

Bulletin

February 25, 2014

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

OF INTEREST TO

- County Directors
- Social Services Supervisors and Staff
- Tribal Social Services Directors and Staff
- County Attorneys
- Tribal Attorneys
- Judges
- Guardians ad Litem

ACTION/DUE DATE

Please read and implement.

EXPIRATION DATE

February 25, 2016

Title IV-E Foster Care Placement, Care and Supervision Agreement

TOPIC

Title IV-E Foster Care Placement, Care and Supervision Agreement with local social service and corrections agencies.

PURPOSE

To provide guidance for agencies working with children Title IV-E eligible, for establishing placement agreements.

CONTACT

For questions regarding Title IV-E and foster care policy:
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SIGNED

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Assistant Commissioner
Children and Family Services Administration

Terminology Disclaimer

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.

Introduction

The Title IV-E Foster Care Placement, Care and Supervision Agreement is a contract between the local social service agencies and local juvenile corrections and/or tribal agencies. This agreement establishes how the local juvenile corrections agency or tribe will carry out responsibility for the placement, care and supervision of a child when the local social service agency is not the agency administering the state Title IV-E plan under provision of Title IV-E, section 471 of the Social Security Act. Such agreements establish how the requirements of Title IV-E will be met, and permits counties to claim federal financial participation for the cost of foster care.

Background

This bulletin includes information required to establish placement, care and supervision agreements with other agencies. Federal statute 42 U.S.C. § 672 (a), mandates that removal of a child meets removal and foster care placement requirements. Legal responsibility for placement, care, and supervision of a child must be established by either a Voluntary Placement Agreement or by court order. For court orders, assignment responsibilities is to either the local social service agency, juvenile corrections agency, or to a tribal social service agency.

When a local social service agency enters into an agreement with correctional or tribal social service agencies, an agreement must:

1. Be for placements made by a correctional or tribal social service agency, and
2. Define how all requirements will be met for case planning, including periodic reviews of placements and permanency hearings. An agreement must also cover how the requirement for agency monthly visits will be fulfilled and documented.

Legal responsibility for these children may reside with either of the following entities:

1. Correctional agency: This agency must either (a) be a unit of a local social service agency (county has a human service board that includes the Community Corrections Agency under a board authority), or (b) maintain a written agreement between a correctional agency and local social service agency stating how the entire case plan, including periodic review of placements and permanency hearing requirements, will be met. The cost of care for a child who is in placement pursuant to a status offense or a delinquency petition is reimbursable under Title IV-E, if all eligibility criteria are met, and if a placement is in an eligible facility (see bulletin 13-32-12).
2. Tribal social service agency: There must be a written Title IV-E Agreement between a tribe and either a local social service agency or the Minnesota Department of Human Services. The Minnesota Department of Human Services has agreements with White Earth, Leech Lake, Mille Lacs and Red Lake; therefore agreements with these tribes are not necessary. Local social service agencies may enter into agreements with federally recognized tribes within the state that are not covered by the state/tribal Title IV-E Agreements. An agreement

must state how a placement plan, including periodic reviews of placement, and permanency hearing requirements, will be met.

Attachment: Elements for a Title IV-E Foster Care Placement, Care and Supervision Agreement. <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6884-ENG>

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling 651-431-4671. TTY users can call through Minnesota Relay at 800-627-3529. For other information on disability rights and protections, contact your agency's ADA coordinator.



Elements for a Title IV-E Foster Care Placement, Care and Supervision Agreement

This agreement is between the local social service agencies and corrections and/or tribal agencies, and grants responsibility of the placement, care and supervision for children under the state Title IV-E foster care and adoption plan.

Background of Placement Responsibility Under Title IV-E

Responsibility for the placement, care and supervision of a child may be with a public agency other than the agency administering the state Title IV-E plan, under provision of Title IV-E of the Social Security Act. A child’s placement and care are the responsibility of the state agency administering the state plan approved under Title IV-E, section 472 (a)(2) [in Minnesota, this means the responsible county agency] or any other public agency with which the state agency administering, or supervising administration of the state plan approved under Title IV-E, section 472 (a)(2), has an agreement still in effect. In Minnesota, this means county agencies may enter into agreements with juvenile corrections agencies or with tribes, except for White Earth, Leech Lake, Red Lake and Mille Lacs, which have Title IV-E Agreements with the state, making local agreements unnecessary. This document includes recommended elements for agreements with local agencies.

Elements of a Foster Care Placement, Supervision, and Care Agreement

Agencies entering into an agreement

The _____ County social services agency (hereinafter “agency”) is responsible for administration of the state Title IV-E Foster Care Maintenance program in _____ County, in accordance with the state Title IV-E plan approved by the Minnesota Department of Human Services.

The [enter name of the corrections or tribal agency] (hereinafter “agency”) is a Minnesota public agency authorized to place, supervise and care for children in substitute care.

Purpose of agreement

This is an agreement between agencies, granting responsibility for the placement, care and supervision of children under the state Title IV-E plan, and the authorization to receive Title IV-E foster care maintenance payments for eligible children. The agency agrees to meet requirements of the state Title IV-E plan, and the requirements of Title IV-E of the Social Security Act, section 475, for each child placed and supervised in substitute care.

Required Title IV-E protections

Case review system, including:

- Development of a placement plan that occurs in accordance with the specific needs of a child and to the satisfaction of the agency within 30 days of placement, pursuant to Minnesota Statute, section 260C.212, subd. 1.
- A minimum of monthly visits with each child.
- Notification of foster parents of court hearings.
- Notifications of any change in visitation.
- Six-month administrative review(s) are completed to assess the necessity for a child’s continued need for placement in substitute care in juvenile court, tribal court, or by an administrative review panel, including at least one person not responsible for provision of services to a child or parents.

Procedural and judicial safeguards are applied according to requirements of 42 U.S.C. 675 and 45 CFR 1356.21, including:

- Placement pursuant to a Voluntary Placement Agreement or a judicial determination to the effect that continuation of residence in the home would be contrary to the welfare of a child, or that placement would be in a child’s best interest.
- Placement requires a judicial determination that reasonable efforts have been made to prevent placement; and continued placement requires a judicial determination that reasonable efforts have been made to finalize a permanent plan for a child.

- Permanency hearings are completed in accordance with federal law, and documentation of “compelling reasons” when a child continues in foster care longer than 12 months.
- For termination of parental rights.

Children in foster care are placed in licensed facilities, including compliance with criminal record checks under the Social Security Act, 42 U.S.C., section 671(a)(20)(A), and 45 CFR 1356.30.

Other provisions include

Effective date:
This agreement is effective_____.

Note about effective dates: Agreements can be effective between stated dates or for an indefinite period of time. Agency staff should be attentive to effective dates for purposes of claiming. The start date of an agreement should be stated in the agreement. An end date is not necessary.

Cancellation: This agreement is subject to termination, removal, or revision on 30 days’ notice by either party.
Determination of Title IV-E eligibility: The local social service agencies are responsible for the determination of Title IV-E eligibility and reimbursement.
Recordkeeping: Details on how information and data is to be accurately entered into Social Services Information System (SSIS) will be outlined by the agencies.
Terms do not limit state agency responsibility: The terms of this agreement in no way impair or limit the responsibility of the Minnesota Department of Human Services in administration of the state Title IV-E plan.

NAME OF SOCIAL SERVICE/CORRECTION AGENCY/TRIBE			
ADDRESS OF SOCIAL SERVICE/CORRECTION AGENCY/TRIBE	CITY	STATE	ZIP CODE
NAME OF PERSON COMPLETING FORM (PLEASE PRINT)	TITLE OF PERSON COMPLETING FORM (PLEASE PRINT)		
SIGNATURE OF PERSON COMPLETING FORM			DATE
PHONE	EMAIL		

NAME OF SOCIAL SERVICE/CORRECTION AGENCY/TRIBE			
ADDRESS OF SOCIAL SERVICE/CORRECTION AGENCY/TRIBE	CITY	STATE	ZIP CODE
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