



# Notice to Parent(s) Considering Voluntary Foster Care Child in Voluntary Foster Care for Treatment

## Minnesota Statutes, Chapter 260D

When the voluntary foster care placement of a child with developmental disabilities or emotional disturbance is necessary for treatment, Minnesota law requires the responsible social service agency to have a voluntary agreement with their parent(s). The law establishes a child's safety, health, and best interests as the primary consideration of voluntary foster care.

The purpose of the law is to:

- Ensure that a child with a disability is provided with the services necessary to treat or improve the symptoms of their disability
- Preserve and strengthen a child's family ties whenever possible and in their best interest
- Approve a child's placement away from their parent(s) only when their need for care or treatment requires it, and s/he cannot be maintained in the home of their parent(s)
- Ensure that a child's parent(s) retain legal custody and decision making, unless the parent(s) willfully fail to or are unable to make decisions that will meet a child's safety, health and best interest.

When a child is in voluntary foster care, the parent(s) maintain responsibilities as legal custodians to plan with the agency for the child's treatment needs. This form summarizes the parents', child's and agency's rights and responsibilities when a child is in voluntary foster care placement for treatment.

### Placement

#### As the parent, I have the right and responsibility to:

- Consult with an attorney at my expense before signing the voluntary placement agreement.
- Disagree with the voluntary placement and not sign it. The county cannot place a child without legal authority.
- Retain legal custody of my child, unless the court determines my child is in need of protection or services (CHIPS).
- Be provided with a copy of the voluntary placement agreement.
- Disagree with the agency's choice of foster care facility.

- Provide the names of relatives, extended family members, and other important persons in my child's life who may be able to care for them or be helpful as a support in their care.
- Submit information to the court and be aware of the right to be heard as part of the court review within 165 days of placement.
- Participate in administrative and court reviews that are required if my child's treatment extends for more than six months.

#### My child/youth, age 12 or older, has the right to:

- Receive a copy of residents' rights, as established under Minn. Rules, parts 2960.0050, as a resident of a facility licensed by the state. The facility has responsibility to provide the youth with a copy of their rights.
- Submit information to the court as a part of court reviews within 165 days of placement.
- Be heard as part of the court review hearing.

#### The agency has the responsibility to:

- Provide or authorize for the care and supervision of a child while in voluntary foster care placement, including their safety, permanency and well-being.
- Assess the child's need for services, including foster care, and determine the facility and level of care necessary to meet their child's care and treatment needs.
- Ensure a child, age 12 or older, has been notified of their rights as a resident of a facility licensed by the state.
- Ask the parent(s) for the names of noncustodial parents, relatives, extended family members, and other important persons in the child's life who may be able to care for them, or be helpful as a support to their care.
- Assess concerns regarding a child's safety and well-being, and if necessary, file a child in need of protection or services petition (CHIPS) in county court. The agency may use any information gathered during the voluntary placement to show the court that the child may be in need of protection or services, according to Minn. Stat., section 260C.141.

- Inform the child, age 12 or older, parent(s), foster parent(s) or facility staff, of the court reviews, how to send information to the court, and how to exercise the right to be heard.
- The Minnesota Department of Human Services has responsibility to obtain credit reports from the three national consumer credit reporting agencies annually for foster care youth ages 14 to 17, and provide the credits reports to county and tribal social services agencies. Agencies must assist youth in interpreting the reports and resolving inaccuracies.

### **Planning (out-of-home placement plan)**

#### **As the parent, I have the right and responsibility to:**

- Participate with the agency in developing the out-of-home placement plan (within the first 30 days of my child's placement) to meet my child's need for safety, permanency and well-being
- Actively participate in ongoing planning to meet my child's need for safety, stability and permanency, and their need to stay connected to their family and community
- Actively participate in planning and provision of educational services, medical and dental care for my child
- Actively participate in planning and provision of my child's treatment needs with the agency and foster care facility
- Inform the agency of any barriers to active participation in my child's care
- Receive a copy of the out-of-home placement plan.

#### **My child/youth, age 12 or older, has the right to:**

- Be consulted in preparation of the out-of-home placement plan
- Receive a copy of the out-of-home placement plan.

#### **The agency has the responsibility to:**

- Inform parent(s) and child/youth of the rights listed above
- Include parent(s) and child/youth in the planning process
- Include the child's mental health treatment provider in the preparation of the out-of-home placement plan when they are in foster care due to emotional disturbance
- Develop a plan that preserves and strengthens the child's family ties whenever possible and in their best interest
- Write an out-of-home placement plan with the parent(s) and child within 30 days of placement that provides:

- Specific reasons the child was placed
- Description of the facility, including why the facility is the least restrictive, in close proximity to the home of the parent(s) and meets the best interest of the child, including their medical, educational and developmental needs
- Description of the services offered to meet the care needs of the child, parents and facility to provide a safe and temporary stable home for the child and to promote reunification of the family
- Permanency goal
- Visitation plan
- Plans to meet the child's health and education needs
- Diagnostic and assessment information, and specific services related to meeting the child's mental health care needs and treatment outcomes
- Plan of services to help the child develop independent living skills for those over age 16.
- Provide the parent(s) and youth with a copy of the out-of-home placement plan.

### **Services**

#### **As the parent, I have the right and responsibility to:**

- Ask for services for my child
- Be available and accessible to make health care decisions for my child, including decisions about care and treatment (including the use of restrictive techniques, medication and treatment plans)
- Participate in education planning, including the Individual Education Plan (IEP) process, and make decisions about my child's educational plans
- Communicate with the residential facility staff or foster parents to be informed about my child's behavior, discipline and other issues
- Communicate with any medical or mental health care provider about decisions affecting my child's care or treatment, including proposed changes to their treatment and medication
- Keep the agency informed about the needs of my child and my family.

#### **My child/youth, age 12 or older, has the right to:**

- Disagree with foster care facility or services provided under the out-of-home placement plan
- Monthly visits by the agency social worker in the foster home or facility to ensure that they are safe and cared for.

### **The agency has the responsibility to:**

- Arrange and provide for a child's care in a licensed facility. The care includes a child's basic needs and treatment needs. Care is coordinated by a case manager, and services are defined in the out-of-home placement plan.
- Provide information about the services a child is receiving and the provider of the services.
- See the child monthly to ensure they are safe and cared for in the facility.

### **Visitation**

#### **As the parent, I have the right and responsibility to:**

- Visit my child according to the terms of the out-of-home placement plan, and let the agency know about any barrier to visitation
- Ensure that the contact and visitation plan maintains my child's need to stay connected to their family and community
- Request assistance, if needed, to keep the visitation schedule.

#### **My child/youth, age 12 or older, has the right to visit their parent(s) and siblings as determined safe and appropriate by the parent(s) and agency.**

#### **The agency has the responsibility to:**

- Include a visitation plan as part of the out-of-home placement plan for the parent(s), siblings, other relatives or important friends that preserve and strengthens the child and family relationship, and the child's connection to their community
- Assess barriers to visitation and determine available supports.

### **Financial and medical insurance**

#### **As the parent, I have the right and responsibility to:**

- Know the information and process used to determine parental fees.
- Ask questions about resources available to help meet my child's needs, and apply for services in a timely manner.
- Reimburse the agency for the cost of caring for my child in accordance with a plan agreed upon with the agency.
- Support my child financially and provide complete information regarding any income, benefits, insurance or child support my child and I receive. This may include applying my child's benefits to the cost of care.

**My child/youth, age 12 or older, has the right to** basic needs, including room, board, medical care, dental care and clothing while in the facility.

### **The agency has the responsibility to:**

- Determine the fee for services
- Provide parents with the information and process used to determine the fee(s)
- Provide parents with contact information to ask questions about fee determination and collection.

### **Parent authorization for their child's medical and educational records**

#### **As the parent, I have the right and responsibility to:**

- Access my child's medical, educational, legal, and other records during placement that I have the right to access
- Release, and authorize the release of, information about my child from those records
- Provide the agency with information and consent to review your child's medical, mental health and education records
- Keep the agency informed about my current address.

**My child/youth, age 12 or older, has the right to** consent for health services, mental health, and treatment for chemical dependency, consistent with the Medical Treatment for Minors Act and Minnesota Commitment and Treatment Act. [Minn. Stats., sections 144.341-.347 and 253B.03-.04]

**The agency has the responsibility to** support parents' involvement in planning and decision making regarding their child's medical treatment and educational planning.

### **Termination of the agreement**

#### **As the parent, I have the right and responsibility to:**

- Notify the agency in writing, at any time, to end the voluntary foster care placement agreement
- Engage in transition planning for my child's return home, including:
  - Establishing a time for my child to come home
  - Increase visitation to ease the transition
  - Plan for the services my child will need in place upon returning home.

#### **The agency has the responsibility to:**

- Return child to their parent(s) no sooner than 72 hours, and no later than 30 days, after written notification is received.

- Contact the parent(s) about transition planning when the agency initiates termination of the placement. Following the contact, the agency sends written notification. The notification includes information about how to appeal the termination and request a fair hearing if the agency ends the voluntary foster care placement agreement.
- File a petition with the court alleging that return would not be in the best interest of the child if there are child protection concerns.

### **Court reviews of voluntary foster care for treatment**

Foster care is temporary. When counties place children in foster care, the goal is to reunify the child with their family as soon as possible. Minnesota law requires periodic review of foster care placements and services to ensure that the agency and the child's family are planning for the child's safety, permanency and well-being.

#### **Court review required within 165 days of placement:**

The agency shall obtain a judicial review of voluntary foster care for treatment. The agency will send a written report to the court. The report will include a copy of the out-of-home placement plan and information about the child's care and treatment plan. The court review process includes:

- The parent(s), child, foster parent(s) or facility staff has a right to send information to the court and to be heard in person. The agency has responsibility to provide information to parent(s), child and provider about how to submit information as part of the court review, and how to request a hearing.
- An in-court hearing will not be held, unless requested by the child, parent(s) or foster care provider.
- After receiving the agency report and additional information, the court has 10 days to decide if the voluntary placement is in the child's best interest, and whether the county agency and the parent(s) are appropriately planning for the child. The court will send the parent(s), child, foster care provider and agency a copy of the court order.
- If the court decides that continued placement is not in a child's best interest, or that the agency and parent(s) are not planning appropriately for a child, the court will set a hearing date and appoint a guardian ad litem for them.

**Administrative reviews** are required every six months. This meeting is often held at the county social service agency or at the foster care home/facility. The social worker, parents, child, foster provider, treatment professionals and others review the out-of-home placement plan and update it.

**Permanency hearings** are required when the child has been in voluntary placement for 13 months. If the county agrees that foster care placement is to continue, the county will file a court petition requesting continued voluntary placement, and present the reasons the child needs continued voluntary placement. If the court agrees that continued voluntary placement is in the child's best interest, the court will issue a written order.

**Annual review hearings** are required every 12 months as a child continues in voluntary foster care placement. The court reviews the agencies' services to:

- Ensure that voluntary foster care placement continues to be the best arrangement for meeting the child's safety, health and best interest.
- Engage and support the parent(s) in continued involvement and decision making for their child.
- Strengthen the child's ties to the parent(s).
- Implement the out-of-home placement plan.
- Ensure appropriate planning for the child's safe and permanent living arrangement and continued treatment, as needed. The court will send the parent(s), child, foster care provider and agency a copy of the court order.

Attention. If you need free help interpreting this document, ask your worker or call the number below for your language.

ያስተውሉ፡ ይህንን ዶኩመንት ለመተርጎም እርዳታ የሚፈልጉ ከሆነ፡ የጉዳዩን ስራተኛ ይጠይቁ ወይም በሰልክ ቁጥር 1-844-217-3547 ይደውሉ።

ملاحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اطلب ذلك من مشرفك أو اتصل على الرقم 1-800-358-0377.

သတိ။ ဤစာရွက်စာတမ်းအားအခမဲ့ဘာသာပြန်ပေးခြင်း အကူအညီလိုအပ်ပါက၊ သင့်လူမှုရေးအလုပ်သမား အားမေးမြန်း ခြင်းသို့ မဟုတ် 1-844-217-3563 ကိုခေါ်ဆိုပါ။

កំណត់សំគាល់ ។ បើអ្នកត្រូវការជំនួយក្នុងការបកប្រែឯកសារនេះដោយឥតគិតថ្លៃ សូមសួរអ្នកកាន់សំណុំរឿង របស់អ្នក ឬហៅទូរស័ព្ទមកលេខ 1-888-468-3787 ។

請注意，如果您需要免費協助傳譯這份文件，請告訴您的工作人員或撥打 1-844-217-3564。

Attention. Si vous avez besoin d'une aide gratuite pour interpréter le présent document, demandez à votre agent chargé du traitement de cas ou appelez le 1-844-217-3548.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces nug koj tus neeg lis dej num los sis hu rau 1-888-486-8377.

ဟ်သုဉ်ဟ်သးဘဉ်တက့ၢ်. ဖဲနမ့ၢ်လိဉ်ဘဉ်တၢ်မၤစၢၤကလိလၢတၢ်ကကျိးထံဝဲဒဉ်လၢ် တီလံာ်မိတခါအံၤန့ၢ်,သံက့ၢ်ဘဉ်ပုၤဂ့ၢ်ဝိအပုၤမၤစၢၤတၢ်လၢနဂီၢ်မ့တ မ့ၢ်ကိးဘဉ် 1-844-217-3549 တက့ၢ်.

알려드립니다. 이 문서에 대한 이해를 돕기 위해 무료로 제공되는 도움을 받으시려면 담당자에게 문의하시거나 1-844-217-3565으로 연락하십시오.

ໂປຣດຊາບ. ຖ້າຫາກ ທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປເອກະສານນີ້ພຣີ, ຈົ່ງຖາມພະນັກງານກຳກັບການຊ່ວຍເຫຼືອຂອງທ່ານ ຫຼື ໂທໂທໂປທີ 1-888-487-8251.

Hubachiisa. Dokumentiin kun bilisa akka siif hiikamu gargaarsa hoo feete, hojjettoota kee gaafadhu ykn afaan ati dubbattuuf bilbilli 1-888-234-3798.

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, обратитесь к своему социальному работнику или позвоните по телефону 1-888-562-5877.

Digniin. Haddii aad u baahantahay caawimaad lacag-la'aan ah ee tarjumaadda qoraalkan, hawlwadeenkaaga weydiiso ama wac lambarka 1-888-547-8829.

Atención. Si desea recibir asistencia gratuita para interpretar este documento, comuníquese con su trabajador o llame al 1-888-428-3438.

Chú ý. Nếu quý vị cần được giúp đỡ dịch tài liệu này miễn phí, xin gọi nhân viên xã hội của quý vị hoặc gọi số 1-888-554-8759.

LB1 (8-10)



For accessible formats of this publication, ask your county worker. For assistance with additional equal access to human services, contact your county's ADA Coordinator. (ADA4 [9-15])