

# Bulletin

September 3, 2010

Minnesota Department of Human Services -- P.O. Box 64941 -- St. Paul, MN 55164-0941

**OF INTEREST TO**

- County Directors
- Social Service Supervisors and Staff
- Tribal Social Service Directors
- Tribal Social Service Supervisors and Staff
- County Attorneys
- Guardians ad Litem
- Private Foster Care Agency Directors, Supervisors and Staff
- Judges

**ACTION/DUE DATE**

Review and implement as directed.

**EXPIRATION DATE**

September 3, 2012

## Fostering Connections Guidance and Changes to Foster Care for Youth Ages 18–21

**TOPIC**

Fostering Connections to Success and Increasing Adoptions Act of 2008 [Public Law 110-351], including foster care for youth ages 18-21.

**PURPOSE**

To issue policy guidance on associated changes to foster care for youth ages 18–21, including expansion of Title IV-E claiming and amendments to state law, and provide an overview of various provisions of the Act.

**CONTACT**

For questions about Title IV-E and foster care policy:  
Amy Lembcke, Title IV-E foster care policy specialist  
(651) 431-4386, [amy.lembcke@state.mn.us](mailto:amy.lembcke@state.mn.us)

For questions about transition policy and services:  
Kathleen Hiniker, social services program consultant  
(651) 431-4707, [kathleen.a.hiniker@state.mn.us](mailto:kathleen.a.hiniker@state.mn.us)

**SIGNED**


---

ERIN SULLIVAN SUTTON  
Assistant Commissioner  
Children and Family Services Administration

## **Background**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 [Public Law 110-351] is a federal child welfare law designed to ensure greater permanency for and improve the well-being of children and youth served by the public child welfare system. On July 9, 2010, the Administration on Children, Youth and Families issued program instructions on the Act. A key provision of the Act provides states the option of extending support for youth remaining in foster care beyond age 18 by offering continued Title IV-E claiming on behalf of eligible children. The Act also permits Title IV-E claiming for youth ages 18 and older who are living independently in a supervised setting. States who elect to provide extended foster care may begin Title IV-E claiming on October 1, 2010, or upon federal approval of their Title IV-E plan amendment, whichever is later.

Minnesota regulations have allowed youth in foster care at age 18 the option to remain in foster care to age 21. Local funds have been the primary funding source for extended foster care. Amendments to state law passed during the 2010 legislative session ensure that extended foster care statutes conform to new federal requirements for Title IV-E claiming for this population. Changes are effective August 1, 2010.

This bulletin details state law amendments, provides policy guidance on serving youth in extended foster care, and offers reminders for best practice to meet the needs of children as directed by the Act. Instructions on changes to case documentation in the Social Service Information System (SSIS) and Title IV-E claiming are also provided.

## **Eligibility for Continued Foster Care**

Prior to August 1, 2010, counties were required to advise youth in foster care under Chapter 260C or 260D of Minnesota Statutes, their parents or legal guardian, and foster parents of the availability of continued foster care benefits up to age 21. Counties needed to offer continued foster care benefits within six months prior to the youth's 18<sup>th</sup> birthday. [Minnesota Rules, part 9560.0660]

Effective August 1, 2010, Minnesota Rules, part 9560.0660, is repealed. Within six months prior to the 18<sup>th</sup> birthday of a youth in foster care under Chapter 260C or 260D, counties remain required to advise youth, their parent or legal guardian, and foster parents of the availability of continued foster care benefits up to age 21. This requirement is now located in Minnesota Statutes, section 260C.451, subdivision 1. If a youth does not wish to remain in extended foster care, a personalized transition plan (as outlined in a subsequent section of this bulletin) must be developed and executed during the 90-day period immediately prior to their discharge. Also, effective August 1, 2010, youth who are not able to return home or otherwise achieve permanency prior to age 18, and who desire to continue in foster care past age 18, **must** meet at least one of the following conditions on an ongoing basis.

A youth must be:

1. Completing secondary education or a program leading to an equivalent credential
2. Enrolled in an institution that provides postsecondary or vocational education

3. Participating in a program or activity designed to promote or remove barriers to employment
4. Employed for at least 80 hours per month, or
5. Incapable of doing any of the activities described above due to a medical condition.

Effective October 1, 2010, any youth in foster care immediately prior to age 18, under the responsibility of a corrections agency who possesses a Title IV-E agreement with a county social service agency, a county corrections agency under the same administration as social services, or any Minnesota tribe with a Title IV-E agreement with the Minnesota Department of Human Services or a county social service agency, must be advised of the availability of foster care benefits up to age 21. To ensure that youth have sufficient time to decide if they wish to remain in foster care beyond age 18, notification of the availability of continued foster care benefits should occur at least 90 days prior to their 18<sup>th</sup> birthday. If a youth does not wish to remain in extended foster care, a personalized transition plan (as outlined in a subsequent section of this bulletin) must be developed and executed during the 90-day period immediately prior to their discharge. A youth who is not able to return home or otherwise achieve permanency prior to age 18, and who desires to remain in extended foster care, **must** meet at least one of the conditions listed above on an ongoing basis.

### **Case Planning, Reasonable Efforts, and Verification**

Social workers have responsibility to collaborate with youth to create a case plan for extended care. A case plan includes the out-of-home placement plan and an independent living plan. The case plan should reflect the agency's ongoing duty to make reasonable efforts to implement a plan for supports and services for independent living related to a youth's employment, vocational, education, social, or maturational needs, and to finalize the agreed upon permanency plan with the youth. If a youth's continuation in extended foster care is due to incapacity to participate in school, employment, or vocational training due to a medical condition, the social worker must regularly update the case plan to include written information that addresses the medical condition(s) and the youth's incapacity.

Reasonable efforts to finalize an agreed upon permanency plan include working with a youth to ensure that foster care is the best legal arrangement for them, and assisting them in building life-long relationships with family, siblings, and other caring, safe and supportive individuals.

Social workers have responsibility to document that a youth remains eligible for extended foster care. The eligibility condition(s) for each youth must be included in the case plan and documented in SSIS (as noted in a subsequent section of this bulletin). Verification of each eligibility condition as outlined in Attachment A must be maintained in a youth's case file. Maintenance of verifications is of particular importance for Title IV-E eligible youth.

### **Legal Responsibility for Continued Placement**

Youth in extended foster care are adults for all purposes except the continued provision of foster care. The agency must have legal responsibility to place or maintain anyone over age 18 in foster care. For youth under court jurisdiction prior to age 18, that responsibility may be obtained through:

- A court order that terminates legal custody or guardianship, but maintains court jurisdiction and indicates a youth continues in placement under legal responsibility of the county or tribal agency, or
- The youth's signature, obtained prior to the order terminating custody or guardianship, on the out-of-home placement plan or independent living skills plan. (The plan must include a statement indicating the youth continues in placement under legal responsibility of the county or tribal agency.)

Legal responsibility for youth who re-enter foster care after attaining age 18 should be obtained by the youth entering into a voluntary placement agreement with the agency responsible for the placement. A unique voluntary placement agreement has been developed for this purpose (see Attachment B). The voluntary placement agreement will be available in SSIS and on eDocs in Fall 2010.

### **Required Judicial Reviews and Determinations**

When a youth is in extended foster care, there is a need for court reviews and judicial determinations.

#### *Youth Continuously in Foster Care*

When a youth is in continuous foster care, the court must conduct court reviews of reasonable efforts to finalize the permanency plan for a youth at least every 12 months. The agency must ask the court to review and make findings on the agency's reasonable efforts to:

- Ensure that foster care is the best legal arrangement for a youth, or whether there is another legal option that would better meet the needs of a youth for a life-long family
- Assist a youth in building life-long relationships with family, siblings, and other caring, safe and supportive individuals
- Plan with a youth to utilize supports and services that develop an appropriate set of skills necessary for successful independence after foster care.

#### *Youth Re-entering Foster Care*

As noted above, a voluntary placement agreement should be executed with youth re-entering foster care after age 18. Within 180 days of a youth's placement by voluntary placement agreement, the court must make a judicial determination that placement is in a youth's best interest. The finding may be based on a youth's request for extended foster care benefits.

When a youth re-enters foster care after age 18, court reviews of reasonable efforts to finalize the permanency plan must be held at least every 12 months, beginning from the date the youth re-enters foster care. The agency must ask the court to review and make findings on the agency's reasonable efforts as noted above.

#### *Asking the Court to Make Required Determinations*

The county agency may ask the court to re-open the juvenile protection file on a youth in order to request the court to make a required best interest determination. The county attorney's office

should discuss with the local court what procedural requirements are necessary to re-open court jurisdiction and the file. The county's Children's Justice Initiative Team is an ideal place to have this discussion. Procedural requirements might include filing a motion for the court to re-assume jurisdiction under Minnesota Statutes, section 260C.193, subdivision 6, as amended in Minnesota Session Laws 2010, Chapter 301, Article 3, section 6; and filing with the court a request for a review hearing under Minnesota Statutes, section 260C.212, subdivision 7, for determination that placement is in a youth's best interest. The agency should file the out-of-home placement plan and a report containing sufficient information for the court to conduct a review and make a determination.

The best interest judicial determination is required within 180 days of a youth's re-entry into foster care, which closely coincides with the required timing of administrative or court reviews required under Section 475(5)(B) of the Social Security Act and Minnesota Statutes, section 260C.212, subdivision 7.

### **Youth Under Tribal Jurisdiction**

When a tribe has a Title IV-E agreement with the state or with a local social service agency, the tribe is responsible for meeting requirements of Title IV-E which, in Minnesota, includes providing the opportunity for youth to remain in foster care past age 18, effective October 1, 2010. [Sections 472(a)(2)(B) and 475(8) of the Social Security Act] This requirement does not apply to tribes that do not have a Title IV-E agreement with the state or with a local social service agency.

For tribes with a Title IV-E agreement, implementing the requirements of Title IV-E consistent with the way Minnesota is opting into Fostering Connections includes:

- Using the same definition of "child" that Minnesota adopted, found at Minnesota Session Laws 2010, Chapter 301, Article 3, section 5, and which includes youth who continue in foster care
- Offering the opportunity for youth to remain in foster care past age 18 when they are willing to meet the same eligibility criteria established at Minnesota Session Laws 2010, Chapter 301, Article 3, section 9
- Utilizing foster care benefits to pay for supervised independent living settings as described in this bulletin and found at Minnesota Session Laws 2010, Chapter 301, Article 3, section 9
- Developing a plan for services and supports that encourages continued development of independent living skills, and life-long connections for a youth with family, community, and their tribe, according to requirements of Minnesota Session Laws 2010, Chapter 301, Article 3, section 9.

Counties financially responsible for the cost of foster care for Indian children under tribal jurisdiction pursuant to Minnesota Statutes, section 260.771, subdivision 4, remain responsible for the cost of foster care placement for tribal youth who stay in foster care past age 18, under the definition of child, amended pursuant to Minnesota Session Laws 2010, Chapter 301, Article 3, section 5. When a tribe has a Title IV-E agreement with either the state or a county, the tribe and

the county with financial responsibility should continue to work together to ensure necessary Title IV-E requirements are met and documented so the county can continue to claim Title IV-E reimbursement for eligible youth.

When Minnesota Statutes, section 260.771, subdivision 4, does not apply because of tribal participation in the American Indian Child Welfare Initiative under Minnesota Statutes, section 256.01, subdivision 14b, tribes are responsible for the cost of foster care for youth who continue in or re-enter foster care after age 18. When Minnesota Statutes, section 260.771, subdivision 4 does not require the county to pay for a tribally-ordered placement of a youth re-entering foster care after age 18 because the youth would not be eligible for placement by the county under Minnesota Statutes, section 260C.456, as amended in Minnesota Session Laws 2010, Chapter 269, Article 2, section 3, tribes will have financial responsibility for the cost of foster care.

Tribes having no Title IV-E agreement with the state or local county make their own determinations about continuing tribal jurisdiction and providing tribal children with the opportunity to remain in foster care after age 18. They are not bound by the state's exercise of the option to provide services to youth over age 18 and claim federal reimbursement under Title IV-E.

### **Requirements for Case Work**

All ongoing case work responsibilities applicable to youth under age 18 in foster care continue for all youth in extended foster care. These requirements continue regardless of a youth's Title IV-E eligibility determination. Youth in extended care will be included in federal Child and Family Service Reviews.

Examples of ongoing case work requirements include:

- Annual permanency review hearing
- Out-of-home placement plan (including independent living plan)
- At least monthly face-to-face caseworker visits
- Administrative reviews (or court reviews) every 6 months
- Ongoing case documentation in SSIS
- Regular review and verification of eligibility conditions for each youth
- Transition planning (in accordance with section 475(5)(H) of the Social Security Act and Minnesota Statutes, section 260C.212, subdivision 7).

### **Transition Plans**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires that, for youth who will be discharged from foster care at age 18 or older, the caseworker develop a personalized transition plan, as directed by the youth. The transition plan must be developed and executed during the 90-day period immediately prior to the date a youth will be discharged. The transition plan must be as detailed as the youth may elect, and include specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, work force supports and employment services. The agency must also provide the youth with appropriate contact information if they need more information or

need help with a crisis situation through age 21.

The Patient Protection and Affordable Care Act [P.L. 111-148] further amends transition plan requirements. Effective October 1, 2010, a youth's transition plan must also include information on the importance of designating someone to make health care treatment decisions on behalf of a youth in foster care if the youth is unable to do so and does not have or want a relative who would otherwise be designated under state law to make such decisions. Youth also must be given information about how to execute a health care power of attorney, health care proxy, or other similar documents recognized under state law.

In Minnesota, the procedure for designation of health care treatment decisions is called a health care directive, governed by Minnesota Statutes, Chapter 145C. If a youth wants to pursue a health care directive, a suggested form is available in Minnesota Statutes, section 145C.16.

### **Foster Care Settings**

Youth ages 18-21 may continue in a traditional foster care setting or in a supervised setting where they are living independently. Child foster care license holders caring for persons over age 18 but under age 21 may do so without a variance. The particular foster care setting, including supervised independent living settings, for youth shall be selected based on their best interest, and an individual determination of their needs. [Minnesota Statutes, section 260C.212, subdivision 2] A significant part of selecting the placement setting is the assessment of a youth's needs, goals, and their personal preference.

Agencies have an opportunity to develop a range of supervised independent living settings for youth. These may range from apartments, dorms, host homes, or other innovative ideas that meet a youth's need for supervision and support as they move toward independence. Supervised independent living settings are not required to be licensed, but ensuring appropriate supervision, minimally one face-to-face visit each month, is required for youth living in these settings.

### **Foster Care Maintenance Payments**

All youth in extended foster care remain eligible for foster care maintenance payments. The process and items covered in the foster care maintenance payment remains the same as a foster child of any age, consistent with Minnesota Rules, parts 9560.0650 to 9560.0670. The foster care maintenance payment includes the basic foster care maintenance and the assessed difficulty of care rate. Difficulty of care is a supplement in addition to the basic maintenance payment for children with special needs due to existing mental, physical or emotional disabilities who require additional supervision or assistance in behavior management, activities of daily living, management of medical needs or interactions with their birth family and community. All youth, including those in supervised independent living settings, must be assessed for difficulty of care payments. [Minnesota Rules, part 9560.0653] In cases where a foster youth is a parent placed with their child in the same foster home, facility or supervised living setting, the foster care maintenance payment must be assessed to cover the cost of the youth's child.

Payments must be paid through a foster parent, child placement agency, or a child care institution. For youth age 18 or older living independently in a supervised setting, there may be

no direct caregiver providing food, clothing, shelter, daily supervision, school supplies, personal incidentals or reasonable travel for home visits or school stability. In those situations, the agency may pay all or part of the foster care maintenance payment directly to the youth. This flexibility to pay all or part of the maintenance payment allows the agency to help individual youth adjust to independent living and learn to budget and pay bills.

### **Eligibility for Health Care**

Title IV-E eligible youth in foster care to age 21 are automatically eligible for Medical Assistance (MA). Workers should follow current MA policy for children receiving Title IV-E foster care benefits. (See [Health Care Programs Manual 03.25.20 – Medical Assistance \(MA\) for Children in Foster Care.](#))

Effective October 1, 2010, MAXIS will allow approval of Title IV-E eligibility type “25” for youth in extended foster care to age 21. Workers should approve MA with eligibility type “25” when notified of a determination that a youth is Title IV-E eligible.

Automatic MA eligibility begins effective the first day of the month in which Title IV-E eligibility begins. Automatic MA eligibility ends effective the first of the month after a youth’s Title IV-E eligibility ends or the first of the month after a youth attains age 21.

Children and youth in foster care who do not qualify for Title IV-E are not automatically eligible for MA. Children and youth must meet an MA basis of eligibility (child under 21, pregnant woman, or disabled) and all MA eligibility requirements associated with that basis if they are not Title IV-E eligible.

### **Exit and Re-entry to Care After Age 18**

Youth who cease to meet one of the eligibility conditions after attaining age 18 may be discharged from foster care. Social workers should make efforts to engage youth in a planned discharge from foster care. Notice of termination of benefits and of the youth’s rights to appeal under Minnesota Statutes, section 256.045, must be given to a youth upon discharge.

Under certain conditions, youth over age 18 may request return to care after they have been discharged from placement. The request to return to care should be made to the county or tribal social service agency that was responsible for a youth’s placement and care immediately prior to their discharge.

Youth who left foster care while under state guardianship as dependent or neglected must be allowed to return to care, if they commit to meet one of the required conditions. Other youth previously in placement under Chapter 260C or 260D of Minnesota Statutes in the six consecutive months prior to their 18<sup>th</sup> birthday, or who were discharged while on runaway status after age 15, may return to care between the ages of 18 and 21, to the extent funds are available. The ability of youth who were under tribal care and responsibility at discharge to return to extended care is dependent on a tribe’s code and practice.

Youth approved to return to care should sign a voluntary placement agreement with the



responsible agency, authorizing the placement. Notice of denial of benefits and a youth's right to appeal under Minnesota Statutes, section 256.045 must be given to a youth requesting and denied return to care under this section.

### **Title IV-E Claiming**

As noted previously, effective October 1, 2010, states and tribes can choose to amend their Title IV-E plans to allow Title IV-E claiming for eligible youth in extended foster care (including those in supervised independent living settings). Minnesota plans to exercise this option.

All Title IV-E eligibility requirements that apply to children under age 18 also apply to youth in extended foster care. In addition, youth in extended care must meet at least one of the conditions for extended care as outlined in previous sections. Youth in extended care will be included in federal Title IV-E eligibility reviews. Documentation of Title IV-E eligibility requirements in SSIS and MAXIS is required, and verifications to support Title IV-E eligibility, including verification of each eligibility condition as outlined in Attachment A, must continue to be maintained in the youth's case file.

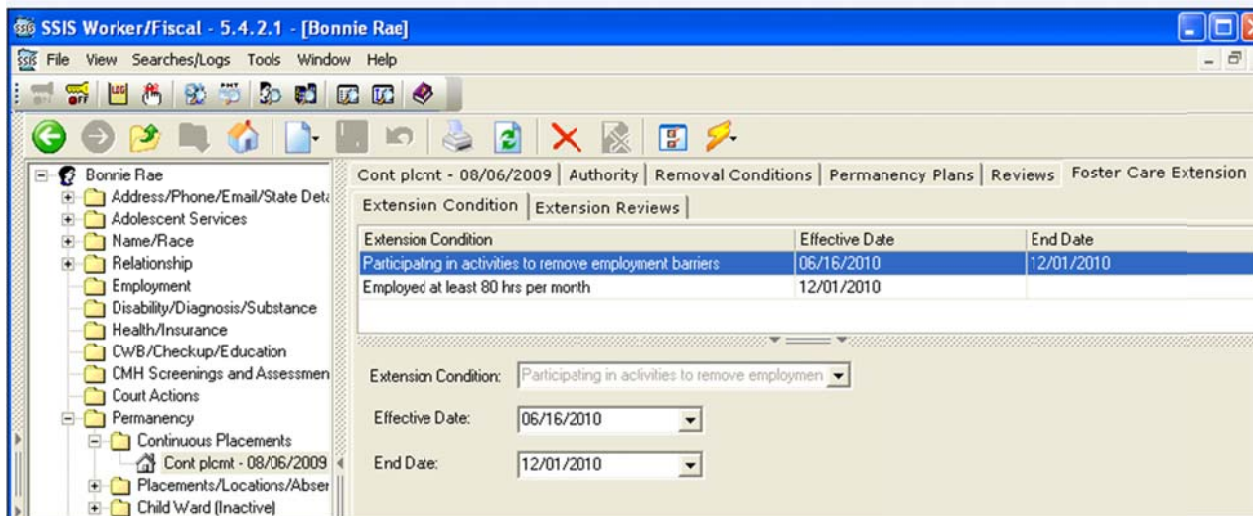
Requirements to claim Title IV-E funds for youth in extended care include:

- Documentation of basic Title IV-E eligibility factors in SSIS and MAXIS, and maintenance of associated verifications in a youth's case file
- Ongoing documentation in SSIS and MAXIS of at least one of the eligibility conditions and maintenance of associated verification(s) in a youth's case file
- Continued responsibility for placement and care of a youth assigned to the local agency
- Placement in a foster care setting (supervised independent living settings are included)
- Reasonable efforts to finalize permanency judicial determinations at least every 12 months, for cases where the county or tribal agency had custody, or the commissioner had guardianship, prior to age 18
- A one-time judicial determination to the effect that placement is in a youth's best interest within 180 days of placement, for youth placed via voluntary placement agreements.

Adjustments to MAXIS and SSIS are needed to enable Title IV-E claiming for the 18–21 population. Effective October 1, 2010, some changes will be made in the systems to document that youth in extended care meet at least one of the eligibility conditions on an ongoing basis. (See sections below for further details.) Comprehensive modifications to the systems to initiate Title IV-E claiming will not be available October 1, 2010, but will enable claiming retroactively to that date.

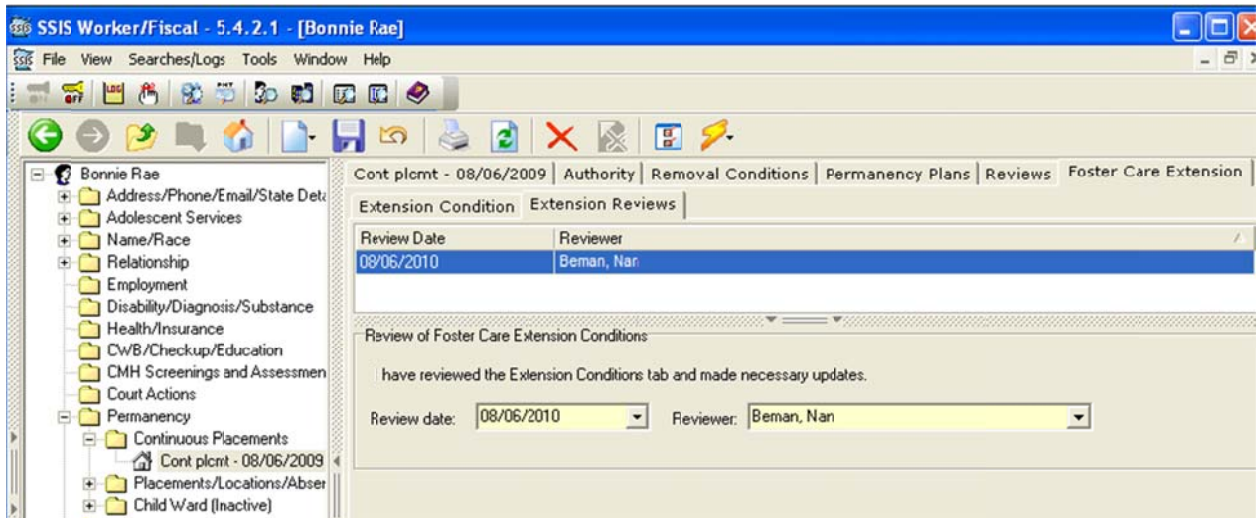
### **Documentation in SSIS**

SSIS will incorporate two new screens in version 5.4 for choosing and reviewing conditions which apply to each youth in placement after age 18. The Foster Care Extension tab and the Extension Condition Reviews tab are under the Permanency folder within the Continuous Placement. To enter the condition or conditions that apply to a youth age 18 and older, click on the action button to create a new Foster Care Extension Condition. Choose the appropriate conditions available in the dropdown.



Note: Client on screen is fictional.

The status of the conditions should be reviewed and updated in SSIS whenever they change, and at regular six-month intervals. Click on the action button for new Foster Care Extension Conditions Review.



Enter the date on which the conditions as entered in SSIS were checked for accuracy and corrections completed, as needed.

### Documentation in MAXIS

MAXIS system changes will be made to support the determination of ongoing Title IV-E eligibility for youth in extended care. As noted above, the social worker will document the specific eligibility condition(s) for extended care in SSIS. Information about eligibility condition(s) will be shared through the SSIS/MAXIS interface. Details of the MAXIS system changes will be presented to mentors at the MAXIS mentor meeting on September 22, 2010, and MAXIS worker procedures will be added to POLI /TEMP.

### **Additional Provisions of Fostering Connections**

As noted previously, the Fostering Connections to Success and Increasing Adoptions Act of 2008 amended federal law to ensure better outcomes for children and youth involved with the child welfare system, particularly those experiencing out-of-home placement. The following sections summarize key provisions of the Act outside of extended foster care for youth.

### **Educational Stability**

The Act requires that child welfare agencies provide a plan to ensure educational stability for foster children. This includes:

- Assurances that placement of a child in foster care takes into account the appropriateness of the current educational setting, and the proximity of the school in which a child is enrolled at the time of placement; and
- An assurance that the state agency has coordinated with appropriate local educational agencies (as defined under section 9191 of the Elementary and Secondary Education Act of 1965) to ensure that a child remains in the school in which they are enrolled at the time of placement; or
- Assurances by the state child welfare agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of a child's educational records provided to the school, if remaining in such school is not in the best interests of a child. In addition, the act expands the definition of "foster care maintenance payments" to include reasonable travel for a child to remain in the school in which they are enrolled at the time of placement.

DHS bulletin 10-68-05, [Educational Stability for Children in Foster Care](#), published on June 14, 2010, provides more information about this topic.

### **Health Care Oversight**

The Act also highlights the importance of health care services for children in foster care, requiring each state and tribe's Title IV-E plan to include a strategy for ongoing oversight and coordination of health care services for children in foster care. In response to this, the Minnesota Department of Human Services amended requirements in the out-of-home placement plan to include the agency's efforts to ensure oversight and continuity of health care services for a foster child.

The responsible agency's efforts related to out-of-home placement plans are to include:

- Ensuring a plan to schedule a child's initial health screening and annual exam
- Identifying a child's known medical problems and additional needs determined by the medical screens, and how a child's medical needs will be monitored and treated while in foster care
- Determining how a child's medical information will be updated and shared, including immunizations

- Determining who is responsible for coordinating and responding to a child's health care needs, including the role of parent(s), foster parent(s) and agency
- Determining who is responsible for oversight of a child's prescription medication(s)
- Ensuring doctors or other appropriate medical and non-medical professionals will be consulted and involved in the health and well-being of a child to determine appropriate medical treatment
- Ensuring that a child has access to medical care through either medical insurance or Medical Assistance
- Maintaining health records for a child, providing names and addresses of health care and dental providers, a record of their immunizations and known medical problems, their medications, and other relevant health care information, such as eligibility for medical insurance or Medical Assistance.

The Minnesota Department of Human Services has developed a medical passport that may be helpful for agencies to document and keep an ongoing health record for foster children. The passport may be obtained through the Child and Teen Checkups Program.

### **Sibling Placement**

The Act requires reasonable efforts to preserve the sibling bond for foster children. [Section 471(a)(31) of the Social Security Act] Minnesota Statutes, section 260.012, reasonable efforts to finalize a permanent plan, requires that when siblings are removed from their home the social service agency places them in the same home for foster care, adoption, custodial placement or facility, unless a child is in placement for treatment, or a child is placed with a noncustodial parent who is not the parent to all siblings, or it is documented that a joint placement would be contrary to the safety or well-being of any of the siblings. Sibling separation may be documented as part of the placement decision, consistent with the best interest factors in Minnesota Statutes, section 260C.212, subdivision 2.

In cases where siblings cannot be placed together, the responsible agency is required to provide frequent visitation and ongoing interaction between the siblings, unless the agency documents that the interaction would be contrary to the safety or well-being of any of the siblings. Visitation means face-to-face visits. Interactions may include letters, phone calls, texts, e-mails or other forms of electronic communication. Agencies determine the most appropriate setting for sibling visitation. Relatives, foster parents or mentors may facilitate visitation or ongoing interactions. Sibling visits and interaction must be frequent, determined on a case-by-case basis, however, the recommended minimal frequency is monthly.

When siblings are separated in placement, periodic reassessment of the placement decision and visitation plan is encouraged to determine if changes are needed. The court will review the responsible agency's efforts to place siblings together, and, in cases where siblings are separated, their efforts to maintain frequent sibling visits and interactions.

Agencies are also encouraged to review their foster family home recruitment strategies to determine if there are ways to increase the number of homes available to foster and adopt sibling groups.

### **Notifying Relatives**

To increase opportunities for relatives to care for a child removed from their parents, agencies must exercise due diligence to identify and provide notice to a child's adult relatives.

Section 471(a)(29) of the Social Security Act and Minnesota Statutes, section 260C.212, subdivision 5, require the responsible social service agency to identify and notify adult relatives prior to placement, or within 30 days after a child is removed. Relative notices must include:

- A child's need for a foster home
- The option to become a placement resource for a child
- The possibility of the need for a permanent placement for a child
- The responsibility to keep the agency informed of their current address to receive notice if a permanent placement is needed
- That relatives may participate in the care and planning for a child, and
- The family foster care licensing requirements, offering information about how to complete the application, how to request a variance from licensing standards that do not present a safety or health risk, and supports that are available for relatives and children who reside in a family foster home.

The notice must be in writing, but the agency is encouraged to also consider phone calls or other methods of notification that may improve the recruitment of relative foster homes.

This provision to notify relatives does not alter or supersede in any way the notice provisions of the Indian Child Welfare Act of 1978. [25 U.S.C 1912]

### ***Americans with Disabilities Act (ADA) Advisory***

This information is available in alternative formats to individuals with disabilities by calling (651) 431-4671. TTY users can call through Minnesota Relay at (800) 627-3529. For Speech-to-Speech, call (877) 627-3848. For additional assistance with legal rights and protections for equal access to human services programs, contact your agency's ADA coordinator.

**Extension of Foster Care to Age 21  
Conditions, Examples and Recommended Verifications**

Condition	Example	Recommended Verification
Completing secondary education or a program leading to an equivalent credential	Enrollment in traditional high school	Initially: Written verification of enrollment from the institution/program
	Enrollment in alternative high school	Ongoing: Confirmation of class schedules at beginning of semester/session/grading period, copy of grades or progress at the end of semester/session/grading period, registration information, copy of tuition payment, copy of program payment
	Enrollment in online high school	
	Enrollment in General Educational Development (GED) program	
	Enrollment at alternative learning center	
	Enrollment in High School Equivalency Diploma (HSED) program	
Homeschool, if approved as required		
Enrolled in an institution which provides postsecondary or vocational education	Enrollment at a college or university	Initially: Written verification of enrollment
	Enrollment at a tribal college	Ongoing: Confirmation of class schedules at beginning of semester/session/grading period, copy of grades or progress at the end of semester/session/grading period, copy of tuition payment, copy of program payment
	Enrollment at a technical college	
	Enrollment at a vocational education program	
	Enrollment at an online college, university or vocational education program	
Enrollment at a "trade" school/program (e.g. Aveda Institute)		
Participating in a program or activity designed to promote or remove barriers to employment	Attending workshops through Workforce Center	Written verification from program/activity that includes description of program/activity and its duration (e.g. six-week program)
	Utilizing other Workforce Center services	
	Job coaching	
	Attended classes on job skills	
	Working with a case manager on job skills	
Employed for at least 80 hours per month		Pay stubs, written verification from employer, work schedule
Incapable of doing any of the above activities due to a medical condition	Physical, emotional, developmental, or social disability	Professional medical documentation of condition and its effect on youth's participation in the above activities
	Chronic medical condition (e.g. cancer)	
	Acute medical condition (e.g. mononucleosis)	

# Attachment B

## Voluntary Foster Care for Youth Ages 18 - 21 Minnesota Statutes, section 260C.451

This agreement is between the county social service agency and a youth who has requested to resume foster care benefits after age 18, and meets the required conditions.

THIS AGREEMENT IS BETWEEN \_\_\_\_\_ (agency), an agency duly authorized by the state of Minnesota to place children in out-of-home care, (hereinafter called the "agency"), and \_\_\_\_\_ (youth), residing at \_\_\_\_\_ (youth's address) \_\_\_\_\_, county of \_\_\_\_\_, Minnesota.

### Placement

*Youth:* I agree to live in the foster care setting, which may be a supervised independent living setting authorized by the agency. I also agree that, in order to remain in foster care through the agency, I must be:

1. Completing secondary education or a program leading to an equivalent credential
2. Enrolled in an institution that provides postsecondary or vocational education
3. Participating in a program or activity designed to promote or remove barriers to employment, or
4. Employed for at least 80 hours per month.

If I am incapable of doing any of the activities described above due to a documented medical condition, I agree to cooperate with the agency to document my condition on an ongoing basis.

*Agency:* The agency agrees to provide continued foster care services for you, whether you are placed in licensed foster care, residential care or an authorized supervised independent living setting.

### Planning

*Youth:* I agree to participate in development of the case plan, including an independent living plan (ILP) with the agency, attend all case plan reviews, and keep the agency informed about how to contact me at all times.

*Agency:* The agency agrees to develop a written plan, including an ILP with you, review the plan as required, provide notification of case plan reviews, and provide you with a copy of the plan.

### Services

*Youth:* I agree to follow through with my responsibilities as outlined in the case plan and ILP, participate in identified services, be present at visits with my caseworker, and keep the agency informed of my needs.

*Agency:* The agency agrees to provide foster care maintenance payments, case management, at least monthly face-to-face visits, and other services according to the plan(s). Maintenance is a monthly payment to support board, room, clothing and other expenses.

### Permanent connections

*Youth:* I agree to visit and keep in touch with siblings, family and other important adults.

*Agency:* The agency agrees to establish a plan with you, and make efforts to seek life-long permanent connections, which may include reunification or adult adoption.

### Verification of eligibility condition(s)

*Youth:* I agree to provide and cooperate with establishing and maintaining verification(s) of my eligibility condition(s). I understand that the agency is required to verify my enrollment in school, employment, participation in a program to promote employment, or medical condition that affects my ability to work or go to school.

*Agency:* The agency agrees to provide foster care services and maintenance for you, as long as eligibility condition(s) and associated verification(s) are maintained.

### Financial resources

*Youth:* I agree to use the financial supports provided for the purpose intended.

*Agency:* The agency agrees to notify you, if you are placed in an authorized supervised independent living setting and are directly receiving the foster care maintenance, or your caregiver of the amount of the payment, and provide advance notice of any change in payment. Any notice of a payment change would include information about how to appeal.

### Medical insurance

*Youth:* I agree to apply for Medical Assistance, and provide information needed for continued eligibility.

*Agency:* The agency will bill health insurance or Medical Assistance for covered medical services. The agency will assist you in applying for Medical Assistance and understanding your coverage. You may be responsible for the cost of medical services not covered by your insurance.

**Authorization for release of medical and educational records**

*Youth:* I agree to sign the necessary releases for the agency and facility/foster home to have access to my education, medical and mental health records.

*Agency:* The agency will maintain data privacy of this information according to state and federal laws.

**Termination of the agreement**

*Youth:* I agree to terminate the agreement by notifying the agency of my desire to end this agreement.

*Agency:* The agency agrees to provide written notice to you if your voluntary placement agreement will be terminated. If your eligibility for continued foster care is not maintained, the agency agrees to offer a 90-day transition plan prior to your discharge. The written notice would include information about your right to a fair hearing and how to appeal the decision.

**Signatures:**

I agree to the provisions contained in this voluntary foster care placement agreement. The youth and the agency representative's signatures below are the agency's legal authority to resume foster care benefits.

\_\_\_\_\_  
SIGNATURE OF YOUTH

\_\_\_\_\_  
SIGNATURE OF AGENCY REPRESENTATIVE

\_\_\_\_\_  
TITLE OF AGENCY REPRESENTATIVE

\_\_\_\_\_  
DATE OF AGREEMENT

The date this agreement is signed must coincide with the date the child returned to foster care.

This information is available in other forms to people with disabilities by calling your county worker. For TTY/TDD users, contact your county worker through the Minnesota Relay at 711 or (800) 627-3529. For the Speech-to-Speech Relay, call (877) 627-3848.