



DEPARTMENT OF
HUMAN SERVICES



Finding Permanency for Children in Foster Care: Transfer of Permanent Legal and Physical Custody to a Relative

A Guide for County and Tribal Social Services Agencies

Contents

Introduction.....	3
Key Terms.....	4
Section 1: Permanency Planning	8
Making a Placement	8
Minnesota Assessment of Parenting for Children and Youth	15
Section 2: Understanding the Kinship Process	17
Kinship Placement Agreement.....	17
Eligibility Determination.....	19
Declining Benefits.....	25
Benefit Agreement	26
Section 3: The Court Process	28
District Court Timelines.....	28
Petition	29
Court Hearing.....	31
Section 4: Post-permanency.....	34
Setting Up Payments and Benefits	34
Modifying and Terminating the Benefit Agreement.....	35
Modifying a Final Court Order	39
Section 5: Basic Procedures Checklist.....	40

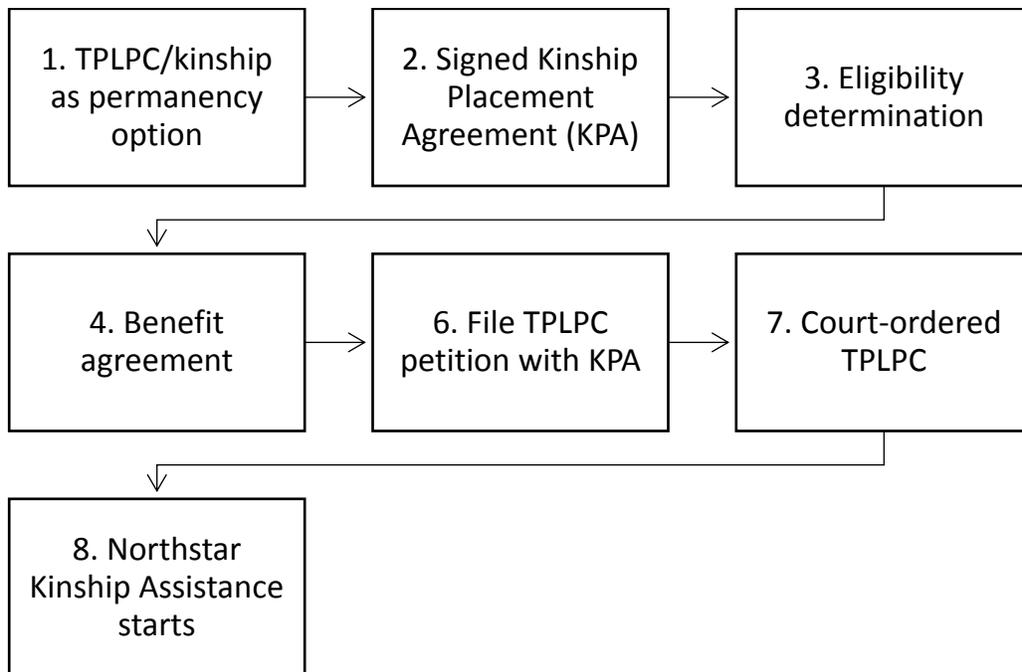
Introduction

Kinship placement success is largely dependent on multiple systems and agencies working together. When making a kinship placement for the purpose of a transfer of permanent legal and physical custody (TPLPC) to a relative, agencies must take a collaborative approach to ensure a child’s best interests are met and the placement is supported. This is especially true when the legally responsible agency differs from the financially responsible agency. Both have certain roles and responsibilities in the TPLPC and Northstar Kinship Assistance processes.

This document serves as a reference guide for local social services agencies (county and tribal) completing a transfer of permanent legal and physical custody of a child to a relative, and helping prospective relative custodians establish eligibility for Northstar Kinship Assistance.

The general TPLPC and Northstar Kinship Assistance process is outlined in the workflow diagram below. As clarification, transfer of permanent legal and physical custody to a relative is the legal permanency disposition, whereas Northstar Kinship Assistance is the financial benefit associated with the transfer of permanent legal and physical custody.

Figure 1. Workflow for the TPLPC and Northstar Kinship Assistance processes.



Key Terms

Aid to Families with Dependent Children (AFDC): A federal assistance program to help families in poverty. It ended in 1996 after passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). However, eligibility for Title IV-E foster care (and generally kinship assistance) is linked to a child's family's eligibility for AFDC, as it stood in 1996.

Basic rate:¹ For purposes of this guide,² basic rate is a maintenance payment made to a relative custodian on behalf of a child to support the costs a relative custodian incurs to provide for a child's needs, consistent with the care parents customarily provide. This includes food, clothing, shelter, daily supervision, school supplies, and a child's personal incidentals. The amount is set by a child's age, increasing as a child gets older. For children with pre-school entry benefit agreements, the basic rate is 50 percent of what they would have received in foster care.

Benefit agreement: A written, legally binding agreement among a prospective relative custodian, legally responsible agency, financially responsible agency, and the Minnesota Department of Human Services on behalf of a child eligible for Northstar Kinship Assistance. The benefit agreement outlines eligibility requirements, payments, benefits and assistance to be provided and more. To be fully executed, the benefit agreement must have signatures from all required parties.

Continuous placement: A child's stay in foster care from beginning to end, based on one court order for removal or a voluntary placement agreement, regardless of how many placement changes a child has had. A child may have multiple continuous placements, but each one must have a separate court order authorizing removal and giving an agency legal placement authority.

Contrary to the welfare/best interest statement: A judicial determination that remaining in the home would be contrary to a child's welfare, or that out-of-home placement is in a child's best interests.

Deferred court order: A court order issued after a TPLPC court hearing is held but before eligibility has been established for Northstar Kinship Assistance through a signed benefit agreement. Testimony can be taken, but the final order granting the TPLPC is not issued; it is deferred until the benefit agreement is fully executed.

Eligibility determination: Document completed by the financially responsible agency in Social Services Information System (SSIS) that is used to determine whether a child is or is not eligible for Northstar Kinship Assistance, and whether a child is eligible for Title IV-E or non–Title IV-E funding.

Financially responsible agency:³ The agency that is financially responsible for a child's placement. These agencies may be local social services agencies, tribal social services agencies who are part of the American Indian Child Welfare Initiative, and Minnesota tribes who assume financial responsibility of children from other states. The agency that is financially responsible at the time of foster care placement

¹ M.S. § 256N.02, subd. 5.

² A basic rate is also paid to foster care providers and adoptive parents, but this guide will not address those circumstances.

³ M.S. § 256N.02, subd. 10.

continues to be responsible for the local share of any maintenance payments, including post-permanency.

Foster care:⁴ 24-hour substitute care for children placed away from their parents and for whom an agency has placement and care responsibility. Foster care is intended to be temporary and provide for a child's safety or to access treatment. Types of foster care are:

- Non-relative foster family homes
- Relative foster homes
- Group homes
- Emergency shelters
- Residential treatment centers
- Child care institutions
- Preadoptive homes
- Pre-kinship homes.

Foster care is not: Hospitals, inpatient chemical dependency treatment facilities, facilities that are primarily for delinquent children, any corrections facility or program within a particular correction's facility not meeting requirements for Title IV-E facilities as determined by the commissioner of human services, facilities to which a child is committed under the provision of Minnesota Statutes, Chapter 253B, forestry camps, or jails.

Income offset:⁵ Any income or resources attributable to a child must be considered when determining the amount of the total monthly payment. If a child receives any of the following four types of income, it must be subtracted (offset) from the total monthly payment:

- Retirement, Survivors, and Disability Insurance (RSDI)
- Veterans benefits
- Railroad retirement benefits
- Black Lung benefits

Supplemental Security Income (SSI) and child support received on a child's behalf are **not** considered income offsets. While Minnesota Family Investment Program (MFIP) benefits are also not considered income offsets, a child for whom a relative custodian is receiving Northstar Kinship Assistance must not be counted in the relative custodian's MFIP assistance unit.

Kinship Placement Agreement (KPA): Legally binding document containing required agency determinations that signifies the prospective relative custodian's intent to take permanent legal and physical custody of a child, and the legally responsible agency's support of this intent. The KPA must accompany the petition to transfer permanent legal and physical custody of a child to a relative who is not a parent.

⁴ M.S. §§ 260C.007, subd. 18; 260D.02, subd. 10.

⁵ M.S. § 256N.26, subds. 11, 12, 13, and 14.

Legally responsible agency:⁶ The Minnesota agency assigned responsibility for placement, care, and supervision of a child through a court order, voluntary placement agreement (VPA), or voluntary relinquishment. These agencies may be local social services agencies, tribal social services agencies as part of the American Indian Child Welfare Initiative, and Minnesota tribes who assume court jurisdiction when legal responsibility is transferred to a tribal social services agency through a Minnesota district court order.

Maintenance payment:⁷ The basic rate plus any supplemental rate under Northstar Care for Children. It does not include the cost of initial clothing allowance, payment for social services, or administrative payments to a child-placing agency.

Minnesota Assessment of Parenting for Children and Youth (MAPCY): The assessment tool used to determine the supplemental benefit rate for children in family foster, kinship and adoptive homes.

Northstar Kinship Assistance: The financial and medical benefit available to eligible children who are the subjects of transfer of permanent legal and physical custody to a relative.

Pre-school entry rate:⁸ Only applicable to Northstar Kinship Assistance and Northstar Adoption Assistance. A child who enters the components of Northstar Care for Children under age six receives 50 percent of what they would have received in foster care.

Relative:⁹ A person related to a child by blood, marriage or adoption; the legal parent, guardian, or custodian of a child's siblings; or an individual who is an important friend with whom a child has resided or had significant contact. For an Indian child, a relative means a person who is a member of the Indian child's family as defined in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903, paragraphs (2), (6) and (9).

Removal order: The first court order that gives a local social services agency the authority to place a child in out-of-home care for a continuous placement episode because remaining in the home is contrary to the welfare of that child. The type of court order does not matter; for example, emergency protective custody orders and ex parte orders are allowable and often fulfill this requirement.¹⁰

School-age rate: Only applicable to Northstar Kinship Assistance and Northstar Adoption Assistance. A child who enters the components of Northstar Care for Children at age six or older receives the full benefit amount for which they are determined eligible.

Sibling:¹¹ One of two or more individuals who have one or both parents in common through blood, marriage or adoption. This also includes siblings as defined by a child's tribal code or custom. Sibling also includes an individual who would have been considered a sibling had it not been for a termination

⁶ M.S. § 256N.02, subd. 14.

⁷ M.S. § 256N.02, subd. 15.

⁸ M.S. § 256N.26, subd. 5.

⁹ M.S. § 260C.007, subds. 27 and 26b.

¹⁰ Child Welfare Policy Manual, 8.3A.6.

¹¹ M.S. § 260C.007, subd. 32.

of parental rights of one or both parents, a suspension of parental rights under tribal code, or another disruption of parental rights (for example, the death of a parent).

Supplemental rate:¹² For purposes of this guide,¹³ supplemental rate is an additional payment that may be made to a relative custodian on behalf of a child to support costs a relative custodian incurs to provide for a child’s special needs, consistent with the care a parent of a child with special needs would customarily provide. The supplemental rate is determined by the MAPCY. The rate must consider the capacity and intensity of activities associated with parenting duties provided in the home to nurture a child, preserve a child’s connections, and support a child’s functioning in the home and community. For children with pre-school entry benefit agreements, the supplemental rate is 50 percent of what they would have received in foster care.

Title IV-E: A section within the Social Security Act that provides for federal funding for foster care, adoption and guardianship assistance programs. Meeting federal Title IV-E requirements for these programs allows the state to draw down federal dollars to help pay for children in care.

Acronyms
● AFDC: Aid to Families with Dependent Children
● DHS: Minnesota Department of Human Services
● ICPC: Interstate Compact on the Placement of Children
● KPA: Kinship Placement Agreement
● MAPCY: Minnesota Assessment of Parenting for Children and Youth
● MMB: Minnesota Management and Budget
● SSIS: Social Services Information System
● TPLPC: Transfer of permanent legal and physical custody to a relative
● VPA: Voluntary placement agreement

Transfer of permanent legal and physical custody to a relative (TPLPC):¹⁴ The legal permanency disposition for children who are not state wards, who are unable to be legally and physically reunified with the caregivers from whom they were removed, and for whom adoption is not an option, ordered under Minnesota Statutes, section 260C.515, subd. 4. For children under jurisdiction of a tribal court, this means a judicial determination under a similar provision in tribal code that gives a relative authority to provide care, control and protection of a child in foster care, and to make decisions regarding a child’s education, health care, and general welfare until adulthood. A parent may not share legal and/or physical custody with a relative custodian if the relative custodian is requesting Northstar Kinship Assistance.

Voluntary Placement Agreement (VPA):¹⁵ Formal agreement between a child’s parent and the responsible social services agency that gives the agency legal authority to place a child in foster care to ensure a child’s safety, health and best interests.

¹² M.S. § 256N.02, subd. 21.

¹³ A supplemental rate may also be paid to foster care providers and adoptive parents, but this guide will not address those circumstances.

¹⁴ M.S. § 256N.02, subd. 16.

¹⁵ M.S. §§ 260C.227; 260D.02, subd. 5.

Relative Search and Licensing

Agencies must make diligent efforts to identify and notify adult relatives prior to initial placement, or within 30 days of the out-of-home placement. Helpful tips:

- Review/conduct comprehensive relative searches
- Start ICPC process immediately
- Continue engaging relatives
- Consider relatives as placement/permanency options
- Review court orders for a court finding that an agency has made reasonable efforts regarding a relative search.

It is important to actively assist relatives with completing the child foster care licensing process as quickly as possible.

A delay in licensing will cause a delay in permanency.

To meet eligibility requirements for Title IV-E Northstar Kinship Assistance, a child must reside with a relative for six consecutive months, and be eligible for Title IV-E foster care maintenance payments during that time, while the relative is licensed to provide child foster care.

Section 1: Permanency Planning

Permanency planning begins at the point a child enters foster care. There are several components in foster care that will directly impact a child's path to permanency through a TPLPC. What follows is a review of some of these components.

Making a Placement

Placement in Foster Care

A child must be placed in foster care via a removal court order or voluntary placement agreement, and the court order giving an agency legal authority to remove a child must contain the contrary to the welfare/best interest statement. This is necessary to receive Title IV-E Northstar Kinship Assistance.

The "contrary to the welfare" statement is a Title IV-E protection afforded to a child and the child's family. Its purpose is to confirm that the removal was not done arbitrarily or without thought. Consequently, this statement cannot be added at a later date to the first court order authorizing removal.¹⁶

Placement Decisions

Placement decisions must always be based on the best interests of a child. This requires an individualized determination of a child's needs according to the 10 best interest factors.¹⁷ If a child is an Indian child, this determination must be inclusive of the best needs of an Indian child as outlined in the Minnesota Indian Family Preservation Act.¹⁸ Placement decisions must also include an assessment of how prospective caregivers (including prospective relative custodians) will meet the needs of a child being placed.

Once a placement decision has been made, an agency must document reasons for the placement decision in a child's case file and out-of-home placement plan. This documentation must include the individualized determination of a child's needs.

¹⁶ Child Welfare Policy Manual, 8.2B.7, question 2, and 8.3A.6; Sec. 473 (a)(2)(A).

¹⁷ M.S. § 260C.212, subd. 2 (b).

¹⁸ M.S. §§ 260C.212, subd. 2 (b)(11) and 260.755, subd. 2a.

Noncustodial Parents

As part of the reasonable efforts to finalize a permanent plan for a child, an agency must assess a noncustodial parent's (including nonadjudicated and/or nonresident parents) ability to provide day-to-day care if a child must be placed out of the home and provide services, where appropriate.¹⁹ The court may order a child to be placed in a noncustodial parent's care.²⁰ A child in the care of a noncustodial parent is not in foster care placement, but permanency timelines still apply (based on when a child is removed from a custodial parent). If a noncustodial parent has not had paternity adjudicated, that parent will be required to undergo paternity establishment procedures.²¹

A child's legal and physical custody can be permanently transferred to a noncustodial parent.²² However, noncustodial parents are ineligible to receive Northstar Kinship Assistance benefits.²³

Relative Placement

All relatives must be considered, even if an agency believes a relative may not be licensable or eligible for Northstar Kinship Assistance.

Minnesota Statutes require agencies to notify and consider placement with a relative when a child enters foster care or has to change placements while in foster care, and when a child is moving towards permanency through TPLPC.²⁴ This is a critical step in concurrent permanency planning.²⁵ By planning for an alternative permanency option while working toward reunification, agencies can reduce the length of time a child remains in foster care, as well as number of moves, and ensure another permanency option in a timely manner, should reasonable efforts to safe reunification fail within legal timelines.²⁶

Agencies must inform all parties and the court about any concurrent permanency planning. The court reviews an agency's reasonable efforts toward both permanency plans at each review hearing. Agencies must also document a child's concurrent permanency plan in SSIS.

Relatives must be considered in the following order:

1. An individual related to a child by blood, marriage or adoption
2. An individual who is an important friend with whom a child has resided or had significant contact.²⁷

¹⁹ M.S. §§ 260.012 (e)(2); 260C.201, subd. 2 (a)(4)(ii).

²⁰ M.S. §§ 260C.178, subd. 1 (c); 260C.201, subd. 1 (a)(1).

²¹ M.S. § 260C.219 (a) (1).

²² M.S. § 260C.515, subd. 4.

²³ M.S. § 256N.22, subd. 6 (b)(1).

²⁴ M.S. § 260C.221 (a) and (h).

²⁵ M.S. §§ 260C.223; 260.012 (k).

²⁶ See DHS-4926, Concurrent Permanency Planning: Reducing time in foster care.

²⁷ M.S. §§ 260C.212, subd. 2; 260C.221.

An important friend may include a non-relative foster parent with whom a child has resided for a significant period of time. This designation is based on a child's relationship to a person, not the relationship between a person and a child's birth parent or relative. Minnesota Statutes do not define significant contact or how long a child must have resided with someone for that person to be considered an important friend. Local social services agencies make that determination.

Relative placement also includes consideration of sibling placement. Minnesota and federal law²⁸ recognize the importance of sibling relationships in a child's life. If siblings are in placement at the same time, an agency must place siblings together at the earliest possible time. If siblings cannot be placed together, an agency must continue to make reasonable efforts to place siblings together and document these efforts.

If a child has siblings who are not in placement at the same time, an agency must notify the siblings' caregivers (legal parent, adoptive parent, relative custodian, or other caregiver) and ask if they would be willing and able to be a placement option for the child. While not included in the statutory order of placement preference noted above, the legal definition of relative used in juvenile protection proceedings²⁹ also includes a legal parent, guardian, or custodian of a child's sibling. These individuals must also be considered.

Ultimately, the court will review an agency's efforts at placing siblings together at the TPLPC court hearing. If siblings are to be separated for purposes of a TPLPC, the judge must make a finding that there are reasons to separate siblings.

Relatives of an Indian Child

A relative of an Indian child is defined in the Indian Child Welfare Act (ICWA) and includes:

- Extended family members (per an Indian child's tribe's law or custom)
- Indian custodians
- Parents³⁰

For an Indian child, legally responsible agencies must follow the order of placement preferences as outlined in the ICWA. For Indian children in foster care (including those moving toward permanency via a TPLPC to a relative), placement preference order is:

1. A member of an Indian child's extended family
2. A foster home licensed, approved, or specified by an Indian child's tribe
3. An Indian foster home licensed or approved by an authorized non-Indian licensing authority
4. An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet an Indian child's needs.³¹

²⁸ See Minnesota Department of Human Services Policy on Sibling Placement, Separation and Visitation.

²⁹ M.S. § 260C.007, subd. 27.

³⁰ Indian Child Welfare Act of 1978, 25 U.S.C § 1903 (2), (6) and (9).

³¹ Indian Child Welfare Act of 1978, 25 U.S.C. § 1915 (b).

The court may order an Indian child to be placed in foster care outside of placement preference order if the court determines there is good cause to deviate from placement preference order.³² Good cause may be found if:

- An Indian child's parent or parents have requested to deviate from placement preference order, if one or both of the parents also attest that they have reviewed placements that comply with the placement preference order
- An Indian child requests to deviate from placement preference order, provided that the child is able to understand and comprehend the decision being made
- A qualified expert witness designated by a child's tribe provides testimony that supports placement outside placement preference order, based on the extraordinary physical or emotional needs of a child that require highly specialized services
- A local social services agency worker provides testimony that a diligent search was conducted, and no families were found that meet placement preference order.³³

Relative Search and Notice

Agencies must consider placement with relatives without delay. Within the first 30 days of placement, agencies are required to begin a comprehensive relative search and notify relatives, even if a child is currently placed with a relative.³⁴ This relative search should be updated and reopened, as needed, throughout the life of a case. The court may also order an agency to reopen a previously closed relative search. At each instance in which a relative placement must be considered, an updated and/or reopened relative search is often needed. For an Indian child, the relative search must also meet active efforts requirements under the ICWA.³⁵

Agencies must continue with a relative search until the court finds that an agency has made reasonable efforts (or active efforts, if an Indian child) and relieves an agency of further search efforts.

Even if an agency is relieved of further search efforts, the agency must continue to engage relatives who respond to the required notice sent out by the agency during a relative search. These relatives may express an interest in being a permanency option and/or participating in case planning. Relatives who were unable to be a placement resource in the beginning of a case, or who were unable to participate in the care and planning for a child, may be able to at a later date due to a change of heart or circumstances.

To locate and assess a suitable placement for a child, responsible social services agencies are allowed to disclose private data to relatives of a child. Agencies may also disclose private data to ensure that relatives are fully informed of a child's needs so they can participate in case planning and make informed decisions regarding their capacity to be a permanency option. Agencies should consult with county or tribal attorneys about specific data practice questions when disclosing information about particular relatives who have been identified as part of an agency's search efforts.

³² M.S. § 260.771, subd. 7 (b).

³³ M.S. § 260.771, subd. 7 (b).

³⁴ M.S. § 260C.221 (a).

³⁵ M.S. § 260C.221 (b).

All relatives responding to a relative search notice or contacting an agency must be considered. Agency efforts to consider relatives include identifying, locating, informing, and evaluating maternal and paternal relatives of a child. It is important not to assume a relative cannot care for a child or pass a background study. When a relative asks to be considered, an agency may determine the initial steps to evaluate the prospective relative foster parent. The relative must apply for a foster care license and have all required household members complete a fingerprint-based (Adam Walsh) background study. It is possible that a set aside or variance may be granted for a background study disqualification. A foster care home study is the most comprehensive evaluation process.

If a relative cannot be a placement option, the relative can assist in care and planning for the child.

Interstate Compact on the Placement of Children (ICPC)³⁶

Agencies must consider out-of-state relatives along with in-state relatives. Even if a child cannot be moved out of state immediately because the parent is still working towards reunification, an agency should still send ICPC requests right away for any relatives who wish to be considered a permanent placement option so that their ability to provide for the child's day-to-day needs can be assessed, in case reunification efforts fail. ICPC requests must still be sent, even if a child is placed with a non-relative foster parent who is interested in being a permanency option. Being proactive about initiating an ICPC will reduce the possibility of permanency delays.

Agencies should consider the difference between an ICPC foster care study and a relative study. Relative studies are generally conducted more quickly; however, if the plan is to permanently transfer legal and physical custody to an out-of-state relative, a foster care study will be needed. Some states will not allow both to be in place at the same time and will require separate requests to be made.

Licensure and Background Study

Federal and state law require that a prospective relative custodian be licensed to provide child foster care, and that a child live with a licensed prospective relative custodian for six consecutive months and meet Title IV-E foster care maintenance payment eligibility criteria during that period of time.³⁷ Licensure helps to ensure a child's safety in a placement; by requiring a waiting period, agencies can also assess and monitor a placement to ensure that all services and supports are in place to minimize potential post-permanency placement disruptions.

³⁶ M.S. §§ 260.851-260.92.

³⁷ M.S. § 256N.22, subd. 1 (a)(2); 42 U.S.C. 673 (d)(3)(A)(i)(II).

Licensed Child Foster Homes

All licensed child foster homes, whether relative or non-relative, must meet state or tribal standards. Child foster homes licensed by a county or a licensed child-placing agency must meet state standards, including Adam Walsh–compliant background studies and an assessment of the foster home.³⁸

Agencies may place children in unlicensed emergency relative placements per the following requirements:³⁹

- Worker conducts an initial inspection of a relative’s home prior to placement, or within three working days of placement, using the Minnesota Department of Human Services Licensing Division’s Home Safety Checklist and Home Safety Checklist Child Foster Care Addendum
- Worker provides relative with application for child foster care license at the time of initial inspection or placement, whichever is earlier
- Relative submits application for foster care license within 10 calendar days of placement.

Tribal Licensing

Tribal governments have authority to develop their own child foster care licensing standards and approve family foster homes. This includes processes for unlicensed emergency relative placements.

Federal Title IV-E Funding and Child Foster Care Licensure

Federal Title IV-E and state funding for a child foster care placement is contingent on a foster home being licensed. Foster homes must be fully licensed for eligible placements to receive federal Title IV-E funding. Emergency placements with an unlicensed relative will be part of the Northstar Care for Children reconciliation process for the first six months of placement.

If a relative is not licensed in six months, the placement will no longer be included in the process to receive a state share of the foster care maintenance payments. If a relative remains unlicensed after six months, the legally responsible agency should consult with the licensing agency to determine the barrier to licensure, and establish an action plan to complete the license. It may also be appropriate to reevaluate whether the placement continues to be in a child’s best interest.

Background Studies

To be licensed to provide child foster care, prospective foster parents (including prospective relative custodians) must have fingerprint-based (Adam Walsh–compliant) background studies completed. This includes child foster homes licensed by counties, licensed child-placing agencies, and tribes with a State/Tribal Title IV-E Agreement.

In addition to prospective foster parents, all household members over age 18 must also complete a fingerprint-based (Adam Walsh–compliant) background study, current to their legal names.⁴⁰ Household members ages 13-17 must also complete a background study; however, this background study does not need to be fingerprint-based. If a licensing agency is using the Minnesota Department of Human

³⁸ Minn. Stat., chapters 245A and 245C; Minn. Rules, Chapter 2960.

³⁹ M.S. § 245A.035.

⁴⁰ M.S. § 245C.33, subd. 1 (b).

Services (“the department”) to complete a background study, the agency may ask for an expedited process when licensing relatives to provide child foster care.

If a prospective relative custodian is already licensed as a foster parent, the background study used to establish child foster care licensure may also be used for Northstar Kinship Assistance eligibility, provided:

- The fingerprint-based (Adam Walsh–compliant) background study was completed on or after July 1, 2007
- Any disqualifications as a result of the background study were set aside, or a variance was issued.⁴¹

Agencies must provide relatives with information on the background study process, as well as how to request a reconsideration of an initial disqualification for licensure.⁴² If a relative does have a disqualification, the responsible agency must help the relative request a reconsideration of the disqualification or a variance. Agencies must expedite a relative’s request for a set-aside or variance.⁴³

Set-asides and Variances⁴⁴

The commissioner of human services may grant a set-aside to a disqualification when an individual can show they do not pose a risk of harm, or that information given to the commissioner was incorrect or inaccurate. If granted, an individual remains disqualified, but will be able to hold a child foster care license and have direct contact with the child in foster care.

If the commissioner does not set aside a disqualification, but there are conditions that can be set that would allow a disqualified individual to be in direct contact, or to have access to, a child in foster care that would minimize the risk of harm to that child, the commissioner may grant a time-limited variance to the individual holding a license. Applicants for a child foster care license must request a variance and follow the conditions required to maintain the variance.

Barrier Crimes⁴⁵

If any of the required background studies reveal a felony-level conviction for one of the following crimes, a relative may not receive Northstar Kinship Assistance on behalf of an eligible child:

- Child abuse or neglect
- Spousal abuse
- Crime against a child, including child pornography
- Crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

⁴¹ M.S. §§ 245C.33, subd. 1 (b) and 256N.22, subd. 4.

⁴² M.S. § 245A.035.

⁴³ M.S. §§ 245C.05 through 245C.33.

⁴⁴ M.S. §§ 245C.22 and 245C.30.

⁴⁵ M.S. § 256N.22, subd. 4 (b).

A relative is prohibited from receiving Northstar Kinship Assistance on behalf of an eligible child if any of the required background studies show a felony-level conviction at any time during the past five years for one or more of the following crimes:

- Physical assault
- Battery
- Drug-related offense

However, it is important to note that under certain circumstances, a prospective relative custodian with a disqualifying background study may still be eligible to receive Northstar Kinship Assistance on behalf of an eligible child. Contact the department's Permanency Support Unit for questions related to a disqualifying background study.

Minnesota Assessment of Parenting for Children and Youth

The Minnesota Assessment of Parenting for Children and Youth (MAPCY) is the assessment tool used to determine supplemental benefits for children in foster care and children who have been adopted or whose custody was permanently transferred to a relative. The MAPCY is completed at the local agency level in consultation with the foster parent/prospective relative custodian. While Minnesota Statutes do not require it, face-to-face consultation is considered best practice.⁴⁶

The MAPCY focuses on both the needs of a child and the parenting needed to meet those needs. The MAPCY is very detailed so that agency staff and others are able to get a more complete and objective picture of a child's unique needs, and what the caregiver is doing to meet those unique needs.

Agencies use the same assessment tool as a child progresses from foster care to TPLPC. There are two types of assessments for this scenario:

- Children ages birth-12
- Youth ages 13 to 21 who are not in extended foster care—supervised independent living.

The MAPCY measures the following areas:

- Placement experience
- Dynamics in a caregiver's home
- Supervision, guidance and structure
- Mental health, physical health and development
- Preserving connections
- Developing identity
- Education
- Child care (birth-12 only)
- Young parents (13-21 only)

⁴⁶ M.S. § 256N.24, subd. 6 (a).

If a child is moving from foster care to permanency via a TPLPC, a new MAPCY is not required if the following are all true:

- Child is in Northstar foster care
- The most recent MAPCY is with the prospective relative custodian
- The MAPCY is current
- Nothing major has changed that would suggest that a new MAPCY should be conducted.

If a child is moving from legacy foster care to permanency via a TPLPC, a MAPCY is required to determine the benefit level for Northstar Kinship Assistance.

MAPCY Roles for Legally and Financially Responsible Agencies

When the legally and financially responsible agencies are not the same, a MAPCY is completed and approved by both agencies. In most cases, the legally responsible agency is the assessor; the assessor completes a MAPCY in consultation with the relative foster parent/prospective relative custodian. Because the legally responsible agency does not maintain the case of record in SSIS, a MAPCY is completed using a paper version, which is sent to the financially responsible agency. The financially responsible agency enters the MAPCY into SSIS and gives final approval of the MAPCY. The financially responsible agency also submits Extraordinary Level requests to the department for approval or denial. The written notice of benefit is sent by the financially responsible agency to the relative foster parent/prospective relative custodian.

If the legally responsible agency is unable to complete a MAPCY, the financially responsible agency is responsible for completing and approving a MAPCY, in consultation with the legally responsible agency, relative foster parent/prospective relative custodian and child (if appropriate).

Section 2: Understanding the Kinship Process

The kinship process includes establishing eligibility for Northstar Kinship Assistance and ordering a TPLPC as part of juvenile protection proceedings. It begins when the legally responsible agency makes a determination that reunification and adoption are not appropriate permanency options for a child and identifies a prospective relative custodian (or custodians) for the child. This is documented in the Kinship Placement Agreement (KPA), which, when fully executed, indicates a pre-kinship placement. Following signing of the KPA, an agency worker works with prospective relative custodians to establish eligibility for Northstar Kinship Assistance, including obtaining a fully executed benefit agreement. After all paperwork is signed and fully executed, the court can order a TPLPC.

If a TPLPC is being ordered to a noncustodial parent, the kinship process is not applicable.

Kinship Placement Agreement

The Kinship Placement Agreement must be signed for every child with a permanency goal of transfer of permanent legal and physical custody to a relative, regardless of the relative's intent to pursue Northstar Kinship Assistance.

Summary:	Document that establishes a pre-kinship placement
Completed by:	Legally responsible agency
Signed by:	<ul style="list-style-type: none">• Legally responsible agency• Prospective relative custodian(s)• Child (if age 14 or older)
What is done with it:	<ul style="list-style-type: none">• Kept in child's case file• Copy given to prospective relative custodian(s)• Sent to the department during eligibility determination process• Filed with TPLPC petition as separate document• Used by court to make required court findings for TPLPC.

Once a relative has been identified as a prospective relative custodian, the next step is to initiate the TPLPC and Northstar Kinship Assistance processes by signing the KPA, which documents certain agency determinations and eligibility requirements for Northstar Kinship Assistance. When a Minnesota tribe is the legally responsible agency, the tribe may choose to use an alternative format to document these determinations and eligibility requirements.

The KPA is completed by the legally responsible agency in conjunction with the prospective relative custodian(s). The KPA must be signed by the prospective relative custodian, the legally responsible agency, and the child, if age 14 or older. The financially responsible agency and the department do not play roles in this step.

The KPA indicates a relative's intent to accept a TPLPC. **It must be signed regardless of a relative's intent to pursue Northstar Kinship Assistance.** The KPA is an independent document associated with both the legal TPLPC process and Northstar Kinship Assistance eligibility. It must be filed with the TPLPC petition as a separate document, and only legal names may be used. The KPA documents what the agency agrees to and has determined, as well as what the prospective relative custodian agrees and attests to. The court uses the KPA to make its required court findings for a final TPLPC order.

Before a prospective relative custodian can sign a KPA, an agency worker must talk with the prospective relative custodian about adoption and explain Northstar Kinship Assistance. An agency worker should provide a prospective relative custodian with a copy of a child's social and medical history. This will allow a prospective relative custodian to make an informed decision regarding a potential TPLPC. An agency must also consult with a child's legal parent(s) and the child, if age 14 or older, about permanency options.

While a relative does not need to be licensed at the time of signing a KPA, a background study must have been completed on all household members ages 13 and older, and any disqualifications granted a variance or set-aside.⁴⁷ There must also be an approved and current written home study in place.⁴⁸

Agency Determinations and Case Plan Requirements

Agencies are required to make certain determinations to proceed with a TPLPC and to establish eligibility for Northstar Kinship Assistance.⁴⁹ The following determinations are recorded in the KPA:

- Reunification and adoption are not appropriate permanency options for a child
- Child demonstrates a strong attachment to a prospective relative custodian(s)
- Prospective relative custodian(s) has a strong commitment to caring permanently for a child
- Child has been consulted regarding the TPLPC permanency option, if child will be age 14 or older by the time the TPLPC is expected to occur.

Agencies are also required to document in children's case plans (including tribal case plans) agency efforts and decisions leading to a TPLPC and receipt of Northstar Kinship Assistance, specifically:⁵⁰

- Reasonable efforts to determine why it is not appropriate for a child to return home or be adopted
- Reasons why a TPLPC and Northstar Kinship Assistance are in the best interests of a child
- How a child meets Northstar Kinship Assistance eligibility requirements
- Efforts to discuss adoption with prospective relative custodians and why they did not pursue it
- Efforts to discuss TPLPC with parents or reasons why these efforts were not made
- If a child has siblings in different placements, why the child is separated from them.

These items are included in the out-of-home placement plan template in SSIS.

⁴⁷ M.S. § 245C.33, subd. 1 (b); M.S. § 256N.22, subd. 4; M.S. § 260C.212, subd. 2 (e)

⁴⁸ M.S. § 260C.212, subd. 2 (e)

⁴⁹ M.S. § 260C.515, subd. 4 (7); M.S. § 260C.212, subd. 1 (c)(7); M.S. § 256N.22, subd. 2 (a); 42 U.S.C. § 673 (d)(3)(A)

⁵⁰ M.S. § 260C.212, subd. 1 (c)(7); 42 U.S.C. § 675 (1)(F)

These are also affirmed in the KPA. Once the KPA is signed by all required parties, an agency can move forward with an eligibility determination for Northstar Kinship Assistance. **Agencies must complete eligibility determinations for all children, even if a prospective relative custodian is declining benefits, or an agency believes a child will be ineligible for benefits.**

Eligibility Determination

An eligibility determination must be completed for every child with a permanency goal of transfer of permanent legal and physical custody to a relative. Agencies must not assume ineligibility. Only the eligibility determination can determine eligibility and ineligibility.

Summary:	SSIS document to determine eligibility for Northstar benefits
Completed by:	Financially responsible agency with input from legally responsible agency
Signed by:	No signatures
What is done with it:	<ul style="list-style-type: none">• Agency sends to the department to determine eligibility or request exemption• The department confirms or denies eligibility or exemption• SSIS autofills benefit agreement based on eligibility determination.

To receive Northstar Kinship Assistance, children and prospective relative custodians must meet eligibility criteria, including having a fully executed benefit agreement in place prior to TPLPC finalization. The eligibility process begins with the eligibility determination.

Agencies must not assume that a child or prospective relative custodian will not meet eligibility requirements based on previously known information. If a prospective relative custodian wishes to apply for Northstar Kinship Assistance benefits, the eligibility determination process should still be used, even if an agency worker believes the prospective relative custodian will be ineligible. In this circumstance, it is not appropriate to have a prospective relative custodian sign a statement to decline benefits. If determined ineligible through the eligibility determination process, the prospective relative custodian can appeal the determination.

Youth Turning 18

A youth's age should not be a barrier to establishing eligibility for Northstar Kinship Assistance or finalizing a TPLPC. The department will work with agencies to process paperwork in a timely manner, which may include processing both the benefit agreement and the extension to the agreement at the same time.

For more information on extending benefit agreements, see Section 4: Post-permanency.

In addition to determining eligibility for Northstar Kinship Assistance, the eligibility determination also determines a child's eligibility for Title IV-E Northstar Kinship Assistance. Benefits will vary, depending on whether a child is eligible for Title IV-E or non–Title IV-E Northstar Kinship Assistance (see Table 1).

There is no “at-risk” designation for Northstar Kinship Assistance like there is for Northstar Adoption Assistance; therefore, if a child is eligible to receive Northstar Kinship Assistance, the child will always receive a basic maintenance payment.

Title IV-E vs. Non–Title IV-E Northstar Kinship Assistance

There are two types of Northstar Kinship Assistance: Title IV-E and non–Title IV-E. Agencies must rule out a child’s eligibility for Title IV-E Northstar Kinship Assistance before considering non–Title IV-E Northstar Kinship Assistance.⁵¹ Children who do not meet Title IV-E eligibility criteria may be eligible for non–Title IV-E Northstar Kinship Assistance. These are children who were not Title IV-E–eligible in foster care (with the exception of siblings of children who were Title IV-E–eligible), children who receive exemptions, and children whose prospective relative custodians win an appeal after a denial of benefits.

There are three reasons why Title IV-E Northstar Kinship Assistance is preferred:

- The state may claim partial reimbursement from the federal government for cost of the monthly Northstar Kinship Assistance payment. Non–Title IV-E Northstar Kinship Assistance is paid solely through state and local dollars.
- Children who receive Title IV-E Northstar Kinship Assistance are categorically eligible for Minnesota’s Medical Assistance (MA) program. Children receiving non–Title IV-E Northstar Kinship Assistance are not. They must apply for and qualify on their own.
- If a family moves to another state, a child receiving Title IV-E Northstar Kinship Assistance is automatically eligible for that state’s Medicaid program. This is not the case for children who receive non–Title IV-E Northstar Kinship Assistance.

Table 1. Northstar Kinship Assistance Benefits Available Based on Eligibility for Title IV-E Funds.

	Title IV-E Northstar Kinship Assistance	Non–Title IV-E Northstar Kinship Assistance
Medical Assistance	Yes	Children must apply for and meet criteria on their own.
Basic maintenance payment	Yes; pre-school entry rate applies to children under age six	Yes; pre-school entry rate applies to children under age six
Supplemental needs payment	Yes, if assessment indicates a need; pre-school entry rate applies to children under age six	Yes, if assessment indicates a need; pre-school entry rate applies to children under age six
Nonrecurring kinship expense reimbursement	Yes, up to \$2,000	Yes, up to \$2,000

⁵¹ M.S. § 256N.22, subd. 7.

Federal Title IV-E Requirements⁵²

The following eligibility criteria are required for federal Title IV-E reimbursements.

- **Removal order/VPA:** Child removed from home via court order for removal or VPA. If removed via court order, court order includes a statement that returning home would be contrary to the child's welfare and placement out of the home is in the child's best interests.
- **Title IV-E foster care:** Child is eligible for Title IV-E foster care maintenance payments.
- **Licensed and living together:** Child lives with prospective relative custodian for six consecutive months, while prospective relative custodian is licensed for child foster care.
- **Background study:** Prospective relative custodian and required household members complete and meet background study requirements.
- **Citizenship/immigration:** Child is a U.S. citizen or otherwise eligible for federal public benefits; if not, then child's prospective relative custodian meets citizenship/immigration requirements.
- **Age:** Child is under 18 years of age.
- **Ruling out reunification or adoption:** Legally responsible agency has made a determination that reunification and adoption are not in a child's best interests.
- **Relationship:** Child demonstrates a strong attachment to prospective relative custodian, who has a strong commitment to caring permanently for the child.
- **Sibling placement:** Child who would otherwise not meet Title IV-E eligibility criteria can be Title IV-E-eligible if:
 - Child is a sibling of a child who is Title IV-E-eligible
 - Child and sibling are placed with the same prospective relative custodian
 - The agency, prospective relative custodian, and the department all agree that the arrangement is appropriate for the sibling.

The Six-month Rule

As long as a child has met all Title IV-E foster care maintenance payment eligibility criteria for at least one day in a calendar month while living in a licensed prospective relative custodian's home, it counts as one month.

Example:

Child moved in with licensed prospective relative custodian and met all Title IV-E foster care eligibility criteria on May 31:

Month 1: May [31]

Month 2: June

Month 3: July

Month 4: August

Month 5: September

Month 6: October [1]

As long as the child met Title IV-E foster care maintenance payment eligibility criteria on October 1, the six months will be met on October 1.

⁵² Title IV-E of the Social Security Act, sections 471 and 473; M.S. § 256N.22.

- **Youth consultation:** A child who is at least age 14 has been consulted regarding the transfer of permanent legal and physical custody.
- **Benefit agreement:** A fully executed Northstar Kinship Assistance benefit agreement is in place prior to a finalized TPLPC court order.

Citizenship and Immigration Requirements for Children and Relative Custodians

To receive Northstar Kinship Assistance, children must meet certain citizenship and immigration requirements. Children who are undocumented immigrants may be eligible for Special Immigrant Juvenile Status (SIJS). When a child meets citizenship and immigration requirements, there is no need to review the citizenship and immigration status of a prospective relative custodian. When a child does not meet citizenship/immigration requirements, the prospective relative custodian's citizenship/immigration status is reviewed. If a prospective relative custodian does not meet requirements, a child will not be eligible for Northstar Kinship Assistance.

State Requirements in Addition to Title IV-E Requirements⁵³

Minnesota law incorporates federal Title IV-E requirements and includes additional requirements:

- **TPLPC petition be accompanied by KPA:** A signed KPA must be filed with a TPLPC petition. The court uses agency determinations in a KPA to make its required findings.
- **Responsibilities for relative custodians:** A TPLPC order must include findings that a relative custodian understands they are responsible for the protection, education, care, and control of a child, and decision-making on behalf of a child.
- **Notice to the court and agency:** After a TPLPC has been ordered, the responsible social services agency must receive notice of any requests to modify that order, including if a relative custodian seeks to return a child to the care of a parent from whom a child was removed. Additionally, the court must approve this action for it to be legally binding.

There are also court requirements in Minnesota law. Tribal codes may have the same or similar requirements.

- **Court-reviewed suitability:** The court must review and make findings about the suitability of a prospective relative custodian prior to permanently transferring legal and physical custody of a child to a prospective relative custodian.
- **Applicable standards followed:** The court must follow applicable standards found in other parts of state law, as well as Minnesota Rules of Juvenile Protection Procedure.

⁵³ M.S. § 260C.515, subd. 4.

- **Required court findings:** State law requires courts to make findings affirming agency determinations. The following findings are required in each TPLPC court order (for children who are not under tribal jurisdiction):
 - TPLPC and receipt of Northstar Kinship Assistance (when requested and child is eligible) are in the best interests of the child
 - Adoption is **not** in the best interests, based on agency determinations in the KPA
 - Agency made efforts to discuss adoption with the child’s parent(s), or the agency did not make efforts and reason(s) why
 - There are reasons to separate siblings during placement (if applicable).

Exemption Process

Agencies may request an exemption to the requirement that a child live in the home of a licensed prospective relative custodian for six consecutive months, or to the requirement that a prospective relative custodian be licensed. If granted, a child will be eligible for non–Title IV-E Northstar Kinship Assistance. Agencies request exemptions via the eligibility determination. Agencies should provide enough detailed information for department staff to determine that:⁵⁴

- An expedited move to permanency is in a child’s best interest
- Expedited permanency cannot happen without Northstar Kinship Assistance
- The prospective relative custodian is uniquely qualified to meet a child’s needs on a permanent basis (based on the 10 best interest factors laid out in Minnesota law⁵⁵)
- Child and prospective relative custodian meet all other eligibility requirements
- Efforts were made by the legally responsible agency to place child with the prospective relative custodian for six consecutive months, who was licensed to provide child foster care during that time, **or** an explanation as to why these efforts were not in a child’s best interests.

The department grants exemptions for situations in which permanency must be achieved prior to meeting all eligibility requirements. Two examples of when the department **may** grant exemptions are:

- A youth will turn 18 prior to meeting eligibility criteria
- A prospective relative custodian must report for military duty prior to meeting eligibility criteria.

The department will never grant exemptions for no background study or for permanent bars.

The department uses a team decision-making approach for granting and denying exemptions. If granted, the department will confirm the eligibility determination, and the agency will move forward with the benefit agreement process. If denied, the department will send a letter to the agency and the prospective relative custodian explaining the reason for the denial, as well as the prospective relative custodian’s appeal rights. If a prospective relative custodian does not wish to appeal, but would like to work toward meeting requirements, an agency may submit another eligibility determination when all requirements are met.

⁵⁴ M.S. § 256N.22, subd. 1 (a)(2)(ii).

⁵⁵ M.S. § 260C.212, subd. 2 (b).

Income Offsets

Any income or resources attributable to a child must be reported on the eligibility determination and considered as part of the negotiation process, as these may impact the amount of monthly payments received by a relative custodian.⁵⁶ There are four benefits that must be included as income offsets:

- Retirement, Survivors, and Disability Insurance (RSDI)
- Veterans benefits
- Railroad retirement benefits
- Black Lung benefits⁵⁷

While Supplemental Security Income (SSI) is **not** considered an income offset to Northstar Kinship Assistance, Northstar Kinship Assistance is considered an income offset for SSI. Relative caregivers whose children receive SSI must report to the Social Security Administration the amount of the monthly payment received from Northstar Kinship Assistance. This may result in an adjustment to SSI benefits by the Social Security Administration.

RSDI or SSI?

RSDI is different from SSI. RSDI is an income offset for Northstar Kinship Assistance; SSI is not. If a child receives one of these two benefits, confirm which one it is, as these two benefits are often confused with one another.

Parents may still need to pay child support after a TPLPC. If that is the case, child support payments must **not** be considered as income attributable to a child and therefore, not an income offset to Northstar Kinship Assistance. If a relative custodian receives benefits from Minnesota Family Investment Program (MFIP) in addition to Northstar Kinship Assistance benefits, a child who is eligible for Northstar Kinship Assistance must not be counted in the MFIP assistance unit. Other income and resources attributable to a child must be reported to the department and considered as part of the negotiation process.⁵⁸ In some instances, this income may impact the overall monthly payment received.

⁵⁶ M.S. § 256N.26, subd. 11 (c).

⁵⁷ M.S. § 256N.26, subd. 13.

⁵⁸ M.S. § 256N.26, subd. 11 (c).

Declining Benefits

Rather than directing prospective relative custodians to sign a statement to decline benefits, encourage them to finish the eligibility determination process first. They can always appeal a denial.

- Summary:** “Person” document in SSIS for prospective relative custodian(s) to voluntarily decline benefits
- Completed by:** Financially responsible agency
- Signed by:**
- Prospective relative custodian(s)
 - Financially responsible agency worker
 - Financially responsible agency supervisor
- What is done with it:**
- Financially responsible agency sends to the department with eligibility determination
 - The department provides final confirmation

In some instances, a prospective relative custodian may wish to decline Northstar Kinship Assistance benefits after discussing the benefit program with an agency worker. In this situation, an agency worker must still fill out an eligibility determination for a child, but rather than going through the eligibility questions, the worker would indicate a prospective relative custodian’s wish to decline benefits. A prospective relative custodian must sign a statement to decline benefits, along with the financially responsible agency worker and supervisor. Both the eligibility determination and the statement to decline benefits are submitted to the department for final confirmation.

The purpose of the statement to decline benefits is to show that an agency worker has discussed Northstar Kinship Assistance with a prospective relative custodian so the prospective relative custodian was able to make an informed decision. By signing a statement to decline benefits, a prospective relative custodian is waiving the right to appeal denial of benefits. Benefits include the monthly basic payment, any supplemental payment and Medical Assistance/Medicaid. It does not include reimbursement for non-recurring kinship expenses.

If it is unclear whether a prospective relative custodian will meet eligibility requirements, it is best to complete the eligibility determination process so an official determination is made. A prospective relative custodian may meet eligibility criteria; if not, a prospective relative custodian can appeal the denial. An appeal gives prospective relative custodians a chance to receive benefits, whereas a statement to decline benefits removes all possibility of receiving benefits.

Benefit Agreement

A benefit agreement must be fully executed—signed by all required parties—prior to finalizing a TPLPC, or a child will be ineligible to receive benefits.

- Summary:** “Person” document in SSIS that outlines the terms and provisions of a child’s Northstar Kinship Assistance
- Completed by:** Financially responsible agency
- Signed by:**
- Prospective relative custodian(s)
 - Financially responsible agency director (or designee)
 - Legally responsible agency director (or designee)
 - The department
- What is done with it:**
- Financially responsible agency sends to the department once all signatures have been obtained (excluding the department staff signature)
 - The department reviews and completes execution by signing the agreement

One of the eligibility requirements for Northstar Kinship Assistance is that all prospective relative custodians must have fully executed benefit agreements⁵⁹ with the legally and financially responsible agency/agencies and the department prior to finalization of the TPLPC. A fully executed benefit agreement will expire if a TPLPC is not ordered within two years of the benefit agreement’s execution.

The benefit agreement is standardized, meaning that a majority of the document cannot be changed. Though there are certain fields that are changeable (e.g., payment amount, effective date, name of child, etc.), the department and agencies cannot write in additional content.

There are two main benefit agreements:

- Pre-school entry
- School-age

Required Content in Benefit Agreement

- How long benefit agreement will be in effect
- How payments, services, and assistance will be provided, and in what amount
- Child’s Medicaid eligibility
- Terms of payments, including any child care portion
- Child’s eligibility for nonrecurring kinship expense reimbursements
- Effective regardless of where relative custodian lives
- How to modify benefit agreement, including renegotiation
- Effective date of agreement
- Successor relative custodian(s)

⁵⁹ M.S. § 256N.25, subd. 1 (b).

A child's type of benefit agreement (pre-school entry or school-age) is based on a child's age at the time an eligibility determination is submitted. Children who are under age six at the time of their eligibility determination submission date will qualify for a pre-school entry rate; children age six or older will qualify for a school-age rate. The pre-school entry rate is half of what a child would receive while in foster care, for both basic and any supplemental payments received. Once assigned, the pre-school entry rate is effective for the duration of the agreement; this means that when a child turns six years old, the child will still receive half of what the child would have received while in foster care.

Successor Relative Custodians

Prospective relative custodians have the option of listing successor relative custodians in benefit agreements, who are able to receive Northstar Kinship Assistance benefits upon the death or incapacity of relative custodians. The department strongly advises prospective relative custodians to list at least one successor relative custodian to ensure continued receipt of Northstar Kinship Assistance. If this field is left blank, relative custodians have the option of naming a successor relative custodian at a later date.

Successor relative custodians can be anyone except:

- Child's legal parent
- Child's biological parent
- Child's stepparent
- Another adult living in the home of the child's legal parent, biological parent or stepparent.⁶⁰

For more information on transferring a benefit agreement to a successor relative custodian, see Section 4: Post-permanency.

Renegotiations and Reassessments

A reassessment may not be requested or conducted when the benefit agreement has been signed by all parties, but the court has not yet ordered the TPLPC. A reassessment may be conducted during this interval if the benefit agreement expires before the court orders the TPLPC (two years after the benefit agreement's execution date).⁶¹

For more information on renegotiating benefit agreements and requesting reassessments post-permanency, see Section 4: Post-permanency.

⁶⁰ M.S. § 256N.22, subd. 10 (a).

⁶¹ M.S. § 256N.24, subd. 10 (d).

Section 3: The Court Process

Once all Northstar Kinship Assistance paperwork has been completed and fully executed, an agency may move forward with finalizing a TPLPC. This section outlines district court timelines, what needs to be included in a district court order, what the department does with a finalized court order, and what happens if a court order does not meet eligibility criteria.

For children under Minnesota tribal court jurisdiction, agencies follow the applicable tribal code, which may or may not have similar timelines and procedures.

District Court Timelines

(Note: There are protections afforded to Indian children and families under the ICWA. Consult with a county attorney about what to do when the ICWA applies. Some of the following court timelines may not be applicable for Indian children and families.)

Permanency Petition and Egregious Harm

County attorneys are statutorily required to file termination of parental rights petitions when one or more of the following circumstances exist:⁶²

- Child has been subjected to egregious harm, as defined in statute⁶³ (for example: Felony malicious punishment, substantial bodily harm, or criminal sexual conduct)
- Child is a sibling to a child who was subjected to egregious harm
- Child is an abandoned infant as defined in statute⁶⁴
- Child's parent has involuntarily lost parental rights to another child
- Child's parent has committed sexual abuse against the child or another child of the parent
- Child's parent has committed an offense that requires registration as a predatory offender
- Another child of a child's parent is the subject of an order that involuntarily transfers permanent legal and physical custody of the child to a relative.

In some circumstances, agencies and county attorneys are able to forego the required TPR petition and instead proceed with a TPLPC petition.⁶⁵ To do so, they would need to determine that adoption is not in a child's best interests and a TPLPC is in a child's best interests. To file a TPLPC petition in this circumstance, there must be an identified prospective relative custodian to whom legal and physical custody of a child will be permanently transferred.

When a TPLPC petition is filed in this situation, the court must schedule a permanency hearing within 30 days of the filing of the petition.⁶⁶ An admit-deny hearing must be held within 10 days of filing the TPLPC petition.

⁶² M.S. §§ 260C.178, subd. 1 (h); 260C.503, subd. 2.

⁶³ M.S. § 260C.007, subd. 14.

⁶⁴ M.S. § 260C.301, subd. 2 (a)(2).

⁶⁵ M.S. § 260C.503, subd. 2 (d)(1).

⁶⁶ M.S. § 260C.178, subd. 1 (h).

Six-month Permanency Progress Review Hearing in District Court

If children have been placed out of the home for six months, the court must hold a permanency progress review hearing.⁶⁷ If the court determines at a six-month permanency progress review hearing that a parent/guardian from whom a child was removed is not complying with the out-of-home placement plan, the court may order an agency to develop a plan for a legally permanent placement of the child away from the parent, and to file a petition in support of such a plan. The court may also order an agency to make efforts to find a permanent placement for a child with a relative, including out-of-state relatives.

The court can continue the matter for an additional six months, or it can order an agency to develop a plan for a TPLPC to a relative. If the latter is ordered, an agency must file a petition supporting the plan within 30 days of the hearing, and a trial must be held within 60 days of the filing.

Note: An agency does not need to wait for the court's directive to file a permanency petition. An agency may file a permanency petition at any time, if agency staff feel permanency is appropriate.

Required Permanency Proceedings in District Court

A permanency petition must be filed at, or prior to, the time a child has been in placement or in a noncustodial/nonresident parent's care for 11 months.⁶⁸ An admit-deny hearing must be held no later than 12 months from a child's placement in foster care or with a noncustodial/nonresident parent.⁶⁹ The actual permanency trial must be held within 60 days of the admit-deny hearing.⁷⁰

Petition

(Note: For children under jurisdiction of a Minnesota tribe, agencies follow applicable tribal code and procedures.)

A TPLPC petition may be filed in district court by either a responsible social services agency on behalf of a fit and willing relative, or another party to the permanency proceeding.⁷¹ An agency may file a TPLPC petition only if a child under jurisdiction of a district court has been placed with a prospective relative custodian by a responsible agency via a fully executed KPA. Prospective relative custodians named in a KPA must match those named in a TPLPC petition. For example, if there are two people named as prospective relative custodians in a KPA, the same two people must be named in the petition.

When a responsible social services agency files a TPLPC petition, a KPA must be filed with the petition as a separate document.⁷² The court will use the KPA to make required court findings. Because the KPA must be in place at the point of filing a TPLPC petition, it is not allowable to file a joint TPLPC/TPR petition. A Northstar Kinship Assistance benefit agreement is not filed with the court.

⁶⁷ M.S. § 260C.204.

⁶⁸ M.S. §§ 260C.503, subd. 1, and 260C.505 (a).

⁶⁹ M.S. § 260C.507 (a).

⁷⁰ M.S. § 260C.509.

⁷¹ M.S. § 260C.515, subd. 4 (5) and (6).

⁷² M.S. § 260C.515, subd. 4 (5).

Certain information found in TPLPC petitions and KPAs is considered confidential according to state law⁷³. For more information, see the department's bulletin #16-68-06C, Separating Confidential Documents and Information When Filing Juvenile Protection Case Records.

Another party to the proceeding (for example, a birth parent) may file a competing petition naming a fit and willing relative as a proposed relative custodian.⁷⁴ In this situation, a KPA is not filed with the petition, since the responsible social services agency would not have placed the child with the party. However, the competing petition must include facts the court can use to make its findings. The petition must not be filed later than the date of the admit-deny hearing.

In the case of competing petitions, the judge will hear both petitions and make a determination based on testimony and evidence presented.

When a TPR petition is required to be filed immediately due to circumstances of the case, an agency may instead choose to file a TPLPC petition. In this situation, it may not always be possible to have a fully executed KPA in place at the point of filing the petition; however, there should be an identified prospective relative custodian. A petition must be filed no later than 30 days prior to a permanency trial.

Requirements⁷⁵

The requirements for a TPLPC petition are as follows:

- Statement of facts that, if proven, would support petition
- Child's name, date of birth, race, gender, and current address (unless providing a current address would endanger a child or seriously risk disruption of a current placement)
- Child's parents' names, race, dates of birth, residences, and post office addresses, when known
- Name, residence, and post office address of child's legal custodian or person having care/custody of child, or the nearest known relative if there is no parent or legal custodian
- Name, residence, and post office address of child's spouse (if applicable)
- Statutory grounds on which petition is based with recitation of relevant portion of subdivision(s)
- Statement regarding applicability of ICWA
- Names and addresses of parties and participants, and statements identifying them as parties and participants
- Petition title of "Juvenile Protection Petition to Transfer Permanent Legal and Physical Custody"
- Name of fit and willing relative as proposed permanent legal and physical custodian.

When Another Party Files

If another party to the proceeding files a TPLPC petition, and the court is intending on granting the petition, consider asking the court to defer the final order so the agency can work with the proposed relative custodian to establish eligibility for Northstar Kinship Assistance.

⁷³ Minn. R. Juv. Prot. P. 8.04

⁷⁴ M.S. § 260C.515, subd. 4 (6).

⁷⁵ Minnesota Court Rules of Juvenile Protection Procedure, Rule 33.02, subs. 1 and 4.

The following may also be required, depending on the circumstances of a case:

- Notice that a proceeding to establish a parent/child relationship, or to declare nonexistence of such a relationship, may be brought at the same time as a TPLPC
- Notice that parents may apply for parentage establishment and child support services through the county child support agency.

If the subject of a TPLPC petition is an Indian child, the following must also be included:

- Name of child's tribe
- Name and post office address of child's Indian custodian and Indian custodian's tribal affiliation
- Statement regarding:
 - Specific actions taken to prevent child's removal from, and safe return to, parents/Indian custodian (including active efforts made and whether a qualified expert witness was provided)
 - Whether child's residence is on an Indian reservation (if yes, the name of the reservation)
 - Whether child is a tribal ward (if yes, name of tribe)
 - Whether child's tribe has exclusive jurisdiction.

Court Hearing

This section is only applicable to TPLPC hearings in district court. Tribal courts follow tribal codes.

Required Findings

To transfer permanent legal and physical custody of a child under jurisdiction of a district court to a relative who is not a parent, the court must find that:⁷⁶

- A transfer of permanent legal and physical custody to a relative and receipt of Northstar Kinship Assistance, when requested and if child is eligible, are in the best interests of a child
- Adoption is not in a child's best interests based on the determinations in the KPA
- The agency made efforts to discuss adoption with a child's parent(s), or did not make efforts, and why efforts were not made
- There are reasons to separate siblings during placement, if applicable.

Sibling Separation

Unlike adoption, a separate sibling separation court order is not required for separating siblings for the purpose of a transfer of permanent legal and physical custody to a relative. The court is only required to find that there are reasons to separate siblings during placement. Agencies should document efforts to place siblings together so that the court can make this finding, if needed.

⁷⁶ M.S. § 260C.515, subd. 4 (7)

There are additional required findings for when the district court issues an order that permanently places a child outside of the home from which the child was removed.⁷⁷ These must be included in every TPLPC order issued by a district court:

- How a child's best interests are served by the order
- The nature and extent of a responsible social services agency's reasonable efforts (or active efforts, in the case of an Indian child) to reunify a child with a parent or guardian (where reasonable efforts are required)
- Parents' efforts and ability to use services to correct the conditions which led to the out-of-home placement
- That the conditions which led to the out-of-home placement have not been corrected so the child can safely return home.

Deferring a Final Court Order

In some instances, a TPLPC court hearing may be held before Northstar Kinship Assistance paperwork has been completed and fully executed. If a TPLPC is ordered either in district or tribal court before all required documents for Northstar Kinship Assistance are fully executed, a child will be ineligible for benefits. Local social services agencies need to know what is allowed in statute when a hearing takes place prior to paperwork being fully executed, and a relative custodian wishes to apply for benefits. Tribal codes may have different procedures.

If a prospective relative custodian wishes to apply for Northstar Kinship Assistance benefits, the court can **defer** a final TPLPC order to allow time for the agency, family, and the department to complete and fully execute the Northstar Kinship Assistance paperwork.⁷⁸ At the TPLPC deferral court hearing, an agency (through the county or tribal attorney) can request the court to do one or more of the following:

- Take testimony or hear evidence regarding the TPLPC petition, including testimony from the prospective relative custodian(s) or from a parent in support of the TPLPC petition (and for Indian children, from a qualified expert witness)
- Request that reasonable efforts towards reunification with parent(s) be ceased (for children under jurisdiction of a district court; active efforts, if an Indian child)
- Ask the court to defer the final order and set the matter on for a review hearing in 90 days (due to continued foster care placement).

Note: A court can order a TPLPC at any time if a prospective relative custodian does not wish to apply for Northstar Kinship Assistance, or eligibility has been denied. In these situations, a deferred order is not necessary.⁷⁹

Federal policy guidance and Minnesota law⁸⁰ require that a fully executed Northstar Kinship Assistance benefit agreement be in place prior to a finalized TPLPC. Since Minnesota Statutes only include

⁷⁷ M.S. § 260C.517 (a)

⁷⁸ M.S. § 260C.515, subd. 4 (8)

⁷⁹ M.S. § 260C.515, subd. 4 (9)

⁸⁰ ACYF-CB-PI-10-01; M.S. § 256N.22, subd. 1 (a)(6)

deferred finalizations as an option, the department does not accept stayed orders. It is important that the court defer finalization, rather than stay the order, to establish Northstar Kinship Assistance eligibility.

Final Court Order

Once a responsible social services agency receives a fully executed Northstar Kinship Assistance benefit agreement, a TPLPC court order can be finalized. If a TPLPC order was previously deferred, a subsequent order should be issued that finalizes the TPLPC.

For purposes of establishing eligibility for Northstar Kinship Assistance, the department cannot accept final TPLPC court orders in which legal and/or physical custody is shared jointly between a relative custodian and a parent. A TPLPC ordered under Minnesota Statutes, section 260C.515, subdivision 4, is considered a permanent legal placement away from a parent and out of a parent's custody, and is only ordered when both reunification and adoption are not appropriate permanency options for a child.

Minnesota law requires the court to issue an order within 15 days of close of the proceedings. This can be extended an additional 15 days, when necessary, in the interests of justice and the best interests of a child.⁸¹

Final TPLPC orders must be sent to the department to finalize eligibility. For TPLPC orders that were previously deferred, the department may also request a copy of the deferred order, if required court findings are in the deferred order and not in the final order. Agencies should check with their court administration to determine who is responsible for sending the department a copy of the final TPLPC order (and deferred TPLPC order, if applicable). Court administration is not statutorily required to send the department TPLPC orders; if it does not send TPLPC orders to the department, it is the responsibility of the agency to ensure the department receives a copy of all applicable orders.

⁸¹ M.S. § 260C.517 (b)

Section 4: Post-permanency

Setting Up Payments and Benefits

Relative custodians are assigned Northstar Kinship Assistance specialists at the department, who handle payments and reimbursements under Northstar Care for Children. Questions related to payments and benefits should be directed to a relative custodian's assigned specialist at the department.

Once a benefit agreement is fully executed, the department will send an introduction letter with a copy of the finalized benefit agreement, information about the Northstar Kinship Assistance program, and confirmation that the prospective relative custodians can now finalize the TPLPC.

Payments

Relative custodians must submit W-9 forms to Minnesota Management and Budget (MMB). MMB will provide the department with a vendor number so the department can set up payments for a relative custodian. This process can take time; relative custodians are advised that this process can delay the first few payments by one to three months.

Medical Assistance

A child's case manager at the financially responsible agency must notify the county financial worker to close a child's foster care Medical Assistance case. The department also sends a notice to close the case.

- If a child is eligible for Title IV-E Northstar Kinship Assistance, the department will send notice to the child's county of residence to open a Medical Assistance–Kinship Assistance case. Children receiving Title IV-E Northstar Kinship Assistance are categorically eligible for Medical Assistance and do not need to apply for it on their own.
- If a child is not eligible for Title IV-E Northstar Kinship Assistance but is receiving non–Title IV-E Northstar Kinship Assistance, a child's relative custodian must apply for Medical Assistance on behalf of the child. In this case, a child must qualify for Medical Assistance on their own. The department will send a letter to the county of residence notifying them that a family receiving non–Title IV-E Northstar Kinship Assistance may apply for Medical Assistance.

Non-recurring Kinship Expenses

Certain non-recurring expenses associated with a TPLPC can be reimbursed, up to \$2,000 per child.⁸² A relative custodian's eligibility for reimbursement of non-recurring kinship expenses is outlined in the Northstar Kinship Assistance Benefit Agreement. Requests for reimbursements must be received by the department within 21 months of the date of a finalized TPLPC court order.

⁸² M.S. § 256N.25, subd. 1 (b)(5)

Modifying and Terminating the Benefit Agreement

Reporting Changes

Relative custodians are required by law to report certain changes that may impact monthly payment or a child's eligibility for Northstar Kinship Assistance, as well as any changes that will affect the ability of the department to send payments. Relative custodians must notify the department within 30 days of any of the following:⁸³

- Change in a child's or relative custodian's legal name
- Change in a family's address
- Change in a child's legal custody status
- Child's completion of high school, if this occurs after a child attains age 18
- The end of a relative custodian's legal responsibility to support a child based on a transfer of permanent legal and physical custody to another person
- The end of a relative custodian's financial support of a child
- Child's death
- Caregiver's death
- Child enlists in the military
- Child gets married
- Child becomes an emancipated minor through legal action
- Relative custodian separates or divorces
- Child is residing outside a relative custodian's home for more than 30 consecutive days.

Failure to report any of the above changes, or reporting inaccurate or untrue information, will result in a fraud investigation.⁸⁴ Failure to report changes of address may result in an inability to forward relevant information from the department to relative custodians, including information about extending benefit agreements, legislative changes, and new reporting procedures.

Renegotiations and Reassessments

When there is a change in a child's needs or family's circumstances, a relative custodian can request renegotiation of a benefit agreement.⁸⁵ Renegotiation may require a reassessment. If a reassessment indicates that a child's needs, and thus the payment amount, has changed, the benefit agreement must be renegotiated and agreed to by the department, the financially responsible agency, and the relative custodian. The new rate is effective once all parties, including the department, have signed the amendment to the benefit agreement.⁸⁶ If an agreement cannot be reached, a relative custodian can appeal the modification.

⁸³ M.S. § 256N.26, subd. 20

⁸⁴ M.S. § 256N.26, subd. 21

⁸⁵ M.S. § 256N.25, subd. 3

⁸⁶ M.S. § 256N.24, subd. 12

Benefit agreements must be renegotiated if:⁸⁷

- Child becomes eligible for and begins receiving RSDI, veteran's benefits, railroad retirement benefits and/or Black Lung benefits
- Child stops receiving monthly payments for RSDI, veteran's benefits, railroad retirement benefits and/or Black Lung benefits
- Child's monthly payment for RSDI, veteran's benefits, railroad retirement benefits and/or Black Lung benefits changes. If it changes by less than \$75 per month, renegotiation is not needed.⁸⁸

After a TPLPC is finalized, relative custodians may request reassessment of their child's needs if at least six months have passed since the previous assessment or reassessment.⁸⁹ The request must be submitted in writing to the department and must include the reason for the request and the name, address and contact information for the relative custodians. Financially responsible agencies must complete reassessments within 30 days of a request.⁹⁰ If unable to do so, an agency must inform the relative custodians of the reason for the delay, and when the agency expects to complete the reassessment.

Reassessments must be conducted in consultation with the relative custodian, though face-to-face contact is not required. The financially responsible agency completes the reassessment.

Termination of Benefit Agreement

The department must send a relative custodian written notice of termination of a benefit agreement at least 15 days before the final payment, or within three days if unplanned.⁹¹ If planned, the department will send a notice of termination four months prior to the planned close date. Notice includes:

- Payment end date
- Reason for payments ending, including the event that was the basis for ending payments
- Fair hearing review rights and how to request a fair hearing
- Name, telephone number, and email address of the department contact person.

A benefit agreement *must* be terminated under the following circumstances:

- Child turns age 18, and no extension has been requested by the relative custodian
- Child turns age 21, if the relative custodian requested and the department approved an extension
- Child has not turned age 18, but the commissioner of human services determines the relative custodian is no longer legally responsible for supporting the child
- The commissioner of human services determines that a relative custodian is no longer financially supporting a child up to age 21
- Child dies
- Relative custodian requests, in writing to the department, to terminate the benefit agreement.

⁸⁷ M.S. §§ 256N.25, subd. 3 (c); 256N.26, subd. 13

⁸⁸ M.S. § 256N.26, subd. 13 (d)

⁸⁹ M.S. § 256N.24, subd. 10 (a)

⁹⁰ M.S. § 256N.24, subd. 10 (c)

⁹¹ M.S. § 256N.26, subd. 22

A relative custodian is considered no longer legally responsible for financially supporting a child when:⁹²

- Permanent legal and physical custody of a child has been transferred to someone else
- Relative custodian dies
- Child enlists in the military
- Child gets married
- Child is legally determined to be an emancipated minor.

Once a benefit agreement is terminated, it cannot be reinstated unless through an appeal.

Extensions to Benefit Agreements

Benefit agreements can be extended to age 21 under certain circumstances.⁹³ The department sends notices to relative custodians four months before a child's 18th birthday. They have two months to return required documentation to the department.⁹⁴ An amendment to the benefit agreement must be signed by the relative custodian and the department at least 10 business days before the agreement's end date.⁹⁵

Eligibility Requirements for an Extension

Children whose benefit agreement's effective date is on or after the date they turn age 16 must:⁹⁶

- Be dependent on the relative custodian for care and financial support, **and**
- Meet at least one of the following:
 - Completing a secondary education program (e.g., high school) or a program leading to an equivalent credential (e.g., GED)
 - Enrolled in a post-secondary or vocational education institution (e.g., college)
 - Participating in a program or activity whose purpose is to remove barriers to employment or promote employment
 - Employed for at least 80 hours per month
 - Incapable of doing any of the above items due to a medical condition, and this incapability is supported by professional documentation.

Children whose benefit agreement's effective date is before they turn age 16 must:⁹⁷

- Be dependent on the relative custodian for care and financial support, **and**
- Either:
 - Have a physical or mental disability that impairs the capacity for independent living and the department determines an extension is warranted, **or**
 - Enrolled in a secondary education program (high school or equivalent).

⁹² M.S. § 256N.22, subd. 8 (b)

⁹³ M.S. § 256N.22, subd. 11

⁹⁴ M.S. § 256N.22, subd. 11 (b)

⁹⁵ M.S. § 256N.22, subd. 11 (c)

⁹⁶ M.S. § 256N.22, subd. 11 (e)

⁹⁷ M.S. § 256N.22, subd. 11 (f)

Transferring to a Successor Relative Custodian

When a relative custodian dies or becomes incapacitated, the benefit agreement is terminated. There are two different routes for Northstar Kinship Assistance to be continued.

If a successor relative custodian is named on a benefit agreement, a child's Title IV-E eligibility will not be affected upon the death or incapacity of a relative custodian.⁹⁸ To receive Northstar Kinship Assistance, a successor relative custodian must:⁹⁹

- Meet background study requirements (no exemption to this requirement)
- Renegotiate the benefit agreement, which includes cooperating with a reassessment
- Be ordered by the court to be a child's legal relative custodian in a post-permanency modification proceeding
- Do all of the above within one year of a relative custodian's death or incapacity.

The exception to the last bullet item is if the department certifies that a successor relative custodian did make reasonable efforts to satisfy the requirements within one year, and the failure to satisfy requirements was not the fault of the successor relative custodian.

Payments may be made temporarily to a successor relative custodian while they are working on completing requirements.¹⁰⁰ Ongoing payments begin the month in which all requirements are met.

If a relative custodian chooses not to name a successor relative custodian, there is a possibility of continuing Northstar Kinship Assistance.¹⁰¹ In this case, a child will **not** retain Title IV-E eligibility, even if the child was Title IV-E-eligible previously.¹⁰²

To continue non-Title IV-E Northstar Kinship Assistance, the commissioner of human services must give written consent to an individual who was court appointed as a child's guardian or custodian upon the death of a relative custodian. This does not apply to children whose custody was transferred to a county, tribal, or child-placing agency (including child protection cases).

The department may approve temporary Northstar Kinship Assistance to be paid for up to six consecutive months from the date of a relative custodian's death or incapacity.¹⁰³ If by that time the court has not appointed a permanent legal guardian or custodian, payments must be terminated.

⁹⁸ M.S. § 256N.22, subd. 10 (a)-(c)

⁹⁹ M.S. § 256N.22, subd. 10 (b)

¹⁰⁰ M.S. § 256N.22, subd. 10 (c)

¹⁰¹ M.S. § 256N.22, subd. 10 (d)

¹⁰² M.S. § 256N.22, subd. 10 (f)

¹⁰³ M.S. § 256N.22, subd. 10 (e)

Modifying a Final Court Order

A final TPLPC court order may be modified using standards found in Minnesota Statutes, sections 518.18 and 518.185.¹⁰⁴ If someone wishes to modify a TPLPC court order, the social services agency is a party to the proceeding and must receive notice.

In the event that a relative custodian becomes incapacitated or dies, a named successor relative custodian may file a request to modify the TPLPC order to name the successor relative custodian as the permanent relative custodian. The court will review a successor relative custodian's required background study and may order the successor relative custodian as the permanent relative custodian.

¹⁰⁴ M.S. § 260C.521, subd. 2 (a)

Section 5: Basic Procedures Checklist

This checklist is meant to provide a basic overview of Northstar Kinship Assistance procedures. It assumes that an agency has identified prospective relative custodian(s), Northstar Kinship Assistance is being requested, and eligibility will be approved. Items not covered in this checklist are eligibility requirements, required documents, required court findings, exemption requests, anomalies and foster care requirements. Note that steps 2a and 4a provide for alternatives to steps 2 and 4. In this checklist, “DHS” refers to the Minnesota Department of Human Services.

Step 1. Kinship Placement Agreement – legally responsible agency

- Worker, supervisor, and all prospective relative custodians sign Kinship Placement Agreement.
- If child is age 14 or older, child also signs Kinship Placement Agreement.

Step 2. Eligibility determination – financially responsible agency

Follow this step when all prospective relative custodians are **requesting** Northstar Kinship Assistance benefits.

- Worker fills out eligibility determination and submits to DHS for confirmation, along with any required documentation.
- DHS reviews eligibility determination within 15 business days and may ask for additional information or correction.
- If necessary, worker provides additional information or correction and sends it back to DHS for confirmation.
- DHS confirms eligibility.

Continue to step 3.

Step 2a. Eligibility determination – financially responsible agency

Follow this step when all prospective relative custodians are **declining** Northstar Kinship Assistance benefits.

- Worker fills out eligibility determination and marks “no” when asked if prospective relative custodian(s) wish to apply for benefits.
- Worker generates statement to decline benefits in SSIS and has all prospective relative custodians sign, in addition to agency representative.
- Worker submits eligibility determination and statement to decline benefits to DHS for confirmation, along with any other required documentation.
- DHS reviews and confirms eligibility determination within 15 business days.

Go to step 4.

Step 3. Benefit agreement – legally and financially responsible agency (or agencies)

- Financially responsible agency worker creates the Northstar Kinship Assistance Benefit Agreement in SSIS based on confirmed eligibility.
- Legally and financially responsible agency director(s)/director’s designee(s) and all prospective relative custodians sign benefit agreement.
- Financially responsible agency worker sends benefit agreement to DHS for commissioner’s designated agent to sign.
- Legally and financially responsible agency worker(s) receives benefit agreement signed by DHS. Note: DHS will also send a copy to all prospective relative custodians and, after receipt of finalized court order, the county of residence.

Step 4. TPLPC court hearing

Follow this step if the TPLPC court hearing is held **after** eligibility has been determined and the benefit agreement has been signed by DHS.

- Signed Kinship Placement Agreement is filed with the TPLPC petition as a separate document.
- All prospective relative custodians who signed the Kinship Placement Agreement are also named in the TPLPC petition. (See example.)
- TPLPC court order is finalized with required court findings included in the order.
- Court administration or agency sends TPLPC court order to DHS.

Example: Relative custodian 1 and relative custodian 2 are named as prospective relative custodians in Kinship Placement Agreement, eligibility determination, and benefit agreement. Relative custodian 1 and relative custodian 2 **must** be named as relative custodians in the TPLPC petition; **neither** can be excluded, and **no others may be added**.

Step 4a. TPLPC court hearing

Follow this step if the TPLPC court hearing is held **before** eligibility has been determined and/or the benefit agreement has been signed by DHS, **and** all prospective relative custodians are requesting Northstar Kinship Assistance.

- Signed Kinship Placement Agreement is filed with the TPLPC petition as a separate document.
- All prospective relative custodians who signed the Kinship Placement Agreement are also named in the TPLPC petition. (See example.)
- Court preserves testimony and **defers** finalization of the TPLPC order until eligibility has been approved and the benefit agreement has been signed by all parties, including DHS.
- Worker completes steps 2 and 3 of the Basic Procedures Checklist.
- Judge issues final TPLPC court order after receiving confirmation that a benefit agreement is fully executed. Signature date on final court order must be on or after date the benefit agreement is fully executed.
- Court administration or agency sends final TPLPC court order to DHS.
- DHS may request deferred court order.

Once DHS receives the finalized TPLPC court order (and deferred TPLPC court order, if applicable), DHS staff will review the court order(s) for required findings and to ensure that names, dates of birth, and other information are accurate. This is the last step in determining eligibility. Once eligibility is confirmed, DHS will set up benefits.

