



Bulletin

NUMBER

#14-68-12

DATE

October 9, 2014

OF INTEREST TO

County Social Services
Directors, Supervisors and
Staff, including Adoption,
Child Protection, Children's
Mental Health,
Developmental Disabilities
Staff serving minor parents
and Chemical Health

Tribal Social Services
Directors, Supervisors and
Staff

Juvenile Corrections
Supervisors and Officers

ACTION/DUE DATE

Read and prepare for
implementation.

EXPIRATION DATE

October 9, 2016

Clarification of Placement for AFCARS Purposes

TOPIC

Defines placement consistent with federal requirements of the Adoption and Foster Care Analysis and Reporting System (AFCARS), Title IV-E foster care and Northstar Care for Children.

PURPOSE

To clarify and provide consistency regarding the definition of out-of-home placement in child welfare practice and data collection. It updates bulletin #10-68-21.

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SIGNED

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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

Minnesota relies on the Social Service Information System (SSIS) to track individual client information and the services children and their families receive. SSIS data provides information about Minnesota children and families who receive services. These data are used for county, state and federal reporting and tracking purposes, including

- federal reporting to the Adoption and Foster Care Analysis and Reporting System (AFCARS);
- state, county and tribal review of outcomes;
- county and tribal program management of individual case records.

AFCARS collects data on all children in out-of-home care for whom the state Title IV-B/IV-E agency has responsibility for placement, care or supervision.

This bulletin updates bulletin #10-68-21. Minnesota's performance on placement re-entry and stability continue to be areas needing improvement. Accurate entry of placement data in SSIS is critical because this system is utilized by local, state and federal governments to collect and analyze child welfare outcomes and trends.

Northstar Care for Children will rely on SSIS to determine eligibility for the foster care, kinship assistance and adoption assistance components.

Definition of foster care

Foster care is defined at 45 C.F.R. §1355.20, and Minnesota Statutes, section 260C.007, subdivision. 18, as:

24-hour substitute care for children placed away from their parents or guardians and for whom the title IV-E agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

Situations exist in which a child may have been removed from their home and placed in 24-hour substitute care that is not considered foster care because of the nature of the facility in which s/he is placed. In accordance with federal law and state statute, correctional facilities or programs within a particular correctional facility, such as forestry camps, training schools, and facilities that are primarily for the detention of children who are adjudicated delinquent, when outside of a removal episode (continuous placement in SSIS) are not considered foster care placements. Placements in medical or psychiatric hospitals or

inpatient chemical dependency facilities, when outside of a removal episode (continuous placement in SSIS) are also not considered foster care placements.

When a child is in arranged care with a parent, s/he is not in foster care. This includes when a child is with the non-custodial parent, or in whole family foster care where the parent and child reside together with the agency paying for whole family foster care services.

It is important to understand that the definition of foster care placement for AFCARS purposes is not always the same as the federal definition of foster care for Title IV-E reimbursement. The purpose of AFCARS is to report the full extent of children's out-of-home experience when the agency has placement and care responsibility. This bulletin describes placement entry in SSIS consistent with federal AFCARS requirements. Title IV-E reimbursement is a separate process, though it starts with the foster care placement data entered for AFCARS reporting.

All Children Receive Protections

All children in foster care under responsibility of the state agency that administers, or supervises administration of, the Title IV-B Child and Family Services State Plan and the Title IV-E State Plan, must be provided the assurances of section 422(b)(8) of the Social Security Act (the Act).

Foster care placements in SSIS

Continuous placement in SSIS is defined as the entire time a child lives away from their home through the authority of an emergency hold, a court order, or a Voluntary Placement Agreement. The continuous placement ends when a child is living with their parent or legal guardian, either custodial or non-custodial, or attains permanency with a transfer of permanent legal and physical custody to a relative or finalized adoption. If the court orders a trial home visit, a placement may continue for up to six months until it is discharged. At the end of a trial home visit, the court may order protective supervision or return legal custody to the parents without protective supervision. For tribes, a trial home visit may last longer than six months when a tribal court specifically orders the trial home visit extended past six months.

Facilities classified as placements for AFCARS include:

- Family foster home (relative and non-relative).
- Group home
- Foster home – corporate/shift staff
- Pre-adoptive home (relative and non-relative), which means there is an Adoptive Placement Agreement signed by the prospective adoptive parent(s), the responsible social services agency, and the commissioner of the Minnesota Department of Human Services.

- Pre-kinship home(relative), which means there is a Kinship Placement Agreement signed by the responsible social service agency and the prospective relative custodian(s); this is new under Northstar Care for Children.
- Group homes (a licensed home providing 24-hour care for children in a small group setting that generally has fewer than 13 children).
- Residential treatment, including state-operated inpatient treatment centers.
- Shelter care.
- Residential chemical dependency treatment (not hospital-based).
- Intermediate care facilities/developmental disability (ICF-DD) facilities.
- Hospitalizations lasting 16 days or more within a continuous placement. This appears in SSIS as a location, but is reported for AFCARS as a separate placement setting for AFCARS.
- Juvenile correctional facility— even if locked, when occurring within a continuous placement.
- Supervised independent living settings for youth ages 18 to 21.

AFCARS requirements for entry of placements, locations or absences in SSIS

Federal regulation 45 C.F.R. §1355.40(a) addresses the scope of the data collection system for foster care, including:

All children in foster care for whom the state Title IV-B/IV-E agency has responsibility for placement, care, or supervision. [45 C.F.R. §1355.40(a)(2)]

American Indian children covered under section 422(b)(10) of the Act, on the same basis as any other child. [45 C.F.R. §1355.40(a)(2)]

Children in out-of-state placements. [45 C.F.R. §1355.40(a)(2)]

All children in foster care at least 24 hours (Appendix A, section II).

All children who are in the placement, care, or supervision responsibility of a Title IV-B/E agency who are on trial home visits. [Child Welfare Policy Manual, Section 1.3, AFCARS Reporting Population].

Youth over age 18 and up to age 21, if a Title IV-E payment is being made on behalf of a child. [Child Welfare Policy Manual, Section 1, AFCARS]

When does a local social service agency (LSSA) have legal responsibility for placement, care and supervision of a child?

An agency may provide an array of child welfare services, including child protection, child welfare, children's mental health, services for persons with developmental disabilities and chemical dependency, and may engage with a child and family in every phase of service, such as assessments, referrals, case management and discharge planning. If, at any point, a child is not living with a parent, legal guardian or custodian, agency staff must assess

whether they need to obtain legal responsibility for placement, care and supervision. This is an individual assessment. The county social service agency staff may consult with the county attorney to determine if a county has responsibility for placement, care and supervision of a child.

To have responsibility for placement, care and supervision of a child, a county/tribal social service agency must take action to gain 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. For both voluntary and court-ordered placements, an agency must locate the most appropriate facility and least restrictive setting, develop and monitor an out-of-home placement plan, and hold regular court or administrative reviews. [Minnesota Statutes, section 260C.141, subdivision 2; Minnesota Statutes, section 260C.175; Minnesota Statutes, section 260C.201; Minnesota Statutes, section 260C.212, subdivisions. 1 and 2; and Minnesota Statutes, section 260C.203; sections 475(1) and (5) (A) and (B) of the Social Security Act; and 45 C.F.R. §1355.20(2)] For a voluntary placement, an agency must review the VPA with both parent(s) and legal guardian(s), whenever possible, or the legal guardian(s) and the agency must sign an agreement. [Minnesota Statutes, section 260C.141, subdivision 2; Minnesota Statutes, section 260C.227; or Minnesota Statutes, section 260D.03; and section 472 (f) (1)(2) of the Social Security Act]

Social Services and Corrections “Umbrella” Agencies

Within Minnesota, there are three umbrella counties, Dakota, Olmsted and Stearns. In these counties, social services and juvenile corrections departments are under the same administration, and are considered to be one entity under the same “umbrella.” Title IV-E regulations automatically apply to all departments under the same administration as child welfare. When corrections and social service agencies are under the same administrative umbrella, all juvenile corrections agency foster care placements must be entered into SSIS, whether or not a child is eligible for Title IV-E.

Corrections placements when agencies are not under an “umbrella” administration

Local social service and juvenile corrections agencies that are not umbrella agencies, with separate administrations, may enter into Title IV-E Foster Care Placement, Care and Supervision Agreements. Such an agreement is necessary when a juvenile corrections agency has legal responsibility for a child’s placement, and the county wants to pursue Title IV-E reimbursement for placement costs for eligible children. The agreement defines each agency’s responsibility and role. This agreement establishes how a local juvenile corrections agency will carry out responsibility for the placement, care and supervision of a child, and provide the protections guaranteed under the state Title IV-E plan and provisions of Title IV-E, section 471 of the Social Security Act as follows:

- If the LSSA has a Title IV-E Foster Care Placement, Care and Supervision Agreement with the local juvenile corrections agency, all juvenile corrections foster care placements must be entered into SSIS.
- If the LSSA does not have a Title IV-E Foster Care Placement, Care and Supervision Agreement with the local juvenile corrections agency, do not enter juvenile corrections placements into SSIS.

When the court commits children to the Minnesota Commissioner of Corrections, this order establishes the Minnesota Department of Corrections as legally responsible for placement of a child. If a child was previously entered into placement, an agency must discharge the youth from placement with the reason — transfer to another agency.

Funding for out-of-home placement

Payment for placement costs may be county or tribal agency funds, Medical Assistance, Consolidated Treatment Fund, waived services, publicly funded health plans, private insurance, or a combination of these. Some placements may not require payment. Federal reimbursement for a portion of the costs of foster care maintenance may be claimed for Title IV-E eligible children in Title IV-E reimbursable facilities. Neither payment or non-payment of maintenance costs, nor the source of funding, defines a facility as a placement or non-placement. [Minnesota Statutes, section 260C.007, subdivision. 18; Minnesota Statutes, chapter 256N and 45 C.F.R. §1355.20]

Temporary locations

The following services are considered temporary locations for a child and are not considered placements. The temporary location may occur within a continuous placement, or as an individual service. Services that are provided by local social service agencies that are not considered a change in foster care or placement for AFCARS include:

- Respite care
- Visitation or other planned and approved absences
- Hospitalization of less than 16 days
- Summer camp
- Secure detention facilities when not occurring within a continuous placement.
- Trial home visit [Minnesota Statutes, section 260C.201, subdivision. 1 (a)(3), and 45 C.F.R. §1356.21 (e)]
- Run away – entered into SSIS as an absence

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 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.