

# Bulletin

March 26, 2008

Minnesota Department of Human Services -- P.O. Box 64941 -- St. Paul, MN 55164-0941

**OF INTEREST TO**

- County Directors
- County Social Services Supervisors and Staff
- County Foster Care Candidacy Specialists
- County SSTS Coordinators

**ACTION/DUE DATE**

For your review.

**EXPIRATION DATE**

March 26, 2010

## Foster Care Candidacy and the County Social Services Time Study (SSTS)

**TOPIC**

Foster care candidacy requirements as part of the counties' Social Services Time Study (SSTS).

**PURPOSE**

To provide definitions, minimum requirements, and a revised form for including foster care candidacy in the counties' SSTS process.

**CONTACT**

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**SIGNED**

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## **Background**

Title IV-E administrative reimbursement is available for activities that assist the state in administration of the Title IV-E foster care program. In order for some client-specific activities to be eligible for federal reimbursement, the child must be determined to be at imminent risk of removal from the home, to be a foster care candidate. Case management activities for children determined to be foster care candidates are eligible for reimbursement under Title IV-E.

The Social Services Time Study (SSTS) is the claiming mechanism used by counties to obtain reimbursement for those administrative costs. The Minnesota Department of Human Services (DHS) revised the SSTS to reflect necessary changes effective April 1, 2008.

Per federal regulations, only the state Title IV-E agency can determine whether a child meets these criteria. Because Minnesota is a state supervised, county administered social services system, the responsibility for foster care candidacy determinations rests with county human services.

For more information on the revised SSTS activity codes, see DHS bulletin #08-32-03.

## **ACTION REQUESTED**

Counties must review the minimum requirements related to foster care candidacy to ensure that their time study process complies with the federal requirements of Title IV-E.

## **DEFINITION OF A FOSTER CARE CANDIDATE**

In 2006 the definition of who qualifies as a foster care candidate was narrowed, as well as the documentation requirements pertaining to those children. The Administration for Children Youth and Families (ACYF) issued the following policy, ACYF-CB-IM-06-02, dated June 9, 2006, which states:

*“New section 472(i)... permits a State to claim Federal reimbursement for allowable administrative costs for a potentially title IV-E eligible child who is at **imminent** risk of removal from the home if:*

- Reasonable efforts are being made to prevent the removal of the child from the home or, if necessary, to pursue the removal, and*
- The State agency has made, at least every six months, a determination or re-determination that the child remains at imminent risk of removal from the home.”*

See Attachment I for the *Definition of Imminent Risk of Removal*.

## **RECAP OF MINIMUM REQUIREMENTS IN ORDER TO COMPLY WITH FEDERAL TITLE IV-E REGULATIONS**

1. Designate foster care candidacy specialist if one has not already been named
2. Understand role of county human service agency
3. Understand ability to share data within county
4. Determine and document foster care candidacy
5. Communicate names of foster care candidates to SSTS participants
6. Determine and document foster care candidacy re-determinations every six months.

### **1. Designate Foster Care Candidacy Specialist**

Federal regulations require that the foster care candidacy specialist must be an employee of the county human service agency. Because the agency is ultimately responsible for foster care candidacy determinations, it is their choice as to who in the agency is assigned to this position. This person must be skilled in the area of social work and child protection laws and regulations. To ensure compliance with federal requirements, DHS published a core set of qualifications for the counties' use in determining who fills this position. See Attachment II for *Core Qualifications for the Foster Care Candidacy Specialist*.

The county's foster care candidacy specialist must attend mandatory training provided by DHS before they begin making foster care candidacy determinations. New county foster care candidacy specialists who have not received this training should contact Fran Felix at (651) 431-4386, or [fran.felix@state.mn.us](mailto:fran.felix@state.mn.us) to arrange for the training.

### **2. Understand role of county human service agency**

The county human service agency has the legal and administrative authority to make foster care candidacy determinations, and it:

- A. Must, at a minimum, provide a list of names of children who are currently in foster care to county staff who participate in the SSTS time study. Although these children are not foster care candidates (because they are already in placement), a claim can be made on their behalf in addition to the foster care candidates.
- B. Is encouraged to review all case files of children; make foster care candidacy determinations for these children; and provide a list of names of foster care candidates to SSTS time study participants.
- C. Has the authority to receive recommendations from agency staff of the names of children who may be foster care candidates; to make candidacy determinations on these children; and communicate the names of candidates to SSTS time study participants.

The county human service agency is ultimately responsible for all decisions regarding the foster care candidacy determination process (e.g., how information flows back and forth from the foster care candidacy specialist to the SSTS time study participants, any related processes, timelines, who retains documentation and where, etc.)

### 3. Understand the ability to share data within the agency

The county human service agency makes individualized determinations for children who meet the criteria to be considered for foster care candidacy. In order to make those determinations, the foster care candidacy specialist will need sufficient information from participating staff. Some of the information about the child will be private, such as name, date of birth, and reasons the time study participant believes the child is at imminent risk of removal from their home without services to prevent removal.

Sharing this private information among staff of each county human service agency is permitted by the Minnesota Data Practices Act, and complies with the Health Insurance Portability and Accountability Act (HIPAA).

### 4. Determine foster care candidacy

The county human services agency must use the *Foster Care Candidacy Determination* form (DHS FCCD – 3333) to identify and document foster care candidates. This form incorporates the candidacy eligibility criteria; that is why it is essential for counties to use this form when making determinations. The form is intended for use in its present form and must *not* be modified by the county. See Attachment III for the *Foster Care Candidacy Determination* form.

**Note - the foster care candidacy determination process is not a substitute for mandated reporting of child abuse and neglect matters.**

### 5. Communicate names of candidates to SSTS participants

All foster care candidacy determinations must be made BEFORE the random moment occurs. The random moment is the time period provided by DHS for the participant to indicate the type of activity in which they are involved. At the time the SSTS participant receives notice of a random moment, it is too late to begin the process of requesting that a determination be made for a child they are working with, or on behalf of. Instead, the participant must refer to the list of names that is in place at the time the random moment occurred. If the child's name does not appear on the list, they cannot select activity codes that are reserved for the child-specific activity that pertains only to foster care candidates. After the random moment has been completed, the participant can begin the process of requesting that a determination be made for that child. However, the participant must not assume that a child will eventually be determined to be a foster care candidate for purposes of activity code selection.

### 6. Conduct and document candidacy re-determinations every six months

There is no maximum length of time a child can remain a foster care candidate. However, the county human service agency must document the justification for retaining the child in foster-care candidate status for longer than six months by conducting a re-determination every six months. DHS staff recommend that the county human service agencies use the *Foster Care Candidacy Determination* form (DHS FCCD – 3333) for the re-determination documentation.

## Questions or Concerns

If you have questions or concerns regarding this bulletin, contact Fran Felix, (651) 431-4386, or [fran.felix@state.mn.us](mailto:fran.felix@state.mn.us).

## QUESTIONS AND ANSWERS

1. **Is it permissible for the SSTS time study participant to act as a pre-reviewer?**  
No.
2. **What is a foster care candidate?**  
A foster care candidate is a child who is considered a candidate for foster care. The definition of a foster care candidate is referenced on the *Foster Care Candidacy Determination* form (DHS FCCD – 3333).
3. **Are children who are currently in foster care considered foster care candidates?**  
A child cannot be a candidate for foster care and be currently in foster care at the same time; they are either one or the other (or neither). Children who are currently *in* foster care placement are not foster care candidates because once they enter the foster care system, their status changes. The human service agency can add those children to the lists that they are sharing with their time study participants; the county can obtain reimbursement through the SSTS for activities on behalf of children currently in foster care and those considered to be candidates for foster care.
4. **What if there are no foster care candidates?**  
At a minimum, the foster care candidacy specialist must communicate the names of children who are currently in foster care. Although these children are not technically candidates for foster care (because they are already in placement), the county can claim on behalf of these children as well. If the foster care candidacy specialist does not communicate the names of children who are currently in foster care to the time study participants - AND - the participants do not make recommendations to the specialist for foster care candidacy determination, then technically there is no foster care candidacy process in place.
5. **Can the *Foster Care Candidacy Determination* form be modified?**  
No. DHS FCCD-3333 is the state-approved form for determination of foster care candidacy. Program specialists are interested in recommendations for changes. Forward your suggestions to Fran Felix.
6. **Is the SSTS time study participant required to provide supplemental information with the *Foster Care Candidacy Determination* form?**  
No. Federal policy states that an acceptable method of documenting eligibility for foster care candidacy is a foster care candidacy determination form. For Minnesota, the approved documentation form for counties is DHS FCCD-3333. DHS staff realize that the candidacy specialist may not be able to, or may not feel comfortable, making determinations based solely on information provided on the *Foster Care Candidacy*

*Determination* form. If that is the case, the candidacy specialist can request additional information from the social services worker or case manager.

7. **Is the human service agency required to fill out the *Foster Care Candidacy Determination* form for all children they have identified as foster care candidates?**  
Yes, the form is the method DHS has established for determining a child's eligibility.

8. **Is a case plan required for a child to qualify as a foster care candidate?**  
No, a case plan is not required to determine that a child is a foster care candidate.

9. **Can children from out of state be included in the list of foster care candidates?**  
No.

10. **Are releases of information required?**  
*Disclaimer: DHS cannot provide legal advice, and nothing in this bulletin or any attachment should be construed as legal advice. County staff should consult with their county attorney for legal advice.*

In terms of policies and practices adhered to by DHS, the foster care candidacy information is considered welfare data that can be shared without a release from the client for statutorily authorized purposes that include:

- Verification of an individual's identity
- Determining eligibility, amount of assistance, and the need to provide services to an individual or family across programs
- Evaluating the effectiveness of programs and investigating suspected fraud
- Administering federal funds or programs
- Effective communication between personnel of the welfare system working in the same program.

See Minnesota Statutes, § 13.46, subds. 1(b) and (c), and 2(a) (5), (6), and (7). County staff should consult with their county attorney before proceeding.

11. **Are juveniles that have been adjudicated delinquent while in a locked detention facility, forestry or boot camp considered to have entered foster care?**

No. Juvenile delinquents that enter non foster care settings are not in foster care. Any facility that is locked/secure is **not** foster care. Note: Ensure that agency lists do not include children who are in a locked detention facility, forestry or boot camp.

12. **When a child leaves a locked detention facility and is placed in a new program, how do workers know if that program is considered foster care?**

It depends on the type of facility. If the child is placed in a family foster home (county, private agency or tribally licensed), then yes. If not, contact DHS for additional guidance.

13. **Can 18-21-year-olds be considered foster care candidates?**

No, eligibility for foster care candidacy ends when the youth turn 18 years old. Those aged 18-21 cannot be considered foster care candidates.

**Special Needs**

This information is available in other forms to people with disabilities by calling (651) 431-4671 (voice). TDD users can call the Minnesota Relay at 711 or (800) 627-3529. For the Speech-to-Speech Relay, call (877) 627-3848.

## **Social Services Time Study (SSTS)**

### **Imminent Risk of Removal – Definition of Foster Care Candidate:**

*A foster care candidate is a child who is at imminent risk of removal from the home, and reasonable efforts are made to prevent the removal from the home or, if necessary, to pursue the removal from the home.*

### **Criteria for Foster Care Candidacy Determinations:**

The county social service agency must document the specific reasons a child is at imminent risk of removal and the specific action(s) the agency has taken to prevent removal, or to pursue the removal of a child from the home. Generally, if a determination of imminent risk of removal has been made, the county must:

- Have been providing services to the child
- Document the reasonable or active efforts to:
  - Prevent the need for removal from the home, or
  - Remove the child from the home.
- Use the *Foster Care Candidacy Determination* form, established by DHS as required documentation to meet federal requirements.
- Ensure that foster care candidacy determinations are individualized on a case-by-case basis. No group of children can be automatically included or excluded as foster care candidates.
- Re-determine foster care candidacy every six months.

### **Foster Care Candidates listed for SSTS:**

A list of children determined to be foster care candidates will be compiled by the county foster care candidacy specialist and shared with the SSTS participants. The list may be generated solely by the foster care candidacy specialist or include names of children recommended by county social workers. This remains a local decision.

The foster care candidacy program is not a substitute for the child protection reporting system. Mandated reporters must make reports of child abuse and/or neglect to county child protection or law enforcement. If the SSTS participant believes a child is at imminent risk of removal from the home due to abuse and/or neglect, the participant shall make a mandated report to county child protection or law enforcement.



### **Core Requirements for Foster Care Candidacy Specialist**

Core qualifications for the foster care candidacy specialist are identified below. All foster care candidacy specialists must:

- Be a permanent county employee (cannot be a contracted employee)
- Have the experience, training and knowledge that qualifies them to make professional judgments regarding the placement of children
- Have current or previous experience in placing children in need of protection or services
- Have the authority to manage the Foster Care Candidacy Program to ensure compliance with federal requirements
- Have the authority to conduct ongoing program quality assurance.

All foster care candidacy specialists will have experience in the following areas:

- Experience and knowledge of the reasons children enter foster care including the:
  - Need for protection due to allegations of abuse and/or neglect
  - Need for services due to developmental, medical and/or mental health disabilities
  - Need for out-of-home placement to access residential treatment
  - children in need of out-of-home placement due to parents' disabilities
- Experience and knowledge of how children enter foster care for court ordered or voluntary placements
- Experience in placing children in foster care
- Experience in completing Structured Decision Making (SDM) Risk and Safety Assessment Tools
- Experience and/or knowledge of child protection and child welfare laws and practices.

March 3, 2008

**Foster Care Candidacy Determination Form**

\_\_\_\_\_ Initial Determination

\_\_\_\_\_ Six Month Re-determination

Name of Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Person Completing Form: \_\_\_\_\_ Phone Number: \_\_\_\_\_

County/Local Collaborative/Tribal Agency: \_\_\_\_\_

*If recommending a child as a potential foster care candidate, local collaborative agencies must attach a written and signed release of information.*

**Definition of a Foster Care Candidate:**

A candidate for foster care is a child who is at imminent risk of removal from home as evidenced by the county or tribal agency either pursuing the child's removal from the home or making reasonable or active efforts to prevent the removal. Completing the documentation to establish a child's foster care candidacy is an indication that the child's entry into foster care is anticipated because the child is at imminent risk of removal. Candidacy determinations must be individualized on a case-by-case basis. No group of children can be automatically included or excluded. Children already in out-of-home placement are not foster care candidates. (Social Security Act, Title IV, Part E, Section 471 (a)(15)(B)(i); ACYF-PA-87-05; ACYF-CB-PA-01-02 and DAB Decision No. 1428; Budget Deficit Reduction Act of 2005)

Please describe the issues that cause this child to be at imminent risk of being removed from their parent(s) or guardian(s). Please check all that apply:

- |   |                                   |
|---|-----------------------------------|
| _____ Report of alleged abuse and/or neglect  | _____ Inadequate housing          |
| _____ Report of abandonment   | _____ Parent alcohol abuse        |
| _____ Child maltreatment determination  | _____ Parent drug abuse           |
| _____ Child behavior  | _____ Parent death                |
| _____ Child alcohol abuse   | _____ Parent incarceration        |
| _____ Child disability  | _____ Parenting issues            |
| _____ Child drug use  | _____ Financial problems          |
| _____ Relinquishment of parental rights   | _____ Caretaker inability to cope |
| _____ Child has a sibling currently in foster care  | _____ Domestic violence           |
| _____ Child has past history of being in foster care  |                                   |
| _____ Child's family has an open child protection or child welfare case with _____ County Social Services |                                   |
- (Please note: This issue by itself does not meet the criteria for foster care candidacy. Check the issues that led to the case opening).
- \_\_\_\_\_ Child's mental health needs are being assessed for residential treatment
- \_\_\_\_\_ Child's development disabilities are being assessed for residential treatment

Describe other conditions or issues: \_\_\_\_\_

**Notes:** (Attach additional sheet if necessary)

The following reasonable or active efforts are being made to prevent the child from being removed from their parent or guardian. Please check all that apply and provide a description/explanation of those services:

**Foster Care Candidacy Determination Form**

☐ Child protective services case management \_\_\_\_\_  
☐ Parenting education \_\_\_\_\_  
☐ Chemical dependency services \_\_\_\_\_  
☐ Individual counseling \_\_\_\_\_  
☐ Mental health services \_\_\_\_\_  
☐ Information and referrals to community based services \_\_\_\_\_  
☐ Family based services – counseling \_\_\_\_\_  
☐ Family counseling \_\_\_\_\_  
☐ Family based services – life management skills \_\_\_\_\_  
☐ Housing services \_\_\_\_\_  
☐ Legal services \_\_\_\_\_  
☐ Family support services \_\_\_\_\_  
☐ Truancy prevention services \_\_\_\_\_  
☐ Special education services \_\_\_\_\_  
☐ Before and/or after school programming \_\_\_\_\_  
☐ Youth services \_\_\_\_\_  
☐ School intervention strategies \_\_\_\_\_  
☐ In home public health services \_\_\_\_\_  
☐ Gang prevention efforts \_\_\_\_\_  
☐ Probation services \_\_\_\_\_  
☐ Describe other reasonable/active efforts: \_\_\_\_\_  
 \_\_\_\_\_

**Notes:** (Attach additional sheet if necessary)

**This section for use by the Foster Care Candidacy Specialist:**

☐ Child or family has an open county/tribal case. Case Number: \_\_\_\_\_  
☐ There is evidence of court proceedings in relation to the removal of the child from the home, in the form of a petition to the court, a court order or transcript of the court proceedings. Please indicate type: \_\_\_\_\_ Attach a copy of the document for verification.

**Notes:** (Attach additional sheet if necessary)

☐ Foster Care Candidacy Determination Approved  
☐ Foster Care Candidacy Determination Not Approved

Signature of Specialist \_\_\_\_\_ Date: \_\_\_\_\_

Date of Initial Determination \_\_\_\_\_

Date of Six Month Re-determination \_\_\_\_\_

**You must retain this documentation for 4 years after the determination (or re-determination) date.**