

Northstar Care for Children for Court Stakeholders

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What is it? Northstar Care for Children is a single benefit with three components that provides support for a child in foster care, who is adopted, or whose relative has permanent legal and physical custody of the child and who is or was served by the Minnesota child welfare system. The child must be the responsibility of the state, local county social services, or tribal social service agencies or eligible for federal adoption assistance.

Who is eligible: Children in family or supervised independent living foster care under *Minn. Stat. Chapters 260B, 260C, or 260D* or in the permanent care of relatives through a transfer of permanent legal and physical custody, or in the permanent care of adoptive parents are eligible.

What is the public policy behind Northstar Care for Children? From *Minn. Stat. § 256N.01*:

1. Northstar care for children provides immediate and appropriate benefits and services to keep children in foster care safe;
2. Children do best when in permanent, safe, nurturing homes where they can maintain lifelong relationships; when children cannot remain safely with their parents, an alternative permanent home must quickly be made available to the child, drawing from kinship resources whenever possible;
3. Northstar care provides a comprehensive approach to temporary out-of-home care and to permanent homes for children who cannot be reunited:
 - a. Stable benefits to caregivers to ensure the child's needs are met regardless of legal arrangement supporting child's living circumstances (foster care, adoption, or permanent legal and physical custody with a relative);
 - b. Focus benefits on child's needs and strengths and the level of care necessary to meet the child's needs regardless of legal arrangement supporting child's living circumstances.

What are major practice components that make Northstar Care work?

1. **Assessing the child's needs:** Agencies will use the Minnesota Assessment of Parenting for Children and Youth (MAPCY) which is a uniform tool that measures parenting. It is used with foster parents, relative custodians, or adoptive parents. The assessment is individualized to consider the needs of the child and the extra care, attention and impact on the caregiver's family to safely parent the child in the home and community. The uniform assessment is designed to shift the focus away from how "sick" the child is. The two basic questions are:
 - a. What are the child's needs?
 - b. What is the caregiver doing to meet those needs?

The assessment tool focuses on the child's well-being and development. It supports the child's safety while in placement and achieving permanency outcomes.

2. **Comprehensive relative search right at the beginning of the child's placement:** Agencies must identify, locate, and send notice to relatives or kin of the child who might be resources for the

child and family. Relatives can be resources for temporary or permanent placement, support for visitation, and help with case planning by assisting with understanding family history and culture so the agency and family together can identify what will be helpful to the family in providing for the child's safety, permanency, and well-being.

3. **Concurrent permanency planning:**

- a. **Plan A:** Except in very limited circumstances, agencies must make reasonable efforts for reunification. For matters governed by *ICWA*, agencies must always make active efforts to prevent the breakup of the Indian family.
- b. **Plan B:** At the same time, agencies must plan for a legally permanent alternative home for the child in the event the child cannot safely and timely return to the care of the parent. Among other practices, it means:
 - i. discussing adoption with potential permanent caretakers as the preferred permanency disposition for a child who cannot return to the care of a parent;
 - ii. working with relatives who may have barriers to foster care licensing that are not related to safety to assist the relative in obtaining a licensing set-aside; and
 - iii. referring out-of-state relatives for study through the Interstate Compact on the Placement of Children (ICPC).

What can judges and non-agency court stakeholders do to make Northstar Care for Children work?

1. Ensure the agency is making reasonable, or in the case of an Indian child, active efforts for reunification of the child with the parent when such efforts are required; ask about the agency's engagement of the parents in services and in planning for reunification; ask the parents what they need to be successful in achieving reunification.
2. Ensure early and comprehensive assessment of the child's needs including:
 - a. Physical and dental examinations;
 - b. Mental health screenings and follow-up assessment and treatment when appropriate;
 - c. Educational planning for older children and education readiness for pre-school children;
 - d. Nurturance of the child's talents and interests.
3. Support the agency's early and comprehensive relative search and involvement through questions:
 - a. If the child is not placed with a relative, ask why not;
 - b. Ask for the names of relatives who responded to the notice the agency must send to relatives under *Minn. Stat. § 260C.221*; ask if the agency followed-up with relatives about what the "notice" means;
 - c. Is a variance or set aside for a relative with licensing barriers appropriate? If yes, ask about progress on the licensing process;
 - d. Is the current relative foster parent a good candidate for the permanent care of the child if the child cannot return home? If not, ask who else is a possibility;
 - e. Are relatives visiting the child? Ask if someone is collecting family history and maintaining family connections for the child;
 - f. Are relatives who asked notified of court hearings? Do they come to court?
4. By at least the 6 month permanency progress review hearing, inquire about Plan B for the child; if a strong Plan B is not yet in place, ask the agency about what further work needs to be done to get one in place.
5. Ensure that court reviews from the beginning of the child's placement address the child's need to be in foster care, the child's needs in foster care, and that decisions made about the child's placement are on the record, in court orders and will qualify for Northstar Care.

Required Court Findings for Eligibility for Northstar Care for Children

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Court Finding(s)	When	Selected other eligibility criteria/comments
For Northstar Foster Care		No caretaker income eligibility requirement
1. Placement is in the child's best interests or continuing in the care of the parent is contrary to the welfare of the child	In the very first order removing the child from the care of a parent or, in the case of voluntary placement, within 180 days of the child's placement	Placement must be in a fully licensed foster home or made by the agency in a relative's home under emergency placement provisions of Minn. Stat. § 245A.035.
2. Reasonable efforts have been made to prevent the placement; or Reasonable efforts to prevent placement are not required	<i>Under Minnesota law:</i> in the ex parte order and at the Emergency Protective Care Hearing <i>Under federal law:</i> within 60 days of removal	For Indian children, the finding required under <i>ICWA</i> is "Active efforts have been made to prevent the breakup of the Indian family." The timing of this required finding is not addressed in <i>ICWA</i> except that an order permanently placing the child away from the parent cannot be made without this finding.
3. Reasonable efforts have been made to finalize the permanent plan for the child	After 12 months of placement and at least every 12 months thereafter	This finding is necessary for the agency to be reimbursed for the cost of foster care when foster care lasts longer than 12 months.
For Northstar Adoption Assistance		No caretaker income eligibility requirement
1. Placement is in the child's best interests or continuing in the care of the parent is contrary to the welfare of the child	In the very first order removing the child from the care of a parent or, in the case of voluntary placement, within 180 days of the child's placement	Other eligibility at the time of adoption requirements: <ul style="list-style-type: none"> Special needs as set out at <i>Minn. Stat. § 259A.10</i> Placement by the agency through a fully executed Adoption Placement Agreement Written home study which includes AWBS current as of July 1, 2007 No barrier crimes in the AWBS Fully executed Northstar Adoption Assistance Benefit Agreement An order finalizing the adoption of the child by the adopting parent DO NOT FINALIZE unless Northstar Adoption Assistance Benefit Agreement is fully executed.
For Northstar Kinship Assistance		No caretaker income eligibility requirement
1. Placement is in the child's best interests or continuing in the care of the parent is contrary to the welfare of the child	In the very first order removing the child from the care of a parent or, in the case of voluntary placement, within 180 days of the child's placement	Other eligibility requirements at the time of the order for transfer of permanent legal and physical custody to a relative : <ul style="list-style-type: none"> Placement in the home of the relative <i>who is fully licensed</i> for foster care for six consecutive months Placement by the agency in the home of the relative for transfer of permanent legal and physical custody through a Kinship Placement Agreement; OR by court order containing required findings below Written home study which includes AWBS current as of July 1, 2007 <i>Note:</i> The home study approving the relative for foster care can be used as long as it contains the required AWBS. Fully executed Northstar Kinship Assistance Benefit Agreement
All of the findings set out in "Required Findings for Northstar Kinship Assistance"	By the time the order is final	An order for transfer of permanent legal and physical custody to the relative DO NOT FINALIZE unless Northstar Kinship Assistance Agreement is fully executed.

Required Findings for Northstar Kinship Assistance
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Minn. Stat. § 260C.515, subd. 4, sets out required findings for an order for transfer of permanent legal and physical custody to a relative. Making the required findings will also qualify an eligible child for Northstar Kinship Assistance.

When the agency is the petitioner, in order for the court to order transfer of permanent legal and physical custody to a relative, the petition must be accompanied by a fully executed **Kinship Placement Agreement** which provides documentation of all items below. The statute authorizes the court to rely on the agency's documentation in the **Kinship Placement Agreement** and before ordering transfer or permanent legal and physical custody to a relative, requires the court to find:

1. The relative is fit, willing, and suitable for the transfer of permanent legal and physical custody of the child;
2. Transfer of permanent legal and physical custody is in the child's best interests;
3. Adoption is not in the child's best interests based on the determinations in the kinship placement agreement required under *Minn. Stat. § 256N.22, subd. 2*;
4. Either:
 - a. The agency made efforts to discuss adoption with the child's parent(s); or
 - b. The agency did not make efforts to discuss adoption and the reasons why efforts were not made;
5. The reasons to separate siblings, if applicable.

When the agency is not the petitioner:

- The petitioner must allege and present proof to support required findings 1., 2., 4. and 5.
- Proof must also be submitted on finding number 3. which must be modified to read: "Adoption is not in the child's best interests."

In addition, because the agency is not the petitioner, the additional items documented in the kinship placement agreement under *Minn. Stat. 256 N.22, subd. 2* must be alleged and proved as follows:

6. If Kinship Assistance has been requested and the child is eligible, receipt of Northstar Kinship Assistance is in the child's best interests;
7. A strong attachment exists between the prospective relative custodian and the child and there is a strong commitment by the prospective custodian to caring permanently for the child;
8. The prospective relative custodian understands the legal and financial differences between adoption and transfer of permanent legal and physical custody;
9. If the child is age 14 or older, that the child has been consulted about the permanency options.

The court may order transfer of permanent legal and physical custody to a relative when there is no eligibility for Northstar Kinship Assistance. In this case, all of the findings listed above are required except number 6.

Glossary of Northstar-related Terms

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<p>Adam Walsh Background Study (AWBS)</p>	<p>Study of an individual's criminal and maltreatment history done by the DHS Background Studies Division under Minn. Stat. § 245C.33; the study is based on identifying information, including fingerprints provided by the individual; the study is part of the home study referred to at Minn. Stat. §§ 260C.215 and 260C.611, which is necessary prior to the agency placing children for adoption or for transfer of permanent legal and physical custody to relatives.</p>
<p>Adoption Placement Agreement</p>	<p>Agreement that makes the placement an adoptive placement. Only the agency may make an adoptive placement. <i>Minn. Stat. § 260C.613, subd. 1</i> <i>Fully executed</i> for this document means signed by:</p> <ul style="list-style-type: none"> • adopting parent • local or tribal social services agency • DHS
<p>Home study</p>	<p>Written study required by Minn. Stat. §§ 260C.215, subd 4 (5) and 260C.611 used to assess the capacities and needs of prospective adoptive and foster families and relative custodians; it provides sufficient information for the agency to make the individualized placement decision consistent with <i>Minn. Stat. § 260C.212, subd. 2</i>; the study is on the form or uses text specified by DHS; the study is necessary prior to the agency placing children in foster care (except for emergency relative placement), for adoption. See 2014 amendment to <i>Minn. Stat. § 260C.212, subd. 2 (e)</i> and also <i>Minn. Stat. § 260C.611</i></p>
<p>Kinship Placement Agreement</p>	<p>Agreement that must be filed with the Permanency Petition for Transfer of Permanent Legal and Physical Custody filed by the responsible agency. This agreement documents:</p> <ul style="list-style-type: none"> • the relative's relationship with the child • the relative's commitment to the child • the relative's understanding of the legal arrangement the decision-making by the agency <p><i>Fully executed</i> for this document means signed by:</p> <ul style="list-style-type: none"> • Proposed relative custodian • Local or tribal social services agency
<p>Northstar Adoption Assistance Benefit Agreement</p>	<p>Agreement that provides for the level of benefit to be provided to the child. <i>Fully executed</i> for this document means signed by:</p> <ul style="list-style-type: none"> • adopting parent • local or tribal social services agency • DHS
<p>Northstar Kinship Assistance Benefit Agreement</p>	<p>Agreement that provides for the level of benefit to be provided to the child. <i>Fully executed</i> for this document means signed by:</p> <ul style="list-style-type: none"> • Proposed relative custodian • Local or tribal social services agency • DHS
<p>Relative</p>	<p>"Relative" means a person related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact. For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of law or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903. <i>Minn. Stat. § 260C.007, subd. 27</i></p>