

Emergency Placements with Relatives and Licensing Relatives for Foster Care

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The why, how, when and what of foster care licensing for relatives



**When removal from the
parental home is necessary,
relatives are the first
considered for placement**

[Minn. Stat. section 260C.212, subd 2]

Why is child foster care licensing required:

Safety is the reason foster care
licensing is required.

Why is child foster care licensing required:

- **All children in foster care must be provided with the **protections** established in Title IV-B and IV-E of the Social Security Act.**
- **Section 471 of the Social Security Act requires states to be responsible for establishing and maintaining standards for foster family homes.**

Agencies may place children with relatives prior to licensure **when they have the responsibility for placement, including:**

- **Law enforcement hold (72 hr hold)**
- **Voluntary placement agreement:**
 - **Minn. Stat. 260C.227**
 - **Minn. Stat. 260D.03**
- **Juvenile Court ordered foster care:**
 - **Minn. Stat. 260C.178 – Emergency Removal**
 - **Minn. Stat. 260C.201 – Disposition**
 - **Minn. Stat. 260B.198 - Disposition, Delinquency**

How and When -

prior to placement agencies MAY:

- **Conduct relative search & notice [Minn. Stat. 260C.221]**
- **Obtain criminal and maltreatment history from local available sources and National Criminal Records Repository to make a preliminary determination whether a child will be safe in the home of a relative. [Minn. Stat. 260C.209]**

(This review of the relative's criminal and maltreatment history does not take the place of the Adam Walsh background study that must be completed by DHS prior to licensure.)

When - Prior to Placement:

- If the county agency determines prior to placement, that **anyone in the home** has a **disqualification, that cannot be set aside** the emergency placement must not be made. [Minn. Stat 245A.035]
- Generally **permanent bars** are: felony level crimes against persons, crimes involving violence, & drug related felonies. [Minn. Stat. section 245C.15]

Placement decision

Relatives are the first considered for placement, county agency must make an individualized determination to select a home that meets the needs of the child, including:

- **Current behavior**
- **Medical**
- **Educational**
- **Developmental**
- **History**
- **Religious and cultural**
- **Connections with community, school, faith**
- **Interest and talents**
- **Relationships to current caretakers, parents, siblings and relatives**
- **Reasonable preference of the child**

[Minn. Stat. section 260C.212]

How - Making an Emergency Placement

- Agency **inspection** of the home prior to placement or within 3 days.
 - Home safety checklist (new form)
- Relative submits the **Application** for foster care license **within 10 days of placement.**
 - Application and fact sheet
 - Background study information, including finger prints.

What – General info about foster care licensing process includes:

- **Standards** for the caregivers, household members and dwelling
- **Home study** that reviews caregiver's
 - Strengths and needs (supports available)
 - Personal history
 - Relationships and family life
 - Other in the home
 - Parenting
 - Permanency planning

What- Is different about the licensing process?

County agency placing the child and licensing agency need to communicate and collaborate – may be different county agencies!

-As Soon As Possible –

The child's safety, permanency and well-being depends on the two agencies working together from the day of placement.

Fostering Connection to Success and Increasing Adoption Act of 2008 provides that states may waive non-safety related licensing standards for relatives on a case-by-case basis.

What- Licensing Variances **(non-safety related waivers)**

Variance	Approval agency
Background study Disqualifications	DHS
Sleeping space/ home	Licensing Agency
Applicant's age, chemical health history	Licensing Agency
Annual Training	Licensing Agency

What is the licensing agency's policy for fire marshal inspections?

- **Triggers in the home that require State Fire Marshal Inspections** [Minn. Rules 2960.3050]
 - Free standing solid fuel heating
 - Manufactured home, before 6-15-1976
 - Licensed for 4 or more foster children
 - Foster child's sleeping room is 50% or more below ground level
 - Identified potential hazard
- **Some local municipalities may require foster home inspections**

Consider agency licensing policies and practices:

To support relatives to be licensed and eligible for a variance, licensing agencies visit the home, proceed with the licensing process and when appropriate ask for a fire marshal inspection.

When this is not done, permanency is delayed.

Coming Soon

**DHS is revising the bulletin for
Emergency Relative Placements**

and

Training will be offered in 2014

