



Transfer of permanent legal and physical custody of children in foster care



Stock photo. Posed by models.

A transfer of permanent legal and physical custody (TPLPC) to a relative establishes a legal relationship between a child in foster care and their adult relative, giving that relative permanent decision-making authority for that child. Adoption is the preferred permanency option when reunification is not possible; however, for some children, neither adoption nor reunification are appropriate permanency options, but TPLPC to a relative is. With this option, relative custodians are legally and financially responsible for children in their care, although legal parents retain parental rights (see table on page 3).

General TPLPC process

For children in foster care, the TPLPC process begins when a county or tribal agency determines that reunification and adoption are not appropriate permanency options for a child, but TPLPC to a specific relative is.

A Kinship Placement Agreement, or tribal equivalent, must be signed by agency staff, prospective relative custodians, and child, if age 14 or older. An agency files a TPLPC petition with the court and a hearing is scheduled.

If a prospective relative custodian is applying for Northstar Kinship Assistance, and benefits have not been finalized, a court may defer finalization of a TPLPC order. Otherwise, a court finalizes a TPLPC if it finds a TPLPC to a prospective relative custodian is in a child's best interests.

Northstar Kinship Assistance benefits

Northstar Kinship Assistance is a benefit program that supports children in foster care who find permanency with a relative through TPLPC. Relative custodians receive benefits on behalf of children. The following benefits may be available through Northstar Kinship Assistance:

- Monthly payments
- Medicaid
- Nonrecurring expense reimbursement, up to \$2,000 per child.

Relative custodians may decline benefits.

Benefit agreement

A benefit agreement provides details about a child's benefits. It must be signed by the financially and legally responsible agency or agencies, prospective relative custodians, and Minnesota Department of Human Services staff prior to the court finalizing a TPLPC.

Stock photo. Posed by models.



Eligibility for Northstar Kinship Assistance

Eligibility for Northstar Kinship Assistance is determined prior to a court finalizing a TPLPC. To be eligible for Northstar Kinship Assistance, children must:

- Be under 18 years old at the time of TPLPC finalization
- Meet citizenship/immigration requirements
- Be removed from their home via court order or voluntary placement agreement
- Reside with a prospective relative custodian while they are licensed to provide child foster care for six consecutive months, or receive an exemption to this requirement
- Have a fully executed benefit agreement in place.

Relative custodians (and all required household members) must complete background study requirements.

Licensure and six-month requirements

A core criterion for Northstar Kinship Assistance is that prospective relative custodians be licensed to provide child foster care while the child is living with them, for at least six consecutive months. Partial months – even one day in a month – count toward eligibility.

Payment amount

All children determined eligible for Northstar Kinship Assistance receive a basic monthly payment. Some children may also receive a supplemental monthly payment, as determined by the Minnesota Assessment of Parenting for Children and Youth (MAPCY).

Payments are not based on a family's income and do not change when family income changes. However, payments may be reduced if a child receives Retirement, Survivors, and Disability Insurance (RSDI); veterans benefits; railroad retirement benefits; and/or Black Lung benefits. Payments may also be automatically adjusted over time for a number of reasons, such as cost of living adjustments and basic payment increases as a child gets older.

Children determined eligible for Northstar Kinship Assistance while under age 6 are assigned the alternate rate, which is half of the amount a child would receive while in foster care. The alternate rate remains with a child through duration of a benefit agreement.

Ending benefits

To continue receiving Northstar Kinship Assistance, relative custodians must stay legally responsible for support of a child and be actually providing that support. Benefits usually end when a youth turns 18, although relative custodians may ask for an extension, up to age 21. An extension may be granted if special requirements are met.

If a child's relative custodian dies or becomes incapacitated, benefits may continue under certain circumstances.

For more information

Contact: Northstar.Benefits@state.mn.us



Key differences between adoption and transfer of permanent legal and physical custody

	Adoption	TPLPC
Legal rights and responsibilities	A legal parent-child relationship is established between adoptive parents and child. Adoptive parents have all rights and responsibilities that birth parents originally had. Birth parents have no parental rights and no legal parent-child relationship.	Relative custodians have primary rights and responsibilities for a child's protection, education, care, supervision, and decision making on behalf of a child. Birth parents retain a legal parent-child relationship with their child, but their rights are secondary, subject to limits imposed by relative custodians. Their rights may include visitation, access to information, and notice of accidents or serious illness.
Permanency of relationship	Adoptive parents are the permanent legal parents. Their parental rights cannot be terminated for reasons a birth parent's rights would not be terminated.	Relative custodians' responsibilities end when a child attains age 18. Birth parents or relative custodians may request modification to the TPLPC order, including requesting the court to return a child to their birth parents after a certain amount of time has passed. Relative custodians may not return a child to the permanent care of a parent from whom they were removed without court approval and notice to the responsible agency.
Child support	Birth parents do not pay child support. They may be responsible for paying arrears owed prior to the termination of parental rights.	Birth parents may have an ongoing child support obligation.
Relationships with birth family, including siblings	Adoptive parents have the right to determine ongoing contact. Birth parents and other birth relatives may enter into contact agreements with adoptive parents regarding a child, but failure to follow such agreements will not result in overturning an adoption.	Relative custodians facilitate visitation and contact with birth parents and other family members, as long as the court has not ruled against such contact. Birth parents may request modification of a court order to specify visitation schedules or request additional visitation.
Child's legal name	Adoptive parents determine a child's legal name.	A child retains their legal name, unless changed by court order.
Child's right to inheritance	A child inherits from adoptive parents as they would from a birth parent.	A child inherits from birth parents. A child has no right to inherit from relative custodians unless specified in a will.
Further involvement with county or tribal child welfare and termination of relationship	As with biological children, adopted children could enter the child welfare system due to abuse or neglect, or to receive treatment for mental health or disability. Existing child welfare laws apply, and a county or tribal agency could assume custody. County and tribal agencies may assess parental fees to pay for children's costs of care. Adoptive parents' rights cannot be terminated for reasons birth parents' rights would not be terminated.	Children who are the subjects of a TPLPC could enter the child welfare system due to abuse or neglect, or to receive treatment for mental health or disability. Existing child welfare laws apply, and a county or tribal agency could assume custody. County and tribal agencies may assess parental fees to pay for children's costs of care. Relative custodians may request modification or termination of TPLPC orders.
Tax credit	Adoptive parents may be eligible for a federal tax credit based on the year an adoption finalized.	There is no tax credit for TPLPC. However, relative custodians may be able to claim a child as a dependent.

651-431-4660

Attention. If you need free help interpreting this document, call the above number.

ያስተውሉ፡ ካለምንም ክፍያ ይህንን ዶኩመንት የሚተረጉምሎ አስተርጓሚ ከፈለጉ ከላይ ወደተጻፈው የስልክ ቁጥር ይደውሉ።

ملاحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اتصل على الرقم أعلاه.

သတိ။ ဤစာရွက်စာတမ်းအားအခမဲ့ဘာသာပြန်ပေးခြင်း အကူအညီလိုအပ်ပါက၊ အထက်ပါဖုန်းနံပါတ်ကိုခေါ်ဆိုပါ။

កំណត់សំគាល់ ។ បើអ្នកត្រូវការជំនួយក្នុងការបកប្រែឯកសារនេះដោយឥតគិតថ្លៃ សូមហៅទូរស័ព្ទតាមលេខខាងលើ ។

請注意，如果您需要免費協助傳譯這份文件，請撥打上面的電話號碼。

Attention. Si vous avez besoin d'une aide gratuite pour interpréter le présent document, veuillez appeler au numéro ci-dessus.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces hu rau tus najnpawb xov tooj saum toj no.

ဟ်သုဉ်ဟ်သးဘဉ်တက့ၢ်. ဝဲနမ့ၢ်လိဉ်ဘဉ်တၢ်မၤစၢၤကလိလၢတၢ်ကကျိးထံဝဲဒၣ်လံာ် တီလံာ်မိတခါအံၤန့ၣ်,ကိးဘဉ်လိတဲခိနီၢ်ဂံၢ်လၢထးအံၤန့ၣ်တက့ၢ်.

알려드립니다. 이 문서에 대한 이해를 돕기 위해 무료로 제공되는 도움을 받으시려면 위의 전화번호로 연락하십시오.

ໄປຣດຊາບ. ຖ້າຫາກ ທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປເອກະສານນີ້ພຣີ, ຈົ່ງໂທໄປທີ່ໝາຍເລກຂ້າງເທິງນີ້.

Hubachiisa. Dokumentiin kun bilisa akka siif hiikamu gargaarsa hoo feete, lakkoobsa gubbatti kenname bibili.

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, позвоните по указанному выше телефону.

Digniin. Haddii aad u baahantahay caawimaad lacag-la'aan ah ee tarjumaadda qoraalkan, lambarka kore wac.

Atención. Si desea recibir asistencia gratuita para interpretar este documento, llame al número indicado arriba.

Chú ý. Nếu quý vị cần được giúp đỡ dịch tài liệu này miễn phí, xin gọi số bên trên.

LB2 (8-16)



For accessible formats of this publication or additional equal access to human services, write to Northstar.Benefits@state.mn.us, call 651-431-4670, or use your preferred relay service. ADA1 (2-18)