

CHAPTER 256F

PERMANENCY PLANNING GRANTS TO COUNTIES ACT

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256F.01 PUBLIC POLICY.

It is the policy of this state that all children, regardless of minority racial or ethnic heritage, are entitled to live in families that offer a safe, permanent relationship with nurturing parents or caretakers and have the opportunity to establish lifetime relationships. To help assure this opportunity, public social services must be directed toward accomplishment of the following purposes:

- (1) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family if the prevention of child removal is desirable and possible;
- (2) restoring to their families children who have been removed, by continuing to provide services to the reunited child and the families;
- (3) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and
- (4) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

History: 1Sp1985 c 9 art 2 s 69

256F.02 CITATION.

Sections 256F.01 to 256F.07 may be cited as the "permanency planning grants to counties act."

History: 1Sp1985 c 9 art 2 s 70

256F.03 DEFINITIONS.

Subdivision 1. **Scope.** For purposes of sections 256F.01 to 256F.07, the terms defined in this section have the meanings given them, unless the context clearly indicates otherwise.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of human services.

Subd. 3. **County plan.** "County plan" means the community social services plan required by section 256E.09.

Subd. 4. **County board.** "County board" means the board of county commissioners in each county.

Subd. 5. **Family-based services.** "Family-based services" means intensive family-centered services to families primarily in their own home and for a limited time.

Subd. 6. **Human services board.** "Human services board" means a board established under section 402.02, Laws 1974, chapter 293, or Laws 1976, chapter 340.

Subd. 7. **Permanency planning.** "Permanency planning" means the systematic process of carrying out, within a short time, a set of goal-oriented activities designed to help children live in families that offer continuity of relationships with nurturing parents or caretakers, and the opportunity to establish lifetime relationships.

Subd. 8. **Placement prevention and family reunification services.** "Placement prevention and family reunification services" means a continuum of services designed to help children remain with their families or to facilitate reunification of children with their parents. Placement prevention and family reunification services available to a minority family must reflect and support family models that are accepted within the culture of the particular minority.

Subd. 9. **Residential facility.** "Residential facility" means a residential facility as defined in section 257.071, subdivision 1.

History: *1Sp1985 c 9 art 2 s 71; 1988 c 689 art 2 s 208*

256F.04 DUTIES OF COMMISSIONER OF HUMAN SERVICES.

Subdivision 1. **Grant program.** The commissioner shall establish a statewide permanency planning grant program to assist counties in providing placement prevention and family reunification services.

Subd. 2. **Forms and instructions.** The commissioner shall provide necessary forms and instructions to the counties for their community social services plan, as required in section 256E.09, that incorporate the permanency plan format and information necessary to apply for a permanency planning grant. For calendar year 1986, the local social services agency shall submit an amendment to their approved biennial community social services plan using the forms and instructions provided by the commissioner. Beginning January 1, 1986, the biennial community social services plan must include the permanency plan.

Subd. 3. **Monitoring.** The commissioner shall design and implement methods for monitoring the delivery and evaluating the effectiveness of placement prevention and family reunification services including family-based services within the state according to section 256E.05, subdivision 3, paragraph (e). An evaluation report describing program implementation, client outcomes, cost, and the effectiveness of those services in relation to measurable objectives and performance criteria to keep families unified and minimize the use of out-of-home placements for children must be prepared by the commissioner for the period from January 1, 1986 through June 30, 1988.

History: *1Sp1985 c 9 art 2 s 72*

256F.05 DISTRIBUTION OF GRANTS.

Subdivision 1. **Money available due to transfer; minimum funding level.** A county must not receive less in state aids under the permanency planning grant program in calendar years 1986 and 1987 than the amount of reimbursement received under title IV-E foster care and children under state guardianship accounts in state fiscal year 1984. Beginning calendar year 1988, the reimbursement received under title IV-E foster care and children under state guardianship accounts must be distributed according to the formula in subdivision 3.

Subd. 2. **Additional money.** Additional money appropriated for family-based services, together with an amount as determined by the commissioner of title IV-B funds distributed to Minnesota according to the Social Security Act, United States Code, title 42, section 621, must be distributed to counties according to the formula in subdivision 3.

Subd. 3. **Formula.** The amount of money distributed to counties under subdivision 2 must be based on the following two factors:

(1) the population of the county under age 19 years as compared to the state as a whole as determined by the most recent data from the state demographer's office; and

(2) the county's percentage share of the number of minority children in substitute care as determined by the most recent department of human services annual report on children in foster care.

The amount of money allocated according to formula factor (1) must not be less than 90 percent of the total distributed under subdivision 2.

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Subd. 4. Payments. The commissioner shall make grant payments to each county whose biennial community social services plan includes a permanency plan under section 256F.04, subdivision 2. The payment must be made in four installments per year. The commissioner may certify the payments for the first three months of a calendar year. Subsequent payments must be made on April 1, July 1, and October 1, of each calendar year.

Subd. 5. Inappropriate expenditures. Permanency planning grant money must not be used for:

- (1) child day care necessary solely because of the employment or training to prepare for employment, of a parent or other relative with whom the child is living;
- (2) residential facility payments;
- (3) adoption assistance payments;
- (4) public assistance payments for aid to families with dependent children, supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145A.09 to 145A.13; or
- (5) administrative costs for local social services agency public assistance staff.

Subd. 6. Termination of grant. A grant may be reduced or terminated by the commissioner when the county agency has failed to comply with the terms of the grant or sections 256F.01 to 256F.07.

Subd. 7. Transfer of funds. Notwithstanding subdivision 1, the commissioner may transfer money from the appropriation for permanency planning grants to counties into the subsidized adoption account when a deficit in the subsidized adoption program occurs. The amount of the transfer must not exceed five percent of the appropriation for permanency planning grants to counties.

History: *1Sp1985 c 9 art 2 s 73; 1Sp1986 c 3 art 1 s 30; 1987 c 309 s 26*

256F.06 DUTIES OF COUNTY BOARDS.

Subdivision 1. Responsibilities. A county board may, alone or in combination with other county boards, apply for a permanency planning grant as provided in section 256F.04, subdivision 2. Upon approval of the permanency planning grant, the county board may contract for or directly provide placement prevention and family reunification services.

Subd. 2. Uses of grants. The grant must be used exclusively for placement prevention, family reunification services and training for family-based service and permanency planning. The grant may not be used as a match for other federal money or to meet the requirements of section 256E.06, subdivision 5.

Subd. 3. Description of family-based service. When a county board elects to provide family-based service as a part of its permanency plan, its written description of family-based service must include the number of families to be served in each caseload, the provider of the service, the planned frequency of contacts with the families, and the maximum length of time family-based service will be provided to families.

Subd. 4. Financial statement by counties. A county receiving a permanency planning grant shall submit to the commissioner an accounting of the county's expenditures of grant money. A quarterly statement must be submitted no later than 15 days after the end of the calendar quarter and must include:

- (1) a detailed statement of expenses attributable to the grant during the preceding quarter; and
- (2) a statement of the expenditure of money for placement prevention and family reunification services by the county during the preceding quarter, including the number of clients served and the expenditures, by client, for each service provided.

History: *1Sp1985 c 9 art 2 s 74; 1Sp1986 c 3 art 1 s 31*

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256F.07 PLACEMENT PREVENTION AND FAMILY REUNIFICATION SERVICES.

Subdivision 1. **Preplacement review.** Each county board shall establish a preplacement procedure to review each request for substitute care placement and determine if appropriate community resources have been utilized before making a substitute care placement.

Subd. 2. **Procedure for placement.** When the preplacement review has determined that a substitute care placement is required because the child is in imminent risk of abuse or neglect; or requires treatment of an emotional disorder, chemical dependency, or mental retardation; the agency shall determine the level of care most appropriate to meet the child's needs in the least restrictive setting and in closest proximity to the child's family; and estimate the length of time of the placement, project a placement goal, and provide a statement of the anticipated outcome of the placement.

Subd. 3. **Types of services.** Placement prevention and family reunification services include:

- (1) family-based service;
- (2) individual and family counseling;
- (3) crisis intervention and crisis counseling;
- (4) day care;
- (5) 24-hour emergency caretaker and homemaker services;
- (6) emergency shelter care up to 30 days in 12 months;
- (7) access to emergency financial assistance;
- (8) arrangements to provide temporary respite care to the family for up to 72 hours consecutively or 30 days in 12 months; and
- (9) transportation services to the child and parents in order to prevent placement or accomplish reunification of the family.

Subd. 3a. **Minority family services.** In addition to services listed in subdivision 3, placement prevention and family reunification services for minority children include:

- (1) development of foster and adoptive placement resources, including recruitment, licensing, and support;
- (2) advocacy in working with the county and private social service agencies, and activities to help provide access to agency services;
- (3) family and community involvement strategies to combat child abuse and chronic neglect of children;
- (4) coordinated child welfare and mental health services to minority families; and
- (5) other activities and services approved by the commissioner that further the goals of the minority heritage preservation act.

Subd. 4. **Rights of the child and family.** The child and the family may refuse placement prevention and family reunification services or appeal the denial of the services.

History: 1Sp1985 c 9 art 2 s 75; 1988 c 689 art 2 s 209