



Bulletin

NUMBER

#15-68-17C

DATE

June 9, 2016

OF INTEREST TO

County Directors

Social Services Supervisors
and Staff

Tribal Directors

Tribal Social Services
Supervisors and Staff

County Attorneys

Tribal Attorneys

ACTION/DUE DATE

Read information and
implement

EXPIRATION DATE

June 9, 2018

Title IV-E Requirements for the Preventing Sex Trafficking and Strengthening Families Act

TOPIC

Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, requirements for case plans and case reviews.

PURPOSE

To inform county and tribal agencies of changes to law and policy as a result of the Preventing Sex Trafficking and Strengthening Families Act.

CONTACT

Beth Chaplin, social service consultant
651-431-4919
beth.chaplin@state.mn.us

SIGNED

James G. Koppel
Assistant Commissioner
Children and Family Services Administration

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.

Background

Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, effective September 28, 2014, introduced a variety of new requirements amending Titles IV-B and IV-E of the Social Security Act. This legislation required changes to Minnesota law and practice regarding child welfare. During the 2015 Minnesota legislative session, changes were enacted into law. These changes are summarized in the DHS Bulletin [#15-68-08](#).

Of these changes, the following areas frequently referenced throughout new legislation are:

- case plan/independent living plan requirements
- runaway/trafficked youth
- prudent parent standard
- another planned permanent living arrangement
- screening for sex trafficking and sexual exploitation
- rights of the child
- licensing
- safeguarding information

Information regarding these changes is outlined in this bulletin.

Introduction

This bulletin clarifies the Preventing Sex Trafficking and Strengthening Families Act requirements.

A. Case Review System

1. Case Plan Requirements

For each child in out-of-home placement, a case plan must include a written description of the programs and services that will help the child prepare for the transition from foster care to successful adulthood, as described in [Minnesota Statutes, section 260C.212, subd. 1\(c\) \(12\)](#). When a child is age 14 or older, the case plan, according to [Minnesota Statutes §260C.212, subd. 1\(b\)](#), must be developed in consultation with the child, as well as two members of the case planning team who are chosen by the child and are not the child's foster parent or caseworker. The county/tribal agency may reject an individual chosen by the child to participate on the case planning team if the agency has good cause to believe the individual would not act in the best interests of the child. One individual selected by the child to be a member of the case planning team may be designated to be the child's advisor; and, as necessary, the child's advisor will advocate with respect to the application of reasonable and prudent parent standard.

2. Case Review

[Minnesota Statutes, section 260C.203](#) states that during each case review for children age 16 and older, for whom another planned permanent living arrangement is the permanency plan, as specified in [Minnesota Statutes, section 260C.515](#), the review must determine the steps the agency is taking to ensure the child's foster family home or child care institution is following the reasonable and prudent parent standard and determine whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.

For each child age 14 and older, the case plan must include a written description of the programs and services that will help the child prepare for the transition from foster care to successful adulthood, and must be developed in accordance with [Minnesota Statutes, section 260C.212, subdivision 1\(b\)](#)^[WE1], and as described in section one of this bulletin.

3. Permanency Hearing

For any child age 14 or older, permanency hearings, including dispositional hearings as indicated by [Minnesota Statutes, section 260C.201](#), must address the services needed to assist the child in making the transition from foster care to successful adulthood, as per [Minnesota Statutes, section 260C.212, subdivision 1\(c\) \(12\)](#). The court or administrative body conducting the hearing must consult, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan.

For any child for whom another planned permanent living arrangement is the permanency plan, which is only appropriate for children age 16 and older as per [Minnesota Statutes, section 260C.515](#), a permanency hearing, per [Minnesota Statutes, section 260C.521](#), must document the intensive, ongoing, and as of the date of the hearing, unsuccessful efforts made by the agency to return the child home or secure a placement for the child with fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including relatives searches, prescribed by [Minnesota Statutes, section 260C.221](#), including efforts that utilize search technology (including social media) to find biological family members for the child.

4. Annual Credit Reports

Each child age 14 and older must receive, at no cost to the child, a copy of any consumer credit report, as defined by the Fair Credit Reporting Act, each year until the child is discharged from care, as indicated in [Minnesota Statutes, section 260C.212\(b\)\(12\)\(iv\)](#). The child shall also receive assistance interpreting and resolving any inaccuracies in a report including, when feasible, assistance from any court-appointed advocate for the child.

5. Official Documents

As indicated in [Minnesota Statutes, section 260C.203\(e\)\(3\)](#), each child leaving foster care by reason of having reached age 18 or older, unless the child has been in care for less than six months, must be discharged from care with:

- An official or certified copy of a United States birth certificate
- A Social Security Card issued by the Commissioner of Social Security
- Health insurance information
- A copy of the child's medical records
- A driver's license or identification card issued by the state in accordance with the REAL ID Act of 2005.

B. Runaway Youth

Youth that are missing from placement are at greater risk for sex trafficking. Public Law 113-183 and [Minnesota Statutes, section 260C.212 subdivision 13](#) provide protections for these youth. These protections include the local social service agency shall:

- A. Expeditiously locate any child missing from foster care.
- B. Report immediately, but no later than 24 hours, after receiving information on a missing or abducted child to the local law enforcement agency for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, and to the National Center for Missing and Exploited Children.
- C. Not discharge a child from foster care or close the social services case until diligent efforts have been exhausted to locate the child and the court terminates the agency's jurisdiction.
- D. Determine the primary factors that contributed to the child's running away or otherwise being absent from care and, to the extent possible and appropriate, respond to those factors in current and subsequent placements.
- E. Determine what the child experienced while absent from care, including screening the child to determine if the child is a possible sex trafficking victim as defined in Minnesota Statutes, section [609.321, subdivision 7b](#).
- F. Report immediately, but no later than 24 hours, to the local law enforcement agency any reasonable cause to believe a child is, or is at risk of being, a sex trafficking victim.
- G. Determine appropriate services as described in Minnesota Statutes, section [145.4717](#) with respect to any child for whom the local social services agency has responsibility for placement, care, or supervision when the local social services agency has reasonable cause to believe the child is, or is at risk of being, a sex trafficking victim.

Additional guidance on the application of these statutes, as well as reporting requirements, can be found in the Best Practice for Responding to Youth Who Run

Away From Foster Care guide, as well as in Minnesota DHS bulletin #16-68-XX[WE2], Responding to Youth Who Run Away From Foster Care Practice Guide Issued.

C. Prudent Parent Standard

Responsible county and tribal social service agencies and licensed child-placing agencies shall support a foster child's emotional and developmental growth by permitting a child to participate in activities or events that are generally accepted as suitable for a child of the same chronological age, or are developmentally appropriate for the child. Foster parents and designated staff at corporate foster homes and residential facilities are permitted to allow foster children to participate in extracurricular, social, or cultural activities that are typical for the child's age or developmental stage by applying the reasonable and prudent parent standard.

Reasonable and prudent parent standard means the standards characterized by careful and sensible parenting decisions that maintain the child's health and safety, cultural, religious and tribal values and best interest while encouraging the child's emotional and developmental growth.

Training of the Prudent Parent Standard

Foster parents, per [Minnesota Rules, part 2960.3070, subpart 1](#) and [Minnesota Rules, part 9543.0660, subpart 3](#), must receive training prior to having a foster child placed in their home. This training includes the prudent parent standard and its application. Staff of child care institutions/residential facilities, child placing agencies, and corporate foster care must also receive the training prior to working with foster children, per [Minnesota Rules, part 2960.0100, subpart 3](#) including the prudent parent standard training. In particular, child care institutions/residential facilities must designate a person on-site to participate in the training to enable them to make prudent parent decisions at the facility. Staff at corporate foster care homes who provide parental care and supervision for foster children must also complete the reasonable and prudent parent training. A staff member who has completed the training must be available on-site to make these decisions during every shift.

Foster parents and staff of child care institutions/residential facilities, child placing agencies, and corporate foster care will also receive in-service training, which will include the prudent parent standard in ongoing fashion, as applicable.

The prudent parent standard training that foster parents and staff receive will include knowledge and skills relating to the reasonable and prudent parent standard for participation of the child in age or developmentally appropriate activities, and skills related to the stages of cognitive, emotional and physical development, and development of the child's behavioral capacities, as referenced in [Minnesota Statutes, section 260C.212, subd. 14](#).

Training must also apply to the decision making as to whether or not to allow the child to

engage in social, extracurricular, enrichment, cultural and social activities, such as: sports, field trips, and overnight activities that last one or more days and involve the signing of permissions slips and arrangement of transportation for the child to and from the above activities.

Training is required to put the prudent parent standard into practice. Training attendance will be verified by registration and issuance of a certificate of completion.

This training will be offered to current foster parents and staff via Virtual Presence Communication (VPC) training. This training will include:

- Knowledge and skills related to the developmental stages of the cognitive, emotional, physical and behavioral capacities of a child.
- Applying the prudent parent standard to decisions relating to the child's participation.
- Guidance about childhood activities and the factors a foster parent and designated staff at corporate foster care and residential facilities staff must apply.

Training will be announced through the Minnesota Child Welfare Training System and email lists.

To ensure accessibility to the training, the department will:

- Record the VPC training and distribute DVDs statewide to agencies and residential facilities.
- Provide a web link to archived training.

Following the summer 2016 VPC training, the Normalcy and the Reasonable and Prudent Parenting Standard training curriculum will be integrated into the Minnesota Child Welfare Training System (MCWTS) new social worker training, child foster care licensing training, and child foster parent training in the fall of 2016. Newly designated staff at child caring institutions/ residential facilities will be able to watch the DVD provided to their agency. Additionally, certification of viewing/and or attendance at the training will be part of the licensing processes.

Liability

Foster parents, corporate foster homes and residential facilities demonstrating compliance with the reasonable and prudent parenting standard shall not incur civil liability if a foster child is harmed or injured because of participating in approved extracurricular, enrichment, cultural or social activities.

D. Another Planned Permanent Living Arrangement

In the case of any child for whom permanent custody to the agency is the permanency plan, as provided in [Minnesota Statutes, section 260C.515, subdivision 5](#), and, as outlined in [Minnesota Statutes, section 260C.521, subdivision 1](#), the agency should follow a case plan and case system review procedure as outlined [below](#)^[WE3].

At each permanency hearing:

- The agency should document the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the agency to return the child home or secure a placement with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.
- The court or administrative body appointed or approved by the court conducting the hearing should:
 - Ask the child about the desired permanency outcome.
 - Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to be not in the best interest of the child to:
 - Return home
 - Be placed for adoption
 - Be placed with a legal guardian, or
 - Be placed with a fit and willing relative.
- The County/Tribal agency should document the steps the agency is taking to ensure:
 - The child's foster family home or child care institution is following the reasonable and prudent parent standard; and
 - The child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.

In the case of the transfer of a child to a tribal agency, the essential documents and information that are to be provided to the tribal agency, for the child's eligibility under Title IV-E and Medicaid programs under Title XIX to continue should include the documentation and case plan materials described above.

E. Screening for Sex Trafficking and Sexual Exploitation

Minnesota has developed the Sexually Exploited Youth (SEY) screen in SSIS. This screen will be used by the county or tribal social service agency to screen children and youth for sex trafficking or sexual exploitation, as well as to collect data that will reported to the U.S. Department of Health & Human Services. This screen must be completed on all children

and youth, whether they are in placement or not. This screen must also be completed anytime you discover new information regarding sex trafficking or sexual exploitation.

The SEY screen is available under the person tree, but is only visible to agency staff with the security function “Access SEY” assigned to their security role.

F. Rights

Part of the case plan for any child who is age 14 or older, an out-of-home placement plan outlined in [Minnesota Statutes, section 260C.212\(b\)\(12\)](#), documents and describes the rights of the child with regard to education, health visitation, court participation, and the right to be provided with the documents, and the right to be safe. The out-of-home placement plan will also include a statement about the child’s right to stay safe and avoid exploitation. A signed acknowledgement by the child stating that a copy of the out-of-home placement plan was provided to the child and the rights contained in the plan have been explained, in an age-appropriate way, must be included.

G. Licensing

The licensing standards, designated by state authorities, include use of the reasonable and prudent parent standards outlined in [Minnesota Statutes, section 260C.212, subdivision 14](#). The standards require, as a condition of each contract entered into by a child care institution to provide foster care, the on-site presence of at least one (1) official who, with respect to any child placed at the institution, is designated to be the caregiver authorized to apply the reasonable and prudent parent standard, as [Minnesota Statutes §260C.212, subd. 14](#) provides; and, the authorized caregiver be trained in the reasonable and prudent parent standard in the same manner as prospective foster parents are provided trainings.

The standards for foster family home and child care institutions should include policies related to the liability of foster parents and private entities, under contract with the state, involving the application of the reasonable and prudent parent standard to ensure appropriate liability for caregivers when a child participates in the activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard.

H. Safeguarding Information

The county/tribal agency should have safeguards restricting the use or disclosure of information concerning individuals assisted to purposes directly connected with the disclosure of information to the appropriate authorities with respect to children or youth identified as being a sex trafficking victim, missing, or abducted, and referenced in [Minnesota Statutes, section 260C.212, subdivision 13](#).

J. Reporting the Maltreatment of Minors: Sexually Exploited Youth

[Minnesota Statutes, section 626.556](#) require a person mandated to report who knows or has reason to believe that a child is being neglected or physically or sexually abused, or has been in the preceding three years, shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating, police department, county sheriff, tribal social services agency or tribal police department. Included in the definition of sexually abused under Minnesota law is neglect, which contains criminal sexual conduct under Minnesota Statutes, sections 609.342 to 609.3451.

The sexual abuse [[Minnesota Statutes, section 626.556 subdivision 2\(n\)](#)] or sexual exploitation [[Minnesota Statutes, section 260C.007, subdivision 31](#)] of any child or youth must be reported to the appropriate authorities. The local welfare agency is the agency responsible for investigating allegations of sexual abuse if the alleged offender is the parent, guardian, sibling, or an individual functioning within the family unit as a person responsible for the child's care, or a person with a significant relationship to the child if that person resides in the child's home. Effective May 29, 2017, the local welfare agency is also responsible for investigating when a child is identified as a victim of sex trafficking.

I. Definitions

The following definitions are provided by the Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183:

- **Reasonable and prudent parent standard:** The term 'reasonable and prudent parent standard' means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child. At the same time, the reasonable and prudent parent standard encourages the emotional and developmental growth of the child. This standard should be used when a caregiver, foster parent or child care institution is determining whether to allow a child in foster care, under the responsibility of the state, to participate in extracurricular, enrichment, cultural and social activities.
- **Age or developmentally appropriate:** The term 'age or developmentally appropriate' means:
 - Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity, or that are determined to be developmentally appropriate for a child, based on the developmental of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and
 - In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the

cognitive, emotional, physical, and behavioral capacities of the child.

The following definitions, provided by the Trafficking Victims Protection Act of 2000, are applicable to the Preventing Sex Trafficking and Strengthening Families Act.

- **Sex trafficking:** the recruitment, harboring, transportation, provision or obtaining, patronizing or soliciting of a person for the purpose of commercial sex acts.
- **Severe forms of trafficking in persons:** (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which a person induced to perform such act has not attained 18 years of age; (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4660 (voice) (division's general information phone number or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.