

Bulletin

January 5, 2007

Minnesota Department of Human Services ■ P.O. Box 04941 ■ St. Paul, MN 55164-0941

OF INTEREST TO

- County Directors
- Social Services Supervisors and Staff

ACTION

Please distribute attached flyer as appropriate.

EXPIRATION DATE

December 31, 2007

DHS announces updated flyer on Relative Custody Assistance

TOPIC

Relative Custody Assistance flyer.

PURPOSE

Explain the legal, financial and medical obligations and available options to relatives who may choose to become the permanent legal and physical custodians of children.

CONTACT

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SIGNED

CHARLES E. JOHNSON
Assistant Commissioner
Children and Family Services

Background

The revised Relative Custody Assistance flyer is now available on the Minnesota Department of Human Services Web site. The flyer can be found at <http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4769-ENG>. This flyer should be shared with prospective relative custodians who are considering becoming the permanent legal and physical custodians of children. In accordance with Minnesota Statutes Section 260C.201, subdivision 11a, Review of Court Ordered Placements: Permanent Placement Determination, "The social services agency may bring a petition or motion naming a fit and willing relative as a proposed permanent legal and physical custodian. The commissioner of human services shall annually prepare for counties information that must be given to proposed custodians about their legal rights and obligations as custodians, together with information on financial and medical benefits for which the child is eligible." This flyer satisfies that statutory requirement.

Special Needs

This information is available in other forms to persons with disabilities by calling (651) 431-4171, or contact us through the Minnesota Relay Service at 1 (800) 627-3529 (TTY) or 1 (877) 627-3848 (speech-to-speech relay service).



Relative Custody Assistance

Help for people who accept custody of a child through juvenile court

A transfer of permanent legal and physical custody

A transfer of permanent legal and physical custody of a child ordered by a Minnesota Juvenile Court under Minnesota Statute 260C.201, subdivision 11, occurs when the child has been removed from the care of the parent by previous district or tribal court order. This transfer gives authority to another person. That person becomes the child's legal and physical custodian. The custodian can make decisions for the child. In this transfer, the court rules that the child cannot return to the parents' home.

Decision making

The custodians make decisions as if the child were born to them. This includes the protection, education and care of the child.

The role of birth parents

The child's birth parents are still the legal parents. The court may order them to pay child support. They cannot make decisions for the child unless permanent custody is returned through family court.

Income eligibility

There is no income limit for the Minnesota Family Investment Plan (MFIP). The custodian must apply for a MFIP child-only grant. Even if the child is not able to get MFIP, the child may still be able to get Relative Custody Assistance.

Relative Custody Assistance (RCA) is limited to families with a gross annual income no more than three times the federal poverty guideline, or 300 percent on the chart shown on page 2. The county transferring custody decides if the child is eligible. The county must decide anytime before, but no later than seven calendar days after, the court order. The custodian must give financial facts to the local agency. If the child is eligible, the agreement must be prepared within 30 days of transferring permanent custody.

Financial support

The relative custodian may be able to get two types of financial help:

- Temporary Assistance for Needy Families (TANF) grant, known here as the Minnesota Family Investment Plan (MFIP)
- Relative Custody Assistance (RCA).

The child's custodian must apply to the county social service office for a Temporary Assistance for a MFIP child-only grant. Through this they may receive a monthly grant and the child will receive Medical Assistance.

Relative Custody Assistance (RCA) is in addition to MFIP. Together RCA and MFIP give the same

monthly financial help as the child would receive from Adoption Assistance.

To be considered for RCA, relatives must receive custody of a child with special needs through a Minnesota juvenile court. A relative is linked to the child through blood, marriage, adoption or important friendship. For an Indian child, relatives include members of the extended family as defined by the law or custom of the Indian child's tribe. Special needs means a child is being placed with their siblings or has a documented physical, mental, emotional or behavioral disability or high risk of developing one.

Federal Poverty Guidelines for the year 2006 Annual (Monthly) Income

Family Size	100%	120%	133%	135%	150%	175%	185%	200%	250%	300%
1	\$9,800 (\$817)	\$11,760 (\$980)	\$13,034 (\$1,086)	\$13,230 (\$1,102)	\$14,700 (\$1,225)	\$17,150 (\$1,429)	\$18,130 (\$1,511)	\$19,600 (\$1,633)	\$24,500 (\$2,042)	\$29,400 (\$2,451)
2	\$13,200 (\$1,100)	\$15,840 (\$1,320)	\$17,556 (\$1,463)	\$17,820 (\$1,485)	\$19,800 (\$1,650)	\$23,100 (\$1,925)	\$24,420 (\$2,035)	\$26,400 (\$2,200)	\$33,000 (\$2,750)	\$39,600 (\$3,300)
3	\$16,600 (\$1,383)	\$19,920 (\$1,660)	\$22,078 (\$1,840)	\$22,410 (\$1,867)	\$24,900 (\$2,075)	\$29,050 (\$2,421)	\$30,710 (\$2,559)	\$33,200 (\$2,767)	\$41,500 (\$3,458)	\$49,800 (\$4,149)
4	\$20,000 (\$1,667)	\$24,000 (\$2,000)	\$26,600 (\$2,217)	\$27,000 (\$2,250)	\$30,000 (\$2,500)	\$35,000 (\$2,917)	\$37,000 (\$3,083)	\$40,000 (\$3,333)	\$50,000 (\$4,167)	\$60,000 (\$5,001)
5	\$23,400 (\$1,950)	\$28,080 (\$2,340)	\$31,122 (\$2,593)	\$31,590 (\$2,632)	\$35,100 (\$2,925)	\$40,950 (\$3,412)	\$43,290 (\$3,607)	\$46,800 (\$3,900)	\$58,500 (\$4,875)	\$70,200 (\$5,850)
6	\$26,800 (\$2,233)	\$32,160 (\$2,680)	\$35,644 (\$2,970)	\$36,180 (\$3,015)	\$40,200 (\$3,350)	\$46,900 (\$3,909)	\$49,580 (\$4,132)	\$53,600 (\$4,467)	\$67,000 (\$5,583)	\$80,400 (\$6,699)
7	\$30,200 (\$2,517)	\$36,240 (\$3,020)	\$40,166 (\$3,347)	\$40,770 (\$3,397)	\$45,300 (\$3,775)	\$52,850 (\$4,404)	\$55,870 (\$4,656)	\$60,400 (\$5,033)	\$75,500 (\$6,292)	\$90,600 (\$7,551)
8	\$33,600 (\$2,800)	\$40,320 (\$3,360)	\$44,688 (\$3,724)	\$45,360 (\$3,780)	\$50,400 (\$4,200)	\$58,800 (\$4,900)	\$62,160 (\$5,180)	\$67,200 (\$5,600)	\$84,000 (\$7,000)	\$100,800 (\$8,400)

*For family units of more than eight members, add \$3,400 for each additional member.

Relative Custody Assistance Agreement

The Relative Custody Assistance Agreement is a legal description of the rights and responsibilities of the custodian and the county. The custodian and a representative from the county agency must sign it.

After deciding if the family can get RCA, the exact amount depends on the child being able to get MFIP. First, the agency decides what the child would receive in the Adoption Assistance program. The agency must subtract the amount received from MFIP. The balance is the RCA payment. The RCA payment will be reduced when gross family income is two times more than the federal poverty guidelines. The family unit is the whole family, including the custodial children. Read and review the worksheets used to calculate the RCA amount. Your social worker will give these to you, when you ask for them.

Relative Custody Assistance begins the first day of the month that the transfer of custody was ordered. Each year the local agency will mail an Annual Affidavit to determine continuing eligibility. The custodian must fill out the form. They must have their signature notarized. They must then return the form within 30 days of the anniversary date. If the family meets all the rules, RCA is in effect until the child is 18.

To make any changes to the agreement, the custodian must write to the county office. This includes changes in the family income, family size, the child's special needs, or the family's address. The monthly RCA may increase or decrease based on this information.

For further facts, please contact:

Minnesota Department of Human Services
Children and Family Services Administration
Relative Custody Assistance Program
PO Box 64944
St. Paul, MN 55164-0944
(651) 431-4718
www.dhs.state.mn.us

Appeal

The custodian has the right to appeal any act that denies, discontinues, or modifies services. The appeal must be in writing, within 30 days of the notice or within 90 days if the custodian can show good cause for the delay, to:

Minnesota Department of Human Services
Appeals Office
PO Box 64941
St. Paul, MN 55164-0941

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