Child Foster Care Capacity Guidelines

Minnesota Rules, part 2960.3030
Minnesota Statutes, section 245A.04, subdivision 9a

I. MAXIMUM FOSTER CHILDREN ALLOWED:

Per Minnesota Rules, part 2960.3030, subpart 1, a foster home must have no more than six foster children. The maximum number of children allowed in a home is eight, including a foster parent's own children. The license holder must maintain a ratio of one adult for each five children.

The maximum overall capacity of a child foster home allows for eight children including the applicant/license holders own children; however, the capacity on the license cannot exceed six foster children. Use the following chart to determine the maximum licensed capacity allowed:

<table>
<thead>
<tr>
<th>Number of own children:</th>
<th>Maximum licensed capacity:</th>
<th>Total # of children</th>
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</thead>
<tbody>
<tr>
<td>7</td>
<td>1</td>
<td>8</td>
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<tr>
<td>6</td>
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<td>0</td>
<td>6</td>
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</tbody>
</table>
One applicant/license holder

The rule does not distinguish a difference between two applicants or license holders, or an individual applicant or license holder in regard to maximum licensed capacity. Therefore, the chart above may be used for either situation. However, the rule does require that a ratio of one adult to five children must be maintained. If needed, the licensing agency may consider granting a variance to the adult-to-child ratio in order to accept placement of an additional child or children. The statement of intended use must specify how the license holder will maintain the adult-to-child ratio that ensures safety and appropriate supervision of all the children in the home. When considering granting a variance to the requirement to maintain ratio, each situation must be individually assessed. In addition, if a variance is granted for adult-to-child ratio, a second variance should not be granted to increase the maximum capacity of the license.

Example: A single applicant has a licensed capacity of three. She has five children of her own. There are no other adults living in the foster home. The county is considering placing a sibling group of three in the home. While the licensed capacity allows for this placement, the ratio of one adult to five children is not able to be maintained. A variance is required in order to allow the placement. The variance must address all of the requirements in Minnesota Statutes, section 245A.04, subdivision 9a.

Example: A single applicant has a licensed capacity of three. She has five children of her own. Her adult son also lives in the home, but is not an applicant. He has a cleared background study and has completed all training required for a caregiver. Up to three children may be placed in this home without a variance.

II. CAPACITY LIMITS: Per Minnesota Rules, part 2960.3030, subpart 2, the items below apply to foster homes:

a. When any of the children have severe or profound mental retardation, severe emotional disturbance or is assisted by medical technology, maximum of 4 foster children.

b. A foster home must have no more than 3 children who are under two years of age or who are non-ambulatory unless they maintain a ratio of 1:3 present with the children.

c. The number of foster children a foster home may accept must be limited based on the following factors:
   • The license holder’s ability to supervise, considering the adult-to-child ratio.
   • The license holder's training, experience, and skills related to child care.
   • The structural characteristics of the home.
   • The license holder's ability to assist children in the home during emergencies.
   • The characteristics of the foster children, including age, disability, and emotional problems.
III. EXCEPTIONS TO CAPACITY LIMITS:

Per Minnesota Statutes, section 245A.04, subdivision 9a, exceptions to the overall capacity of a child foster care home may be allowed and the following criteria specifies when capacity variances can be considered.

A variance for a licensed family foster parent may be granted if needed to allow additional foster children to be placed in the home for at least one of the following reasons:

- A parenting youth in foster care to remain with the child of the parenting youth.
- Siblings to remain together.
- A child with an established meaningful relationship with the family to remain with the family.
- A family with special training or skills to provide care to a child who has a severe disability.

In order to grant a variance to capacity for one of the above reasons, the agency must determine that all of the following conditions are also met:

1) There is no risk of harm to a child currently in the home.
2) The structural characteristics of the home, including sleeping space, accommodates additional foster children.
3) The home remains in compliance with applicable zoning, health, fire, and building codes.
4) The statement of intended use specifies conditions for an exception to capacity limits and specifies how the license holder will maintain a ratio of adults to children that ensures the safety and appropriate supervision of all the children in the home.