



Bulletin

NUMBER

#16-68-01

DATE

February 5, 2016

OF INTEREST TO

County Directors

Social Services Supervisors
and Staff

Tribal Directors

Tribal Social Services
Supervisors and Staff

County Attorneys

Tribal Attorneys

Child-placing Agencies

ACTION/DUE DATE

Read information and
implement

EXPIRATION DATE

February 5, 2018

Procedures for Emergency Relative Placements

TOPIC

Child foster care emergency relative placement procedures.

PURPOSE

To guide county social service agencies that use emergency relative placements to immediately place a foster child with an unlicensed relative, consistent with Minnesota Statutes. This updates bulletin 11-68-05.

CONTACT**Foster care licensing:**

Mary Larson, licensing consultant
651-431-6551, mary.larson@state.mn.us

Background Studies:

651-431-6620, DHS.AWbackgroundstudy@state.mn.us

Emergency Relative Placements:

Deborah Beske Brown, agency policy specialist
Child Safety and Permanency Division
651-431-4731, deborah.beske.brown@state.mn.us

SIGNED

JAMES G. KOPPEL

Assistant Commissioner
Children and Family Services

REGINA WAGNER

Deputy Inspector General
Office of Inspector General

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

Foster care licensing is required

All foster children must be provided with the protections established in Titles IV-B and IV-E of the Social Security Act. Minnesota Statutes are consistent with Titles 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 and ensure a child safety and well-being while in foster care placement.

Under Minnesota Statutes, Chapter 245A, county social service agencies may not place a child in unlicensed foster care. An exception to this is for emergency relative placements. Minnesota Statutes, section 245A.035, provides a process for suitable relatives to immediately receive related children for emergency placement until they are licensed.

When a county agency is legally responsible for placing a foster child with a relative who is not licensed, it is reasonable to expect a foster care license to be completed within 120 days of child being placed. Accomplishing this goal involves the following efforts:

- The legally responsible agency placing a foster child with an unlicensed relative must ensure timely referral information to the licensing agency
- The licensing agency must engage in multiple parts of the licensing processes at the same time with unlicensed relatives, (i.e., background studies, home safety and home study) to avoid delays caused by a step-by-step approach to required processes
- Relatives must be given an opportunity to request a variance for non-safety-related standards.

A county cannot place a foster child in a home, or keep a foster child placed in a home that has been determined to not meet minimal standards. Remove a child from an emergency relative placement if it is determined that the relative has failed to cooperate with the agency to complete the licensing process, or does not meet required standards.

This bulletin has been updated to support timely completion of the licensing process and to address licensing barriers for relatives. This also updates the licensing referral form, and establishes procedures for relatives with an emergency placement that are not licensed within 120 days of an application. These updates are to help agencies ensure all foster children are provided with Titles IV-B and IV-E protections, and consistent application of licensing standards with unlicensed relatives.

Tribal social services

Tribal governments have the authority to develop child foster care licensing standards and approve family foster homes. State foster care licensing standards do not apply to a foster

home licensed or approved by a tribe. Tribal child foster care standards are considered equivalent to the state foster care license standards. [25 US Code 1911]

Tribes with Title IV-E agreements with the state have agreed to follow federal foster care requirements. Tribal social service agencies with Title IV-E agreements have processes in place to license or approve family child foster homes that include an Adam Walsh background study, meeting requirements of section 471(a) (20) of the Social Security Act.

The recommended practice for county agencies is to collaborate and support a tribal agency's licensing process, asking an agency for a copy of the tribal license, when available.

Unlicensed emergency relative placement

To have responsibility for placement, care and supervision of a child, county social service agencies must take action to have legal authority for placement services. Legal authority is a court order, or Voluntary Placement Agreement (VPA), although a placement may initially be based on a 72-hour emergency hold. Requirements for:

- Both voluntary and court-ordered placements, an agency must locate the most appropriate facility, develop and monitor an out-of-home placement plan, and hold regular court or administrative reviews. [Minnesota Statutes, sections 260C.141, subd. 2; 260C.175; 260C.201; 260C.203; and 260C.212, subds. 1 and 2; sections 475(1) and (5) (A) and (B) of the Social Security Act; and 45 Code of Federal Regulations (CFR) 1355.20(2)]
- A voluntary placement, an agency must review the VPA with the parent(s) and sign the form. [Minnesota Statutes, sections 260C.141, subd. 2; 260C.227; or 260D.03; and section 472(f) (2) of the Social Security Act]

When a child is in foster care, all foster care requirements apply, whether a home is licensed or unlicensed emergency placement, or even if not accepting payment for care. [45 CFR 1355.20 and Minnesota Statutes, section 260C.007, subd.18]

For all family foster care placements, relatives are to be given first consideration for placement. Relatives include persons related by blood, marriage, adoption, the legal parent or guardian of a child's siblings, or those with whom a child has previously lived or had a significant relationship. For an Indian child, a relative includes members of a child's extended family as defined by their tribe. [Minnesota Statutes, sections 260.771, subd. 7, 260C.212, subd. 2; section 471 (19) of the Social Security Act, and 25 US Code 1903 and 1915]

When a county social service agency is responsible for placement of children; it may make unlicensed emergency relative placements in the following circumstances, when:

- A child is on a law enforcement hold (assisting law enforcement regarding where to place a child)
- An agency has care and placement responsibility through a Voluntary Placement Agreement
- A child is in protective care under legal responsibility of an agency pursuant to Minnesota Statutes, section 260C.178, or an agency has legal custody of a child pursuant to Minnesota Statutes, section 260C.201
- An agency has a Title IV-E agreement with corrections and child is under the jurisdiction of juvenile court regarding a probation violation or delinquency, and a child is taken into custody pursuant to Minnesota Statutes, section 260B.198.

“Family Matters,” (DHS-4672) provides information for relatives considering becoming foster parents: [Family Matters-Information for Relatives Considering Becoming Foster Parents](#)

Prior to placement

County social service agencies considering emergency placement of a child with a relative may obtain criminal history, and history of maltreatment of children or adults, from locally available sources to aid in determining, on a preliminary basis, whether a prospective foster parent or household member has a criminal or maltreatment history. A county social service agency or county attorney may also request a name-based check of the National Criminal Records Repository. [Minnesota Statutes, section 260C.209]

A county agency may:

- Use any source that is available to the public, such as records of criminal convictions in state/district court using the court’s information system, and any public law enforcement data
- Obtain signed consents from a relative to access criminal history data that is not available to the public.

As part of an emergency placement process, a review of criminal records is done by the county social services agency. It does not take the place of the Adam Walsh background study that must be completed prior to licensure. The preliminary review is an initial screening for possible criminal or social service history that would be part of an immediate assessment of whether placing a child in the household would endanger their health, safety, or welfare; and to assess the suitability of a relative to care for a child. A preliminary screening by a county social services agency does not determine disqualification for licensure, but may be used for assessment purposes to determine placement decisions.

There are two types of background study results that require careful review:

- **Permanent barriers or bars:** If a county agency determines prior to placement that anyone in the home requiring a background study is disqualified under Chapter 245C, and the disqualification is one that the commissioner cannot set aside, the emergency placement must not be made. Permanent barriers apply to the prospective foster or adoptive parent, regardless of whether foster care maintenance payments are made. [Minnesota Statutes, section 245A.035, subd. 3, and section 471 (20) of the Social Security Act] Refer to Minnesota Statutes, sections 245C.15 and 245C.24 for the list of permanent barrier crimes that cannot be set aside, or variance granted, for a Minnesota child foster care license.
- **Disqualifications:** Whenever a county social service agency considering an emergency placement of a child, finds that a prospective relative foster parent, or someone living in the home, has a disqualification that cannot be set aside by the commissioner, placing agencies must assess whether a child will be safe in the home. For reference, the commissioner reviews the factors itemized in Minnesota Statutes, section 245C.16, to determine risk of harm and whether the disqualification may be set aside or variance granted.

Relatives with permanent barriers may not be considered for an emergency placement of a child under 245A.035, and cannot be licensed as foster parents.

However, relatives with disqualifications who were not selected for emergency placement of a child may initiate a foster care license application at their local county social service agency or child-placing agency. A foster care application would require initiation of an Adam Walsh background study, which includes a process of reconsideration and variance request if a disqualification is identified. If the relative completes the licensing process and is issued a foster care license, they could be considered for placement, if in a child's best interest. [Minnesota Statutes 260C.193, subd. 3.]

Initial inspection of a relative's home

The purpose of foster home licensing is safety; therefore, the initial inspection of a relative's home must ensure the safety of children in the home. County social service agencies responsible for a child's emergency placement must conduct an initial inspection of the relative's home.

When possible, this inspection must occur prior to placing a child in the relative's home, but no later than three working days after a child is placed in the home. This initial inspection is typically conducted by a child protection or other social worker with case management responsibility. If agency staff making the initial visit are not familiar with child foster care licensing standards, it is recommended that this worker be accompanied by other agency staff knowledgeable about required standards.

During the initial inspection, county social service agency staff complete the following documents and are responsible to send them to the licensing agency within 10 calendar days of emergency relative placement:

- [Home Safety Checklist](#). During the initial home visit with a relative, the home safety checklist and the [home safety checklist child foster care addendum](#) must be completed to ensure the health and safety of a foster child. (Attachments A and B). If a home does not meet a home safety checklist standards at the time of placement, this must be documented on the checklist. In addition, if an alternative plan for safe sleep practices is needed to ensure a foster child's safety, this must be documented on the addendum and the licensing agency may issue a variance for the alternative plan, if required. The Home Safety Checklist Child Foster Care Addendum addresses the following parental care practices:
 - Reduction of risk of sudden unexpected infant death: **When an infant is placed in a home, the initial inspection must address safe sleep practices**, including assurance that the home has a safe crib, and caregivers in the home understand safe sleep requirements. [The Minnesota Department of Health website](#) offers information about sleep and crib safety in English and Spanish.
 - Sleeping space for foster children. For reference, Attachment C identifies variances that may be considered for approval by the licensing agency for relative placements.
- Emergency Relative Placement Foster Care Referral (DHS 5178, Attachment D). This form is used to notify the licensing agency of an emergency placement made in a relative home, either within the same county or in a different county. The form may also be used to notify a child-placing agency of a relative placement of a child, if a relative chooses to be licensed by a child-placing agency.

During the initial inspection, county social service agency staff provide the Application (DHS 4258a) to the relative. The relative must be informed that the Minnesota Adoption and Foster Care Application is to be completed within 10 calendar days of a child's emergency placement and sent to the county social service agency in the relative's county of residence, or a child-placing foster care licensing agency.

Title IV-E reimbursement and permanency with a relative is contingent on that relative completing the foster care licensing process. When two different agencies are involved, it is vital that they connect and assist each other with this process to avoid loss of title IV-E funds for eligible placements, or delay permanency.

County and private child foster care licensing agencies' responsibilities

Within 10 days of placement, the licensing agency receives the following completed documents, from the:

- County social service agency that placed a child in an unlicensed relative home:

- “Home Safety Checklist” (Attachment A), completed during the initial home visit
- “Home Safety Checklist Addendum” (Attachment B), completed during the initial home visit
- “Emergency Relative Placement Foster Care Referral” (DHS 5178).
- Relative with an emergency placement:
 - “Application for Child Placement” (DHS 4258a)
 - “Adoption and Foster Care Individual Fact Sheet” (DHS 4258B) for every adult household member.

After the licensing agency receives a referral from the placing agency and application from the relative, it must initiate the licensing process. Best practice recommendation is for licensing agency staff to meet with the relative with an emergency placement to concurrently complete the following foster care license processes:

- **Background study:** A background study is required for prospective license holder(s), and for all individuals living in the home age 13 and older. [Minnesota Statutes, sections 245C.03 and 245C.05] The licensing agency completes the following:
 - Enter background study information for all required individuals into the NETStudy system.
 - Complete and submit the “Child Foster Care and Adoption Background Study Identification” form to the Minnesota Department of Human Services, Background Study Division, along with fingerprint cards for all individuals age 18 and older. Include the names of **all** individuals requiring a study on the form.
 - To ensure that the background study process is expedited for relatives, check “Emergency relative placement currently in home” on the Background Study Identification form.
 - Track the status of NETStudy background studies. The department will provide written results to subjects of the study and the licensing agency.
 - Consult with the department’s Licensing Division – Family Systems, or the Background Studies Division, with questions about background study processes or results, including questions about delays in completing a study.

Note that it is anticipated that NETStudy 2.0 will result in changes to this process in 2016.

- **“Home Safety Checklist” and “Child Foster Care Home Safety Addendum”:** Licensing staff review with the relatives the completed forms to ensure that required safety standards are met or issue a variance for an alternative plan. Attachment C

itemizes the parts of the child foster care rule that may be varied for relatives.

- **Training requirements:**
 - Provide information to access and ensure completion of child passenger restraint training, risk of sudden unexpected infant death (SUID) and abusive head trauma (AHT) training; and children’s mental health training. [Minnesota Statutes, sections 245A.18, 245A.1435, 245A.144 and 245A.175]
 - Minnesota Rules, part 2960.3070, requires that relative foster parents receive orientation within 30 days of placement. The orientation information provided to relative foster parents includes:
 - Emergency procedures
 - Relevant laws and rules
 - Understanding cultural diversity
 - Roles and responsibilities of a foster parent
 - Requirements of the licensing agency.
- **Home study:** Complete according to the requirements of Minnesota Rules, part 2960.3060, on the commissioner’s required format, DHS 4258A, 4258B, 4258C, 4258D, 4258E and 4258F.
- **Fire marshal inspection:** If one of the conditions below exist, the foster home must be inspected by the state fire marshal or a local fire code inspector who is approved by the state fire marshal if it:
 - Contains a freestanding solid fuel heating appliance (example is a wood burning stove)
 - Is a manufactured home as defined in Minnesota Statutes, section 327B.01, subd. 13, and manufactured before June 15, 1976.
 - Is to be licensed for four or more foster children.
 - Has a foster child sleeping in a room that is 50 percent or more below ground level.
 - Also, if the licensing agency identifies a potential hazard in a single-family detached home, or a mixed or multiple-occupancy building, may require an inspection by the state fire marshal.

The triggers identified above are the **only** requirements in determining the need for a fire marshal inspection of a child foster care home. Licensing agencies cannot require an inspection of all single family foster homes or mixed or multiple occupancy buildings. **The triggers or specific potential hazard must be identified.** If there is a concern about an egress window in a bedroom that will be used by a foster child for sleeping,

the placing and licensing agencies must consider a variance for an alternative sleeping agreement as an option to meet licensing standards.

- **Additional inspections:** An agency licensing a relative home may also determine that additional inspections, training or information may be necessary to be consistent with requirements of Minnesota Statutes, Chapters 245A, 245C, and Minnesota Rules, parts 2960.3000 to 2960.3340.

Variations from foster care licensing standards

Fostering Connections for Success and Increasing Adoptions Act of 2008 [Public Law 110-351] requires relatives to be notified that a variance from foster care standards may be requested in circumstances that do not jeopardize the health or safety of a child. Mental health, child passenger restraint, sudden unexpected infant death and abusive head trauma trainings required in Minnesota Statutes, sections 245A.175, 245A.18 and 245A.144, are health and safety trainings and cannot be the subject of a variance.

A licensing agency has legal authority to issue most variances to the child foster care rule. However, the following variance requests must be submitted to and approved by the commissioner of the Minnesota Department of Human Services:

- Dual license for child foster care with child care or adult foster care
- Placement of a youth over age 18 in a licensed child foster care setting
- Placement of a child under age 18 in an adult foster care or community residential setting
- Variances to the requirement that an applicant and/or adult household members be free from chemical use problems for two years, or
- Variances regarding background study disqualifications.

Recommended action when the licensing process has not been completed within 120 days

Relatives accepting a child for foster care placement are required to cooperate with the licensing process. If the licensing process is not completed within 120 days of placement, the legally responsible agency cannot verify that a child is safe and is required to:

- Consult with the licensing agency and identify the licensing barrier
- Consider with the licensing agency the options available to address the barrier, ensuring that the department's Licensing Division has been consulted to consider every option, including variances to the licensing rule,

- Develop with the licensing agency and relatives, an action plan to complete the process within a specified time period, or remove child from the home.

Required training

Risk of sudden unexpected infant death and abusive head trauma, mental health and child passenger restraint trainings are not required by statute prior to an unlicensed emergency relative placement.

Minnesota Statutes, section 245A.18, requires child passenger restraint training to transport a child or children under age 9 in a motor vehicle, and sections 245A.1435 and 245A.144 requires risk of sudden unexpected infant death and abusive head trauma trainings. These trainings are required prior to licensure; therefore, relatives must complete training as part of the foster care application process and cannot be varied for relative placements because it is for children's health and safety.

When infants and young children are placed with relatives, the licensing agency provides information about availability of sudden unexpected infant death and abusive head trauma and child passenger restraint trainings during the first visit, or as soon as possible to emergency relative caregivers to support timely completion of these health and safety trainings.

Reduction of risk of sudden unexpected infant death in licensed programs

Minnesota Statutes, section 245A.1435, requires all license holders to comply with safe sleep practices for infants. The requirements in this section apply to license holders serving infants younger than 1 year of age. Infants must be placed to sleep on their back, they must be placed in a crib directly on a firm mattress with a fitted sheet, and there must not be anything placed in the crib with an infant with the exception of a pacifier.

Care of individuals who rely on medical monitoring equipment to sustain life

Minnesota Statutes, section 245A.155, requires agencies that place an individual who relies on medical equipment to sustain life or monitor a medical condition, to ensure that a foster care provider has received training to operate such equipment prior to placement. When an agency is placing a child with life sustaining medical equipment, it must ensure a caregiver has completed the required training prior to placement.

Payments for emergency relative placements

Relatives must receive foster care payments from the first day of foster care placement, whether licensed or an emergency relative placement. The placing agency determines the foster care payment rate using maintenance standards and supplemental difficulty of care

rates, according to Northstar Care for Children. The child is eligible for foster care benefits from the day of placement. [Minnesota Statutes, section 256N.21, subd. 2 (3) (i)]

Written notice is provided to the county, tribal or private agency foster parent of the rate determination, as well as the appeal procedures if a request for foster care payment is denied. [Minnesota Statutes, section 256.24, subd. 13]

Minnesota Statutes, section 256.045, gives the right to a state administrative hearing to “any person whose claim for foster care payment according to a placement of a child resulting from a child protection assessment under Minnesota Statutes, section 626.556, is denied or not acted upon with reasonable promptness regardless of the funding source.”

Questions

For questions about emergency placement decisions, general policies, and need for obtaining a license, contact Deborah Beske Brown at deborah.beske.brown@state.mn.us.

For questions about general foster care licensing requirements, contact Mary Larson at: mary.larson@state.mn.us.

For questions about background study policies, procedures and requirements, contact: DHS.AWbackgroundstudy@state.mn.us.

For questions about using the NETstudy for online submission of information, such as passwords, the system not accepting information, etc., go to: DHS.NETstudyAdmin@state.mn.us.

Additional Resources

[Fostering Connections](#) to Success and Increasing Adoptions Act of 2008, Child Welfare Information Gateway.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4670 (voice) or toll free at (800) 627-3529 (include if available within the division) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.

*Department of Human Services
Licensing Division - Family Systems*

Home Safety Checklist

- Adult Foster Care (Rule 203)
 Child Foster Care
 Emergency Relative Placement
 Family Child Care/Family Adult Day Services (optional)

ADULT FOSTER CARE (AFC) – A Home Safety Checklist, approved by the commissioner, must be completed by the operator and the commissioner before licensure each year a fire marshal inspection is not made. Reference Minnesota Rules, part 9555.6125, subpart 2.

CHILD FOSTER CARE (CFC) – Prior to licensure the foster home must be inspected by a licensing agency employee using the Home Safety Checklist from the commissioner of Human Services. Reference Minnesota Rules, part 2960.3050, subpart. 1. (Home Safety Checklist Child Foster Care Addendum must also be completed.)

EMERGENCY RELATIVE PLACEMENT (ERP) – Before an emergency placement may be made, the county agency must conduct an initial inspection of the premises where the placement is to be made, using a form developed by the Commissioner. Reference Minnesota Statutes, section 245A.035, subdivision 3(1). (Home Safety Checklist Child Foster Care Addendum must also be completed.)

FAMILY CHILD CARE (FCC), FAMILY ADULT DAY SERVICES (FADS) – Completion of the Home Safety Checklist is optional for these programs. Reference Minnesota Statutes, section 245A.143, and Minnesota Rules, parts 9502.0425 to 9502.0445.

Name of License Holder/Program: _____

Emergency Procedures

The following items must be posted and/or readily accessible in a prominent location in a common area of the home where they can be easily observed by a person responding to an incident.

- Yes No 1. Emergency phone numbers.
 Yes No 2. Written emergency procedures. For child foster care, a written disaster plan is also needed.
 Yes No 3. An operable battery powered flashlight and radio/TV.
 Yes No 4. First-aid supplies.
 Yes No 5. An operable telephone.

Physical Environment

- Yes No 1. Exit doors and windows are not obstructed and are easily opened from the inside.
 Yes No 2. The wiring appears safe; no known hazards exist.
 Yes No 3. Extension cords are appropriately used and are not used in place of permanent wiring.
 Yes No 4. A fire extinguisher with a minimum rating of 2A:10BC is maintained in the kitchen cooking area or area approved by the fire marshal.
 Yes No 5. All smoke detectors are properly installed, appropriately located, and maintained in proper operating condition.
 Yes No 6. All interior doors can be unlocked from the outside and the opening device is readily accessible in case of emergency.
 Yes No 7. The water temperature does not exceed 120 degrees Fahrenheit in order to prevent scalding.
 Yes No 8. Fireplaces, wood burning stoves, and hot surfaces are protected by guards to prevent burns.
 Yes No 9. Furnaces are checked regularly and maintained in good working condition and in accordance with manufacturer's recommended guidelines.

*Department of Human Services
Licensing Division - Family Systems*

Home Safety Checklist Child Foster Care Addendum*

Child Foster Care Emergency Relative Placement

*The Home Safety Checklist Addendum must be completed by all CFC applicants/license-holders

Name of License Holder/Program: _____

I. Sleeping Space for Foster Children

Yes No 1. The sleeping space for children in placement has two exits.

For emergency relative placements only: If the sleeping space for children in placement is in an area of the home not normally used for sleeping, please describe the alternative sleeping arrangements:

II. Reduction of Risk of Sudden Unexpected Infant Death

If an infant younger than one year of age may be placed in this home, the following areas must be reviewed with the provider prior to licensure and for an emergency relative placement, prior to placement or within three working days of placement:

If care **WILL NOT** be provided to infants, check here and skip this section

- Yes No 1. Infants younger than one year of age in care must be placed to sleep on their back, in a crib, directly on a firm mattress.
- Yes No 2. If an infant is not placed to sleep on their back, there must be documentation from the infant's physician directing an alternative sleeping position for the infant. The physician directive must be on a form approved by the commissioner and maintained on file at the licensed location.
- Yes No 3. The crib's firm mattress must have a fitted sheet, appropriate to the mattress size, that fits tightly on the mattress, and overlaps the underside of the mattress so it cannot be dislodged by pulling on the corner of the sheet with reasonable effort.
- Yes No 4. Nothing is placed in the crib with the infant except for the infant's pacifier, as defined in Code of Federal Regulations, title 16, part 1511.
- Yes No 5. Minnesota Statutes, section 245A.1435 **Reduction of Risk of Sudden Unexpected Infant Death in Licensed Programs** has been reviewed by all caregivers. All caregivers agree to comply with the requirements of this section.
- Yes No 6. A safe crib is used for each infant in care.

Additional Comments/concerns _____

PROVIDER SIGNATURE	DATE
LICENSING WORKER	DATE

The Home Safety Checklist Child Foster Care Addendum is approved by the commissioner and items on it may not be deleted or altered. Refer to Minnesota Rules, part 2960.3050, subpart 1.

March 12, 2015

Variations to the Minnesota Rule for Child Foster Care providers that may be approved by county or private agencies*

Rule Part	Requirement	How it can be varied
Minnesota Rules 2960.3040, subpart 2	Sleeping Space – foster child must be provided with a separate bed suitably sized for the child, except that two siblings of the same sex may share a double bed. A foster child must not be assigned sleeping space in a building, apartment, trailer, or other structure that is separate from the foster family home or in an unfinished attic, an unfinished basement, or a hall or any other room normally used for purposes other than sleeping. Bedrooms that are used by foster children must have two exits.	May allow a foster child over the age of one year to sleep on another suitably sized piece of furniture, i.e. a futon, couch, sleeper sofa. May allow a child to sleep in a room that is not normally used for sleeping, such as a living room or family room provided the room has two exits.
Minnesota Rules 2960.3040, subpart 3	Space for belongings - A foster child must have an identified space for clothing and personal possessions with cabinets, closets, shelves, or hanging space sufficient to accommodate clothing and personal possessions.	Space may be creatively designed, shared with others.
Minnesota Rules 2960.3040, subpart 4	Dining area – The dining area must be able to accommodate, at one time, all persons residing in the home.	May allow home to be licensed if it lacks a dining area or if the dining area is not large enough to accommodate all persons residing in the home at one time.
Minnesota Rules 2960.3050, subpart 4	Pets – A foster home serving children less than six years of age must not keep reptiles, chickens, or ducks as pets. . . .Pets in family residences must be immunized and maintained as required by local ordinances and state law.	May choose to not limit the types of pets as long as what they allow doesn't violate a city/zoning law or ordinance.
Minnesota Rules 2960.3060, subpart 3A	Personal Characteristics of applicants – The applicant must be at least 21 years old at the time of application.	May allow individual who is 18 years old at the time of application to apply.
Minnesota Rules 2960.3060, subpart 3D	Personal Characteristics of applicants – The applicant must help the licensing agency obtain at least three letters of reference that provide information about the license holder's support system, the observed license holder's interactions with children, and the ability of the license holder and foster family to accept different points of view.	May allow less than 3 references.
Minnesota Rules 2960.3070, subpart 2	In-service training. Each foster parent must complete a minimum of 12 hours of training per year in one or more of the areas in this subpart or in other areas as agreed upon by the licensing agency and the foster parent.	May grant a variance to the total number of annual training hours. May not grant a variance to topics required in statute, i.e. child passenger restraint training, sudden unexpected infant death (SUID), abusive head trauma (AHT), children's mental health training.

*County and private child placing agencies are delegated the authority to approve variances that do not affect the health or safety of persons in a licensed program. Reference Minnesota Statutes, section 245A.04, subdivision 9 & section 245A.16, subdivision 1(a). (A written and approved variance must be maintained in the agency file)

Variances to Minnesota Statutes for Child Foster Care providers that may ONLY be approved by the Department of Human Services (DHS)*

Rule/Statute	Requirement	How it can be varied
Minnesota Rules 2960.3020, subpart 10	Other licenses. A license holder cannot concurrently hold a license for family child care or adult family foster care without a variance.	A variance may be granted to allow the license holder to also have a family child care license <u>or</u> an adult foster care (AFC) or community residential setting (CRS) license.
Minnesota Rules 2960.3000, subpart 20 Minnesota Statutes 245A.04, subdivision 11(b) (c)	Foster child. "Foster child" means a person under 18 years of age, a person in special education, or a juvenile under the jurisdiction of a juvenile court who is under 22 years of age and is placed in a foster home. Education program; permitted ages, additional requirement. A program licensed by the commissioner under Minnesota Rules, chapter 2960, may serve persons who are over the age of 18 but under the age of 21 when the person is...	If an individual over age 18 is in, or being considered for, placement in child foster care, and does not meet any of the allowable circumstances as found in the referenced rule or statute, a variance may be granted to allow the individual to be placed or remain in child foster care.
Minnesota Rules 2960.3060, subpart 3C	Personal Characteristics of applicants – The applicant and adult household members must sign a statement that they have been free of chemical use problems for the past two years.	May allow less than 2 years with a variance that has specific terms reducing potential risk of harm to children in care.
Minnesota Statutes 245C.24, subdivision 1 (a) (5)	Disqualification. The commissioner shall disqualify an individual who is the subject of a background study from any position allowing direct contact with persons receiving services from the license holder or entity identified in section 245C.03...	An individual who is the subject of a disqualification may request a reconsideration of the disqualification unless the disqualification is a permanent disqualification. A time-limited variance may be granted by DHS allowing a disqualified individual to provide direct contact services or have access to people receiving services with variance terms that minimize the risk of harm to people receiving services.

* Reference Minnesota Statutes, section 245A.16, subdivision 1 (a) (1) (4) & (5); Minnesota Statutes, section 245C.30

Minnesota Statutes, section 245C.22, subd.4:

- The commissioner (DHS) may set aside an individual's disqualification if the commissioner finds that a disqualified individual has submitted sufficient information to demonstrate that they do not pose a risk of harm to any person served by a licensed program.

Minnesota Statutes, section 245C.25:

- When a county agency determines maltreatment that results in a disqualification, and the individual is licensed by, or affiliated with, a home licensed by the county agency, the individual may request reconsideration of the maltreatment and disqualification (consolidated reconsideration) or only the disqualification. The county agency conducts the reconsideration process. A time-limited variance may be granted by the county.
- When a county agency determines maltreatment and the individual is licensed by, or affiliated with, a home licensed by a private agency, DHS reviews the information to determine if it will result in a disqualification. If there is a disqualification, the individual may request reconsideration. DHS conducts the reconsideration process. A time-limited variance may be granted by DHS.

Variations to Fire and Safety Codes for Child Foster Care providers that may ONLY be approved by the State Fire Marshal or a local fire code inspector approved by the State Fire Marshal

Requirement	Authority
<p>Minnesota Rules, part 2960.3050, subpart 2</p> <p>Fire code inspections required. If one of the conditions below exist, the foster home must document inspection and approval of the foster home...by the state fire marshal or a local fire code inspector who is approved by the state fire marshal:</p> <ul style="list-style-type: none"> • The foster home contains a freestanding solid fuel heating appliance • The foster home is a manufactured home as defined in Minnesota Statutes, section 327B.01, subdivision 13, and was manufactured before June 15, 1976. • The licensing agency identifies a potential hazard in a single-family detached home, or a mixed or multiple-occupancy building. • The home is to be licensed for four or more foster children. • The foster home has a foster child sleeping in a room that is 50 percent of more below ground level <p>The triggers identified above are the only requirements in determining the need for requesting a fire marshal inspection of a child foster care home.</p>	<p>Minnesota Statutes, section 245A.151</p> <p>Fire Marshal Inspection. When licensure under this chapter requires an inspection by a fire marshal to determine compliance with the State Fire Code under section 299F.011, a local fire code inspector approved by the state fire marshal may conduct the inspection. If a community does not have local fire code inspector or if the local fire code inspector does not perform the inspection, the state fire marshal must conduct the inspection.*</p> <hr/> <p>Compliance</p> <p>Minnesota Statutes, section 245A.04, subd. 2a</p> <p>Meeting fire and safety codes. An applicant or license holder must document compliance with applicable building codes and fire and safety codes...or document that an <u>appropriate waiver (variance) has been granted.</u></p> <p>Minnesota Rules, part 2960.3040, subpart 1</p> <p>Fire, health, building, and zoning codes. The foster home must comply with applicable fire and building codes.</p>

* For variance information and requests regarding variations from fire code requirements, please refer to the Minnesota Department of Public Safety website, State Fire Marshal Division.

Per the state fire marshal website - the procedures for fire code variance requests are established under Minnesota Statutes, section 299F.011, subdivision 5. When considering a variance the following must be met. The requesting party should show that:

- A. There is substantial compliance with the provisions of the fire code.
- B. The safety of the public and building occupants will not be jeopardized.
- C. Undue hardship will result to the requesting party unless the variance is granted.

Emergency Relative Placement Foster Care Referral Form

From: Placing agency

Placing worker: _____

Agency: _____

Address: _____

Phone: () _____ Fax: () _____

To: Licensing agency

Worker: _____

Agency: _____

Address: _____

Phone: () _____ Fax: () _____

Name of person(s) for whom you are requesting licensing: _____

Home phone: () _____ Work phone: () _____

Address: _____ City: _____ State: _____ ZIP code: _____

Child(ren) referred for placement:**Birth date**

1. _____

_____/_____/_____

2. _____

_____/_____/_____

3. _____

_____/_____/_____

4. _____

_____/_____/_____

Name of parent(s) of children referred for placement

1. _____

2. _____

What is the relationship between the relative resource family and the child(ren)?

Date of placement: ____/____/____ Anticipated length of placement: _____

Agency with case management responsibility: _____

Agency with financial responsibility: _____

Agency with legal custody: _____

Referring worker's signature: _____

Phone: () _____ Date: ____/____/____

Enclosed:

- Home Safety Checklist
- Home Safety Checklist Child Foster Care Addendum