



MINNESOTA JUDICIAL BRANCH

Best Practices: Title IV-E Protections for Children

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Overview

Title IV-E is a federal program establishing and enforcing protections for children and families by requiring them to be reflected in state policy and by auditing compliance with program requirements. Non-compliance with Title IV-E can have financial impacts for the State.

Objective

The objective of Title IV-E is to think about and use other methods, besides foster care, to keep children safe. This means considering what can be put into place to prevent placement in foster care, what can be done to shorten the length of a child's stay in foster care, including planning for a legally permanent alternative home if the child cannot safely and permanently return home timely.

Best Practices

The legal and judicial community provide protections in every CHIPS case and work with the requirements of Title IV-E every day because Title IV-E protections are embedded in Minnesota law. To be eligible for foster care support under Title IV-E, there are eligibility standards and best practices to ensure children receive appropriate care and services.

Basic Eligibility

Title IV-E protections are not limited to children with families experiencing poverty. They are applied to all children when the agency claims and Title IV-E reimbursement for a child. For IV-E reimbursement to qualify:

1. A judicial determination must give the Agency care and placement authority of the child.
2. The facility the child is placed in must be Title IV-E eligible.
3. Title IV-E protections must apply to all juvenile protection children equally.
 - a. Protections apply to children in delinquency cases when there is a local government Title IV-E agreement between the social services agency and juvenile corrections, or the two agencies are under one administration.

Facility Eligibility

Foster care placements must be at a Title IV-E eligible facility, meaning:

1. A foster family home
2. A child care institution, which could be:
 - a. A group home
 - b. A public child care institution housing 25 or fewer children
 - c. A private child care institution
 - d. A Family First specialized setting such as:
 - i. A Qualified Residential Treatment Program (QRTP)
 - ii. A setting specific to pregnant or parenting youth
 - iii. A setting specific to sexually exploited youth
 - iv. A setting specific to supervised independent living for youth ages 18-21
3. A substance Use Disorder (SUD) facility where a child is co-located with a parent

Reasonable or Active Efforts to Prevent Placement

The agency has a duty to provide reasonable or active efforts to children and families to prevent the child from being placed out of the home.

Reasonable or Active Efforts to prevent placement means either [*\(Minn. Stat. § 260.012 \(d\)\)*](#):

1. The agency made efforts to prevent the placement of the child in foster care by working with the family to develop and implement a safety plan individualized to the needs of the child; or
2. The agency demonstrated to the court that, at the time of the removal, there are no services or efforts available which could allow the child to safely remain in the home.

Best Practice Tip: The agency should record all active or reasonable efforts to prevent placement and submit them to the court to ensure the judge can make clear findings and issue an appropriate order.

Finding Required in Expedited Cases: ([Minn. Stat. § 260.012](#))

In these situations, the Court should make a finding that “reasonable efforts to prevent placement were not required”:

- Egregious harm
- Sexual abuse
- Abandoned infant
- Previous involuntary TPR or transfer of custody to a relative
- A parent being required to register as a predatory offender
- Further reasonable efforts being futile

However, ICWA cases still require active efforts.

Timing of Findings:

Timing of these reasonable or active efforts to prevent placement findings should be in the removal order or at a minimum within 60 days of placing the child out of the care of the parents/caregiver.

Contrary to the Welfare and Best Interests Findings

Judicial officers use Title IV-E standards when deciding whether to place a child away from the care of their caregiver, and by reviewing the agency's reasonable or active efforts to prevent placement along the course of the case. The judicial officer must approve the placement (Minn. Stat. §§ [260C.151, subd. 6](#), and [\(260C.178\)](#)). Judicial officers should ask themselves, "Does this child need to be in placement?" If yes, then the judicial officer should also find:

1. "Continued custody of the child by the parent or guardian is contrary to the welfare of the child." And,
2. "Placement is in the best interest of the child."

Timing of Findings

This finding must be in the very first order placing the child away from the care of their caregiver.

1. If the finding is not in the very first order, Title IV-E reimbursement is never available; or
2. in the case of a voluntary placement, the finding must be made within 180 days of the placement.
 - a. Voluntary placements involving a QRTP need a finding within 60 days of the placement.

Best practice Tip: To support a finding that reasonable or active efforts were made to prevent removal, reference – by date – the specific petition, affidavit, or court report upon which the finding is based. Doing so not only strengthens the record but also satisfies the Title IV-E requirement that findings be individualized to the specific child.

Reasonable or Active Efforts to Finalize Permanency

Throughout the rest of the case, the agency must make, and the court must find reasonable or active efforts to finalize permanency for the child. While attempting reunification, the agency must make other efforts to finalize permanency. This is called concurrent planning or planning with two goals in mind so that if one goal no longer fits, there can be a seamless shift to an alternative goal.

Active or Reasonable Efforts to Finalize Permanency ([*Minn. Stat. § 260.012*](#)):

- Reunification (in most cases)
- Assess and provide services to both parents
- Conduct a relative search
- Place siblings together, or when they cannot be together, facilitate visitation
- When a child cannot return home, plan for and finalize a safe and permanent alternative home
- In most cases, appropriate reunification efforts must be proved to establish permanency away from the parent. CHIPS by-pass cases are the exception.

Timing of Finding

Timing of reasonable or active efforts to finalize permanency finding should be in every permanency progress review hearing order or at a minimum every twelve months after placing the child away from the care of the caregiver.

Summary of Title IV-E Protections for Children and Families

1. Judicial approval of need for placement –findings contrary to the welfare of the child and in the child’s best interest - *Minn. Stat. §§ [260C.151, subd. 6](#), and [260C.178](#)*
 - a. Voluntary placements, *[Minn. Stat. § 260C.141, subd. 2](#) and Chapter [260D](#)*
2. Findings of reasonable/active efforts to prevent placement – *Minn. Stat. §§ [260.012](#) and [260.64](#) (MAAFPCWDA)*
3. Individualized case planning – *[Minn. Stat. § 260C.212, subd. 1](#)*
4. Findings of reasonable/active efforts to finalize permanency during periodic reviews (court hearings) – *Minn. Stat. §§ [260C.202](#) and [260C.203](#)*