the meaning given in Minnesota Statutes,
4 section 245.4871, subdivision 7.

5 Subp. 7. Commissioner. "Commissioner" means the
6 commissioner of human services or the commissioner's designated
7 representative.

8 Subp. 8. County board. "County board" means the county
9 board of commissioners or board established under the Joint
10 Powers Act in Minnesota Statutes, section 471.59, or the Human
11 Services Board Act in Minnesota Statutes, sections 402.01 to
12 402.10.

13 Subp. 9. County of financial responsibility. "County of
14 financial responsibility" has the meaning given in Minnesota
15 Statutes, section 256G.02, subdivision 4.

16 Subp. 10. Crisis assistance. "Crisis assistance," for a
17 child, has the meaning given in Minnesota Statutes, section
18 245.4871, subdivision 9a. For purposes of family community
19 support services to a child, crisis placement and respite care
20 are components of crisis assistance, as specified in Minnesota
21 Statutes, section 245.4871, subdivision 17, clause (6).

22 Subp. 11. Day treatment. "Day treatment," for a child,
23 has the meaning given in Minnesota Statutes, section 245.4871,
24 subdivision 10.

25 Subp. 12. Diagnostic assessment. "Diagnostic assessment,"
26 for a child, has the meaning given in Minnesota Statutes,
27 section 245.4871, subdivision 11.

28 Subp. 13. Emergency services. "Emergency services," for a
29 child, has the meaning given in Minnesota Statutes, section
30 245.4871, subdivision 14.

31 Subp. 14. Emotional disturbance. "Emotional disturbance"
32 has the meaning given in Minnesota Statutes, section 245.4871,
33 subdivision 15.

34 Subp. 15. Family. "Family" has the meaning given in
35 Minnesota Statutes, section 245.4871, subdivision 16, ~~or, for an~~
36 ~~Indian child, means a relationship recognized by the Minnesota~~

1 ~~Indian-Family-Preservation-Act-in-Minnesota-Statutes, sections~~
2 ~~257.35 to 257.3579.~~

3 Subp. 16. Family community support services. "Family
4 community support services" has the meaning given in Minnesota
5 Statutes, section 245.4871, subdivision 17. Family community
6 support services are not acute care hospital inpatient treatment
7 as defined in Minnesota Statutes, section 245.4871, subdivision
8 2; residential treatment as defined in Minnesota Statutes,
9 section 245.4871, subdivision 32; or regional treatment center
10 services as specified in Minnesota Statutes, section 245.490.
11 Family community support services are:

12 A. client outreach to a child and the child's family
13 as specified in part 9535.4038;

14 B. medication monitoring where necessary as specified
15 in part 9535.4041;

16 C. assistance in developing independent living skills
17 as specified in part 9535.4044;

18 D. assistance in developing parenting skills
19 necessary to address the needs of the child as specified in part
20 9535.4047;

21 E. assistance with leisure and recreational
22 activities as specified in part 9535.4050;

23 F. crisis assistance including crisis placement and
24 respite care as specified in part 9535.4035;

25 G. professional home-based family treatment as
26 specified in part 9535.4059;

27 H. foster care with therapeutic supports as specified
28 in part 9535.4062;

29 I. day treatment as specified in part 9535.4056;

30 J. assistance in locating respite care and special
31 needs day care as specified in part 9535.4052; and

32 K. assistance in obtaining potential financial
33 resources, including those benefits specified in Minnesota
34 Statutes, section 245.4884, subdivision 5, and specified in part
35 9535.4053.

36 Subp. 17. Foster care with therapeutic support or

1 therapeutic support of foster care. "Foster care with
 2 therapeutic support" or "therapeutic support of foster care" has
 3 the meaning given in Minnesota Statutes, section 245.4871,
 4 subdivision 34.

5 Subp. 18. **Functional assessment.** "Functional assessment,"
 6 for a child, means an assessment by the case manager of the
 7 child's:

8 A. mental health symptoms as presented in the child's
 9 diagnostic assessment;

10 B. mental health needs as presented in the child's
 11 diagnostic assessment;

12 C. use of drugs and alcohol;

13 D. vocational and educational functioning;

14 E. social functioning, including the use of leisure
 15 time;

16 F. interpersonal functioning, including relationships
 17 with the child's family;

18 G. self-care and independent living capacity
 19 appropriate to the child's chronological age;

20 H. medical and dental health;

21 I. financial assistance needs;

22 J. housing and transportation needs; and

23 K. other needs and problems.

24 Subp. 19. **Individual family community support plan.**

25 "Individual family community support plan" has the meaning given
 26 in Minnesota Statutes, section 245.4871, subdivision 19.

27 Subp. 20. **Individual treatment plan.** "Individual
 28 treatment plan" has the meaning given in Minnesota Statutes,
 29 section 245.4871, subdivision 21.

30 Subp. 21. **Legal representative.** "Legal representative"
 31 means a ~~guardian-appointed-by-the-court-to-decide-on-services~~
 32 ~~for-a-child-as~~ person specified in Minnesota Statutes, section
 33 ~~525.619-a-custodian-or-guardian-as-defined-in-Minnesota~~
 34 ~~Statutes,-section-260.015,-subdivision-14,-or-260.242,-or-an~~
 35 ~~Indian-custodian-as-defined-in-Minnesota-Statutes,-section~~
 36 ~~257.35±~~ 245.4871, subdivision 8 22.

1 Subp. 22. Local agency. "Local agency" means the county
2 agency under the authority of the county board that is
3 responsible for arranging and providing mental health services
4 required under Minnesota Statutes, sections 245.487 to 245.4888,
5 as a component of community social services under Minnesota
6 Statutes, chapter 256E.

7 Subp. 23. Mental health professional. "Mental health
8 professional" means a person who has the qualifications as
9 defined in Minnesota Statutes, section 245.4871, subdivision 27.

10 Subp. 24. Minority race or minority ethnic heritage.
11 "Minority race" or "minority ethnic heritage" has the meaning
12 given in part 9560.0020, subpart 9a.

13 Subp. 25. Parent. "Parent" means the birth or adoptive
14 mother or father of a child. This definition does not apply to
15 a person whose parental rights in relation to the child have
16 been terminated by a court.

17 Subp. 26. Professional home-based family treatment.
18 "Professional home-based family treatment" has the meaning given
19 in Minnesota Statutes, section 245.4871, subdivision 31.

20 Subp. 27. Service provider. "Service provider" has the
21 meaning given in Minnesota Statutes, section 245.4871,
22 subdivision 33.

23 Subp. 28. Special mental health consultant. "Special
24 mental health consultant" has the meaning given in Minnesota
25 Statutes, section 245.4871, subdivision 33a.

26 9535.4020 FAMILY COMMUNITY SUPPORT SERVICES; GENERAL PROVISIONS.

27 Subpart 1. Design of family community support services.
28 The design for providing the components of family community
29 support services must be based on the unique and changing needs
30 of the children eligible for the service who reside in the
31 county and on the availability of community sources of services
32 for the children and their families. A county board shall
33 design family community support services to reduce the need for
34 and use of more intensive, more costly, or restrictive
35 placements of children both in number of admissions of children

1 and the length of their stays in residential treatment
2 facilities or regional treatment centers and to meet the
3 requirements of Minnesota Statutes, sections 245.4874, 245.4876,
4 245.4881, and 245.4884, and parts 9535.4000 to 9535.4070. The
5 county board must provide family community support services
6 according to the order of priority in Minnesota Statutes,
7 section 245.4886, subdivision 1.

8 Subp. 2. Joint county provision of services. A county or
9 two or more counties jointly may provide one or more of the
10 components of family community support services directly or
11 through a contract with another agency.

12 Subp. 3. Denial of services. A county board must assure
13 that family community support services are not denied to
14 children with severe emotional disturbance unless the county
15 board demonstrates compliance with Minnesota Statutes, section
16 256E.081, subdivisions 2 and 3, and completes the documentation
17 required under Minnesota Statutes, section 256E.081, subdivision
18 4.

19 Subp. 4. Notice of eligibility for family community
20 support services. The county board shall send a written notice
21 about a child's eligibility for family community support
22 services as required under Minnesota Statutes, section 245.4881,
23 subdivision 2, paragraph (b).

24 Subp. 5. Availability of special mental health
25 consultant. The county board must assure that a special mental
26 health consultant is available as necessary to assist the county
27 board in assessing and providing appropriate family community
28 support and other mental health services for a child of a
29 minority race or minority ethnic heritage.

30 Subp. 6. Procedures to assure coordination. The county
31 board must establish procedures to assure ongoing contact and
32 coordination between a child's case manager, the providers of
33 the child's family community support services, the child's other
34 mental health services, and the educational and social services
35 related to the child's mental health needs. In the case of a
36 child receiving case management services under parts 9520.0900

1 to 9520.0926, the case manager is responsible for ongoing
2 coordination with any other person responsible for the planning,
3 development, and delivery of mental health services for the
4 child.

5 Subp. 7. Referral of child for case management services.

6 The provider of family community support services to a child who
7 is not receiving case management services must inform the child
8 and the child's parent or legal representative as required under
9 part 9535.4023 of the availability and potential benefits to the
10 child of case management services according to Minnesota
11 Statutes, section 245.4876, subdivision 4.

12 Subp. 8. Refusal of case management services. The refusal

13 of case management services by a child or the parent or legal
14 representative of a child who is determined eligible for case
15 management services does not affect the child's eligibility to
16 receive family community support services or other mental health
17 services for which the child is eligible. If a child or a
18 child's parent or legal representative has refused case
19 management services for the child under parts 9520.0900 to
20 9520.0926, the providers of the child's family community support
21 services shall coordinate the child's service delivery in the
22 manner established by the county board to assure continuity of
23 the child's services and avoid duplication of services.

24 Subp. 9. Clinical supervision of family community support

25 services. The county board must assure, either directly or
26 under contract, the clinical supervision of family community
27 support services as specified in Minnesota Statutes, section
28 245.4871, subdivisions 7, 17, and 27.

29 Subp. 10. Services needed and required plan. A child's

30 need for family community support services must be based on the
31 mental health needs identified from a functional assessment and
32 a diagnostic assessment of the child and on the child's
33 strengths. A plan for the delivery of each family community
34 support service identified as a mental health need must be
35 developed for the child. The child's parent or legal
36 representative and, unless clinically inappropriate, the child

1 must be involved in all phases of the development and
2 implementation of the plan. The plan shall identify the goals
3 and outcomes of the services and how the outcomes are to be
4 measured. Additionally, the plan shall be developed as
5 specified in item A or B.

6 A. If the child is receiving case management services
7 under parts 9520.0900 to 9520.0926, the child's individual
8 family community support plan may serve as the required plan if
9 it complies with part 9520.0918 and was developed with the
10 participation of family community support services staff.

11 B. If the child does not have a case manager because
12 the child or the parent or legal representative of the child has
13 refused case management services under parts 9520.0900 to
14 9520.0926, the family community support service provider or
15 providers of the child's services shall follow the procedures
16 established under subpart 6 to coordinate and incorporate the
17 child's family community support and other mental health
18 services into a single planning document. The single planning
19 document also must incorporate the child's individual treatment
20 plans, if any.

21 Any other service plan developed by an agency providing
22 services to the child may substitute for the single planning
23 document required under this part if the other plan meets the
24 requirements of this part.

25 Subp. 11. Review and revision of plan required under
26 subpart 10. Family community support services staff, together
27 with the child, unless clinically inappropriate, and the child's
28 parent or legal representative must review and, if necessary,
29 revise the goals and the child's progress towards the outcomes
30 specified in the plan required for the child under subpart 10.
31 The review and, if necessary, revision of the child's plan must
32 be done at least once every 180 days after the development of
33 the initial plan under subpart 10 or more often if necessary to
34 reflect changes in the child's goals, strengths, and needs and
35 in community resources while the child and the child's family
36 are receiving family community support services. The review and

1 any necessary revision must be based on an assessment of the
 2 child's functioning in the area of the family community support
 3 services the child is receiving.

4 9535.4023 PERSONS TO RECEIVE INFORMATION AND PLAN SERVICES.

5 Subpart 1. Persons to receive information and plan the
 6 child's services. Except as specified in subparts 3 and 4, when
 7 family community support services are requested for a child or
 8 the child is referred for family community support services, the
 9 child's parent or legal representative, if any, has the right to:

10 A. receive the notices and information specified in
 11 parts 9535.4000 to 9535.4070;

12 B. make decisions about family community support
 13 services for the child; and

14 C. be included in planning the family community
 15 support services available to the child under parts 9535.4000 to
 16 9535.4070.

17 Subp. 2. Child's receipt of information and inclusion in
 18 planning services. A child who is at least 12 years of age has
 19 the right to receive and a child who is less than 12 years of
 20 age may receive the notices and information specified under
 21 parts 9535.4000 to 9535.4068 and be included in planning family
 22 community support services available to the child under parts
 23 9535.4000 to 9535.4068 unless these actions are determined by a
 24 mental health professional to be clinically inappropriate for
 25 the child's mental health needs. If the mental health
 26 professional determines that receiving information and
 27 participating are clinically inappropriate for the child's
 28 mental health needs, the reasons for the determination must be
 29 documented in the child's case record.

30 Subp. 3. ~~When the child is the only person who has the~~
 31 ~~right to receive information, plan, and decide on family~~
 32 ~~community support services~~ Circumstances when person other than
 33 parent has the right to consent and authorize family community
 34 support services. ~~When one of the circumstances in item A or B~~
 35 ~~applies, a child is the only person with the right to receive~~

1 required-notices, make-decisions-about-family-community-support
 2 and-other-mental-health-services, and-be-included-in-planning
 3 family-community-support-services.

4 A.--The-child-is-at-least-16-years-of-age-and-the
 5 child's-parent-or-legal-representative-is-hindering-or-impeding
 6 the-child's-access-to-mental-health-services.

7 B.--The-child:

8 (1)-has-been-married-or-has-borne-a-child-as
 9 specified-in-Minnesota-Statutes, section-144.342;

10 (2)-is-living-separate-and-apart-from-the
 11 child's-parents-or-legal-representative-and-is-managing-the
 12 child's-own-financial-affairs-as-specified-in-Minnesota
 13 Statutes, section-144.341;

14 (3)-is-at-least-16, but-under-18, years-of
 15 age-and-has-consented-to-treatment-as-specified-in-Minnesota
 16 Statutes, section-253B.03, subdivision-6, paragraph-(d); or

17 (4)-is-at-least-16, but-under-18, years-of
 18 age-and-has-been-authorized-by-a-county-board-for-independent
 19 living-pursuant-to-a-court-order-as-specified-in-Minnesota
 20 Statutes, section-260.191, subdivision-1, paragraph-(a); clause

21 (4): Consent and authorization for family community support
 22 services must be obtained from the child's parent unless
 23 otherwise obtained in accordance with Minnesota Statutes,
 24 section 245.4876, subdivision 5.

25 Subp. 4. Petition filed or court order issued. If a
 26 petition has been filed under Minnesota Statutes, chapter 260,
 27 or a court order has been issued under Minnesota Statutes,
 28 section 260.133 or 260.135, and a guardian ad litem appointed,
 29 and if consent for family community support services has not
 30 been otherwise obtained from the child's parent or legal
 31 representative or the child, the local agency may request a
 32 court order under Minnesota Statutes, chapter 260, to authorize
 33 family community support services for the child.

34 9535.4025 DETERMINATION OF CHILD'S ELIGIBILITY FOR SERVICES.

35 Subpart 1. Determining eligibility. To be eligible for

1 family community support services, a child must have the
2 characteristics defined and described in Minnesota Statutes,
3 section 245.4871, subdivisions 6 and 15.

4 Subp. 2. Request or referral for family community support
5 services. When a child or the parent or legal representative of
6 a child requests an assessment or consents, as described in part
7 9535.4023, to the child's being assessed to determine
8 eligibility for family community support services, the family
9 community support service provider must obtain an authorization
10 to release information as required under Minnesota Statutes,
11 section 245.4876, subdivision 5. Consent or authorization must
12 be obtained from the child's parent, except when a condition in
13 Minnesota Statutes, section 245.4876, subdivision 5, paragraph
14 (b), clauses (1) and (2), applies. The family community support
15 service provider must determine whether the child meets a
16 criterion of eligibility for the family community support
17 services as defined in Minnesota Statutes, section 245.4871,
18 subdivision 6. If the child has had a diagnostic assessment or
19 an updated diagnostic assessment as specified in Minnesota
20 Statutes, section 245.4876, subdivision 2, the family community
21 support provider must, upon obtaining the authorization required
22 in this subpart, obtain a copy or, at least, confirm by
23 telephone or letter the date of the assessment, and the findings
24 and recommendations made in the diagnostic assessment about the
25 family community support services needed by the child. If a
26 child has not had a diagnostic assessment within 180 days before
27 a request for family community support services for the child,
28 the local agency must offer to assist the child and the child's
29 family in obtaining one.

30 9535.4028 TERMINATION OF FAMILY COMMUNITY SUPPORT SERVICES.

31 Family community support services to a child with severe
32 emotional disturbance shall terminate when one of the events
33 listed in items A to D occurs.

34 A. A mental health professional who has provided
35 mental health services to the child furnishes a written opinion

1 that the child no longer meets the eligibility criteria in
2 Minnesota Statutes, section 245.4871, subdivision 6. Upon
3 receipt of the mental health professional's written opinion that
4 the child no longer meets the eligibility criteria, the family
5 community support service provider must inform, as described in
6 part 9535.4023, the child and the child's parent or legal
7 representative of the ability to appeal the decision.

8 B. The child or the child's parent or legal
9 representative as described in part 9535.4023, together with the
10 child's family community support service provider and the
11 child's case manager, if any, mutually decide that the child no
12 longer needs the family community support service identified in
13 the child's individual family community support plan because the
14 child has achieved the goals and outcomes specified in the plan.

15 C. The child or the child's parent or legal
16 representative as described in part 9535.4023 refuses further
17 family community support services.

18 D. The child becomes age 18.

19 9535.4030 OUTCOMES OF FAMILY COMMUNITY SUPPORT SERVICES.

20 The persons assigned by or under contract with the local
21 agency to provide family community support services to a child
22 shall use a process designed to assist the child with severe
23 emotional disturbance to pursue the outcomes of the child's
24 improved or maintained functioning and mental health and the
25 child's remaining with the child's family in the community. To
26 assist the child to meet these outcomes, family community
27 support services must be provided in a manner consistent with
28 the mission of the Minnesota comprehensive children's mental
29 health act as specified in Minnesota Statutes, section 245.487,
30 subdivision 3, and the outcomes of case management services as
31 specified in part 9520.0904. Additionally, a child's family
32 community support services must be designed to:

33 A. assist the child and the child's family to achieve
34 the outcomes identified in the plan required for the child under
35 part 9535.4020, subpart 10, and the service priorities agreed to

1 by the child, the child's parent, and the service provider. The
2 plan must be consistent with the outcomes of family community
3 support services as specified in Minnesota Statutes, section
4 245.4884, subdivision 1. These outcomes are to improve the
5 ability of the child to:

6 (1) manage basic activities of daily living;

7 (2) function appropriately in home, school, and
8 community settings;

9 (3) participate in leisure time or community
10 youth activities;

11 (4) set goals and plans;

12 (5) reside with the family in the community; and

13 (6) participate in after-school and summer
14 activities;

15 B. assist the child to make a smooth transition among
16 mental health, vocational rehabilitation, and education
17 services;

18 C. ensure that the state and local agencies providing
19 transition services to the child work together so the child has
20 the opportunity to access vocational rehabilitation and
21 educational services that will assist the child to live and
22 function independently within the community;

23 D. at least six months before the 18th birthday of a
24 child who is not receiving case management services under parts
25 9520.0900 to 9520.0926, assist the child and, as appropriate,
26 the child's parent or legal representative in assessing the
27 child's need to receive case management services to adults with
28 serious and persistent mental illness, community support
29 services, and other mental health services;

30 E. improve overall family functioning if clinically
31 appropriate to the child's needs;

32 F. assist the child to live in families or settings
33 that offer a safe, permanent relationship with nurturing parents
34 or caretakers; and

35 G. for the child whose best interest is to reside
36 away from the child's own home, ensure the continuation of

1 family community support services appropriate to the child's
2 mental health needs in a setting as similar to and as
3 geographically near the child's family and community as feasible.

4 9535.4035 CRISIS ASSISTANCE SERVICES.

5 Subpart 1. Crisis assistance services, including crisis
6 placement and crisis respite care. Crisis assistance services
7 for a child, including crisis placement and crisis respite care,
8 must be coordinated with, but must not duplicate, emergency
9 services as defined in Minnesota Statutes, section 245.4871,
10 subdivision 14. The crisis assistance services must meet the
11 requirements of Minnesota Statutes, section 245.4871,
12 subdivision 9a.

13 Subp. 2. Crisis assistance placement. When the child is
14 in crisis and needs care outside of the child's home and the
15 child or the child's parent or legal representative as described
16 in part 9535.4023 requests crisis assistance, the provider of
17 crisis assistance services shall help the child and the child's
18 parent or legal representative to locate and access a crisis
19 setting appropriate to the child's needs.

20 Subp. 3. Crisis respite care services. Crisis respite
21 care services shall be designed to provide temporary or periodic
22 care and supervision of a child for the purpose of providing
23 relief to the child's caregiver. The crisis respite care
24 service may be provided in the child's home or in a setting
25 other than the child's home.

26 9535.4038 CLIENT OUTREACH SERVICES.

27 The county board shall provide client outreach services
28 designed to locate children within the community who may have a
29 severe emotional disturbance, inform them and their families of
30 available children's community-based mental health services,
31 including family community support and case management services,
32 and assure that they have access to those services by assisting
33 the family to arrange for transportation, if necessary. Client
34 outreach services must:

35 A. be conducted throughout the calendar year;

1 B. occur at the site requested by the child and the
2 child's parent or legal representative;

3 C. be provided in a manner which promotes the
4 involvement of the child and the child's family;

5 D. occur face-to-face whenever possible;

6 E. be provided in a manner which is sensitive to
7 cultural differences and special needs; and

8 F. provide the child and the child's parent or legal
9 representative, in writing, the information specified in part
10 9535.4070.

11 Outreach services to providers in the local system of care
12 and to families must include the development and distribution of
13 information on the availability of family community support
14 services and case management services and how to access these
15 services.

16 9535.4041 MEDICATION MONITORING SERVICES.

17 When a child is taking psychotropic medication prescribed
18 by a physician, medication monitoring services must be designed
19 to assist the child, the child's parent or legal representative,
20 and, with the written consent of the child or the child's parent
21 or legal representative, other persons who provide direct care
22 to the child. The services must assist the child, parent or
23 representative, or direct caregiver to:

24 A. obtain information about the psychotropic
25 medication that has been prescribed for the child;

26 B. watch for physical or behavioral changes in the
27 child which may be caused by the child's use of, misuse of, or
28 failure to take the prescribed psychotropic medication; and

29 C. obtain access to and assistance from the child's
30 source of medical care.

31 9535.4044 ASSISTANCE IN DEVELOPING INDEPENDENT LIVING SKILLS.

32 Independent living skills services including transition
33 services to a child must be designed to assist the child to
34 develop the skills needed to remain and participate with others
35 in the child's family, child care setting, school, place of

1 employment, if any, community, and in recreational or social
2 activities. Services must address skills that are appropriate
3 for the child's age.

4 Assistance in developing independent living skills may
5 include a variety of methods or strategies appropriate to the
6 child's developmental age that help children with severe
7 emotional disturbance carry out the tasks of daily living,
8 develop a positive regard for self, problem solve, learn skills
9 to advocate on their own behalf, and make transitions to
10 community resources in order to secure, maintain, and support
11 employment and make educational choices.

12 Services may be provided in individual or group settings as
13 specified in the individual family community support plan or
14 other plan required in part 9535.4020, subpart 10.

15 If a child who is at least 14 years of age receives
16 independent living skills services or transition services from
17 more than one provider, or as part of the child's individual
18 education plan, the family community support providers must
19 attempt to coordinate the child's services with the other
20 providers and with the child's school in order to avoid
21 duplicating services, assure the child's access to needed
22 services, and make transitions between education and employment.

23 For purposes of this part, "transition services" means a
24 set of activities to promote movement from school to postschool
25 activities, including postsecondary education when applicable,
26 vocational training, integrated employment, including supported
27 employment, continuing and adult education, and independent
28 living skills. Independent living skills are based on
29 individual needs, taking into account a child's preferences and
30 interests, and must include instruction, community experience,
31 and the development of employment and other postschool adult
32 living objectives.

33 9535.4047 ASSISTANCE IN DEVELOPING PARENTING SKILLS NECESSARY TO
34 ADDRESS THE NEEDS OF THE CHILD.

35 Assistance in developing parenting skills identified as

1 needed or requested by a child's parent must be designed to
 2 address the individual, unique needs of the child and the
 3 child's parent. In assisting parents to develop parenting
 4 skills, the provider may use written information, direct
 5 assistance, support services, or other means as requested and
 6 accepted by the child's parents or the child as specified in
 7 part 9535.4023. The information must include but is not limited
 8 to information about parenting techniques and interventions that
 9 address specific behaviors or issues directly related to, or the
 10 result of, the child's severe emotional disturbance. Services
 11 commonly available in a county to provide information about
 12 parenting techniques may be used to meet the requirements of
 13 this part if the service is modified or augmented in a manner
 14 that addresses the individual, unique needs of the child and the
 15 child's parent.

16 9535.4050 ASSISTANCE WITH LEISURE AND RECREATIONAL ACTIVITIES.

17 Assistance with leisure and recreational activities
 18 provided as a family community support service to a child must
 19 be designed to:

20 A. assist the child with severe emotional disturbance
 21 and the child's parent or legal representative in locating,
 22 accessing, and participating in leisure and recreational
 23 services for the child;

24 B. assist the child to gain the physical, mental, and
 25 social skills necessary to participate in age-appropriate
 26 activities;

27 C. promote the use of community recreation programs
 28 and community education programs or activities that are
 29 identified on the child's individual family community support
 30 plan or other plan prepared according to part 9535.4020, subpart
 31 10; and

32 D. address specific therapeutic objectives.

33 9535.4052 ASSISTANCE IN LOCATING RESPITE CARE AND SPECIAL NEEDS
 34 DAY CARE.

35 Assistance in locating respite care and special needs day

1 care for a child must be provided to a child's parent or legal
2 representative who requests respite care or special needs day
3 care if these services are identified in the child's plan
4 required by part 9535.4020, subpart 10. The assistance may
5 include recruiting respite care providers and training them in
6 the special needs of children with severe emotional disturbance.

7 9535.4053 ASSISTANCE IN OBTAINING POTENTIAL FINANCIAL RESOURCES.

8 Assistance in obtaining potential financial resources for a
9 child or the parent or legal representative of a child for whom
10 the county is financially responsible and who may be eligible
11 for benefits shall be designed to:

12 A. inform and offer to help the child, parent, or
13 legal representative to apply for and obtain supplemental
14 security income, medical assistance, Medicare, food stamps, aid
15 to families with dependent children, and other federal benefits
16 if appropriate;

17 B. if requested, assist the child or the child's
18 parent or legal representative to apply for programs and
19 benefits under item A;

20 C. if the child or the child's parent or legal
21 representative is not eligible for the benefits in item A,
22 inform the child or the child's parent or legal representative
23 and offer to assist in applying for MinnesotaCare, general
24 assistance, general assistance medical care, health services
25 funded under section 134 of the Tax Equity and Fiscal
26 Responsibility Act of 1982 (TEFRA), Public Law Number 97-248, or
27 other benefits for which the child may be eligible. For
28 purposes of this item and item B, "assist" means accompanying
29 the child and the child's parent or legal representative to the
30 agency through which application is made, to obtain and help the
31 child or the child's parent or legal representative complete
32 forms required to apply for the benefits, and to contact
33 agencies that determine eligibility for benefits about the
34 possible eligibility of the child or the child's parent or legal
35 representative. Assist does not mean the provider will complete

1 the application for the child or the child's parent or legal
2 representative;

3 D. offer, and, if requested, assist the child or the
4 child's parent or legal representative in determining the
5 process and completing the materials related to appealing a
6 denial, suspension, reduction, or termination of benefits.

7 9535.4056 DAY TREATMENT SERVICES.

8 Unless a county board has requested a waiver from including
9 day treatment services as a component of family community
10 support services under Minnesota Statutes, section 245.4884,
11 subdivision 2, paragraph (b), and the commissioner has approved
12 the request, a county board shall make day treatment services
13 available as specified in Minnesota Statutes, section 245.4884,
14 subdivision 2, paragraph (a). Even with an approved waiver,
15 however, a county must make day treatment services available to
16 a child with severe emotional disturbance who is eligible for
17 day treatment under medical assistance. When a medical
18 assistance-eligible child receives day treatment services, the
19 county board must require the services provider to maintain
20 records of the child's day treatment services as required under
21 part 9505.0323, subpart 26, for mental health services. These
22 records are to be maintained in addition to those required by
23 part 9535.4069.

24 9535.4059 PROFESSIONAL HOME-BASED FAMILY TREATMENT.

25 Professional home-based family treatment services must be
26 available to a child who is at risk of out-of-home placement,
27 who is in out-of-home placement due to the child's emotional
28 disturbance, or who is returning to the home from out-of-home
29 placement. The services must be an appropriate alternative to
30 residential treatment and must provide intensive, time-limited
31 intervention to help the child and the child's family learn the
32 skills necessary to keep the child within the home and
33 community. The professional home-based family treatment
34 services must be provided as specified in Minnesota Statutes,
35 section 245.4884, subdivision 3. Additionally, if the child

1 receiving the professional home-based mental health services is
2 eligible for medical assistance, the services must comply with
3 the requirements of part 9505.0324.

4 9535.4062 FOSTER CARE WITH THERAPEUTIC SUPPORTS.

5 Foster care with therapeutic supports or therapeutic
6 support foster care must be designed to provide a child a
7 therapeutic family environment and to provide support to foster
8 families caring for children with severe emotional disturbance.
9 The foster care with therapeutic supports must incorporate the
10 child's treatment process into the family environment.
11 Additionally, the foster care with therapeutic supports must
12 provide the foster family with training about severe emotional
13 disturbances in children and the effects of the disturbances on
14 the childrens' behaviors.

15 9535.4065 RELEASE OF INFORMATION ABOUT A CHILD.

16 The release of a record or information about a child
17 receiving family community support services under parts
18 9535.4000 to 9535.4070 to another person or entity must comply
19 with Minnesota Statutes, section 245.4876, subdivision 5.

20 9535.4068 ORIENTATION AND TRAINING.

21 Subpart 1. Orientation. The local agency must ensure that
22 each person who is employed for pay or under contract to provide
23 family community support services takes part in:

24 A. orientation before the person begins to provide
25 family community support services. The orientation shall
26 include:

27 (1) the provisions, applicability, and
28 reporting requirements of the Minnesota Government Data
29 Practices Act in Minnesota Statutes, sections 13.01 to 13.48,
30 and parts 9560.0210 to 9560.0234 and 9535.4000 to 9535.4070; and

31 (2) training in procedures for responding to
32 a child's crisis according to part 9535.4035;

33 B. further training in the areas specified in
34 subitems (1) and (2), no later than 30 calendar days after the

1 person begins to provide family community support services
2 unless the person can document having skills and knowledge about
3 subitems (1) and (2). The training shall address:

4 (1) the different diagnostic classifications
5 of emotional disturbance and the specific characteristics of the
6 classifications; and

7 (2) the use of psychotropic medications in
8 children and the potential side effects of the medication.

9 Subp. 2. Continuing training. The local agency must
10 ensure that a person who is employed for pay or under contract
11 to provide family community support services receives at least
12 20 hours of continuing training in a two-year period. Training
13 topics shall be chosen from the items specified in subpart 1 and:

14 A. the provisions of the Minnesota Comprehensive
15 Children's Mental Health Act in Minnesota Statutes, sections
16 245.487 to 245.4887;

17 B. the core values and principles of the Child
18 Adolescent Service System Program (CASSP);

19 C. how to coordinate services between the public
20 education system and the mental health system;

21 D. procedures for providing crisis assistance
22 services according to Minnesota Statutes, section 245.4871,
23 subdivision 9a;

24 E. information about eligibility for the programs
25 specified in part 9535.4053;

26 F. skills needed to be supportive of a parent of a
27 child with severe emotional disturbance;

28 G. how to provide services effectively to a child of
29 a minority race or minority ethnic heritage; and

30 H. how to provide services for children with
31 developmental disabilities or other special needs.

32 Completion of required training must be documented in the
33 training participant's personnel record.

34 9535.4069 PROVIDER'S RECORDS OF SERVICES TO A CHILD.

35 A family community support services provider employed by or

1 under contract to a county must maintain a record for each child
2 receiving family community support services from the provider.
3 The record must contain a copy of the individual family
4 community support plan, if any, and the plan required for the
5 child under part 9535.4020, subpart 10, the names of the child's
6 parents or legal representative, evidence of the child's
7 eligibility for family community support services, names of
8 medications, if any, prescribed for the child, and name and
9 telephone number of the prescribing physician.

10 9535.4070 APPEAL RIGHTS.

11 A child or the parent or legal representative of a child
12 who applies for and receives family community support services
13 has the right to receive the information specified in Minnesota
14 Statutes, section 245.4887, and to appeal according to Minnesota
15 Statutes, section 256.045.