

FOSTER CARE LICENSING REQUIREMENTS: WHY CAN'T THE KIDS BE PLACED WITH GRANDMA?

Federal and Minnesota legal requirements for foster care: what Judges and County Attorneys need to know when a foster child is placed with an unlicensed relative.

All foster homes must be licensed or in the process of being licensed.

[Section 471 (a) (10) of the Social Security Act requires the state to establish and maintain standards that are applied to any foster family home]

At all hearings inquire about:

- Agency relative search and notice efforts, maintaining interested relatives
- Is the licensing process completed? If not,
 - Is the relative engaged in the foster care licensing process?
 - When is it anticipated that the licensing will be completed?
 - What barriers or challenges exist?

Questions to ask about the child's safety and specific licensing issues:

- **Background studies:** [Section 471 (a) (20) of the Social Security Act, 45 CFR 1356.30 and Minnesota Statutes, Chapters 254A and 245C]
 - Has the relative foster parent or household member received a disqualification letter from DHS?
 - Has the relative foster parent ever received child protection services?
 - Has the agency helped the foster parent or household member request reconsideration or a variance?
 - Is the disqualification an Adam Walsh permanent bar? (This is a safety issue that must be addressed by the agency and will impact the child's permanency with the relative.)
- **Home safety** [Minnesota Rules, parts 2960.3050 and 2960.3100 (D)]
 - Has the agency made a home visit and seen the child's room?
 - What is the safety concern about the home?
 - What actions have relative foster parents or agency taken to address the safety concerns?
- **Home study** [Minnesota Statutes, sections 260C.215 and 259.41, and Minnesota Rules, part 2960.3060]
 - What actions are the licensing agency taking to engage the relative?
 - Is the relative meeting with the licensing agency to complete the process?
 - What actions are the placing agency taken to support the process?
- **Foster care license has been denied** [Minnesota Statutes, sections 245A.03, 260C.001 subd.2(b) and 259.41]
 - Why was the foster care license denied?
 - Is the agency helping the relative foster parent appeal the denial?
 - Describe how the agency is ensuring the child is safe in this home during the appeal process.

If the relative is not able to meet foster care licensing standards and all opportunities for appeal have been exhausted, state statute does not permit a foster child to remain placed in the relative's home.