

# Bulletin

July 29, 2008

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

**OF INTEREST TO**

- County Social Services Directors, Supervisors and Staff, including Adoption, Child Protection, Children's Mental Health, Developmental Disabilities, Minor Parent and Chemical Health
- Tribal Social Services Directors and Staff in the American Indian Child Welfare Initiative: Leech Lake Band of Ojibwe and White Earth Band of Ojibwe
- Juvenile Corrections Supervisors and Officers

**ACTION/DUE DATE**

For your review.

**EXPIRATION DATE**

July 29, 2010

## Clarification of Placement for AFCARS Purposes

**TOPIC**

Defines placement consistent with the federal requirements of the Adoption and Foster Care Analysis and Reporting System (AFCARS).

**PURPOSE:**

To clarify and provide consistency about the definition of out-of-home placement in child welfare practice and data collection.

**CONTACT**

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**SIGNED**

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## **Background**

Minnesota relies on the Social Service Information System (SSIS) to track individual client information and the services children and their families receive. The SSIS data provides information about Minnesota children and families who receive services for county, state and federal purposes. SSIS data is used for federal reporting to the Adoption and Foster Care Analysis and Reporting System (AFCARS); for state, county, and tribal review of outcomes; for county and tribal program management, and for individual case records. AFCARS collects data on all children in out-of-home care for whom the state Title IV-B/IV-E agency has responsibility for placement, care or supervision.

The 2001 Child and Family Service Review identified a lack of consistency across Minnesota in how placements were entered in SSIS. A bulletin was issued by the Minnesota Department of Human Services (department) in 2004 to clarify the definition of out-of-home placement. The federal AFCARS review in 2005 resulted in additional clarification of the definition of classifications of placements and locations. This bulletin clarifies placement entry in SSIS to be consistent with federal AFCARS requirements.

It is important to understand that placement for AFCARS purposes is not always consistent with the federal definition of foster care or for Title IV-E reimbursement. The purpose of AFCARS is to report the full extent of children's out-of-home experience.

## **AFCARS requirements for entry of placements, locations or absences in SSIS**

Per 45 CFR 1355.57, the population to be included in AFCARS includes all children in out-of-home care at least 24 hours, *irrespective of their living arrangement*, for whom the state Title IV-B/IV-E agency has placement and care authority. [Federal Register/Vol. 73, No. 8/Friday, January 11, 2008/proposed rules/pages 2082-2142] All children who are under the responsibility of the state agency administering or supervising the administration of the Title IV-B Child and Family Services state plan and the Title IV-E Foster Care state plan are required to be provided the assurances of section 422(b)(10) of the Social Security Act. This population includes all children whose placements are under the responsibility of another public agency with which the Title IV-B/IV-E agency has an agreement under Title IV-E, and on whose behalf the state makes foster care maintenance payments.

## **Social service agency "responsibility for placement, care and supervision"**

An agency may be providing services to a child and family, including assessment, referral, case management and discharge planning. If, at any point, a child is not living with a parent, legal guardian or custodian, the agency must assess whether they need to obtain legal responsibility for placement, care and supervision of the child. This is an individual assessment. The county human service agency may consult with the county attorney to determine if the county has responsibility for placement, care and supervision in an individual case.

Minnesota Statutes established screening teams to review assessments and determine the needed level of care. [Minnesota Statutes, sections 260C.157, 260B.157, 245.4885, 256B.092 and Minnesota Rules, chapter 9530]

**When does the social service agency have legal responsibility for placement, care and supervision of a child?**

In order to have responsibility for placement, care and supervision of a child, the county/tribal social services agency must take action to have legal authority for the placement services they have arranged. Legal authority is a court order, or Voluntary Placement Agreement (VPA), although the placement may initially be based on a 72-hour law enforcement hold. For both voluntary and court-ordered placements, the agency must locate the most appropriate out-of-home resource, develop and monitor an out-of-home placement plan, and hold regular court or administrative reviews. [Minnesota Statutes, sections 260C.141, subd. 2a, 260C.201, subd. 11, and 260C.212, subd. 7 and 9] For a voluntary placement, the agency must review the VPA with the parent(s) and sign the form.

Licensed facilities classified as placements for AFCARS include:

- Family foster care (relative and non-relative)
- Group homes
- Residential treatment, including state-operated inpatient treatment centers
- Shelter care
- Residential chemical dependency treatment (not hospital based)
- Intermediate care facilities/mental retardation (ICF-MR) facilities
- Hospitalizations within a continuous placement lasting 16 days or more will appear in SSIS as a location, but will be reported for AFCARS as a placement
- Juvenile correctional facility-locked when occurring within a continuous placement
- Supervised independent living that offers transitional services program for youth ages 16 to 18.

Programs offered in licensed facilities classified as placements for AFCARS include:

- Behavioral Consequences less than 30 days will display as a location in SSIS, but will be reported for AFCARS as a placement
- Behavioral consequences more than 30 days.

Note: Not all AFCARS placements are considered foster care for Title IV-B/IV-E purposes.

Examples:

- A 17-year-old is receiving developmental disabilities case management services. He is living with his parents and receiving waived services. The youth's parents, service providers, and agency staff agree that the youth needs placement in a residential facility. A VPA is signed by the parents and the agency.
- A child with significant medical needs and developmental disabilities is referred to an ICF-MR for care and active treatment. The child has a county social worker who assists the family with placement arrangements and provides ongoing case management services. A VPA is signed.

- A 15-year-old is court-ordered to complete a Chemical Dependency-Rule 25 assessment through county social services, and the assessment determines a need for chemical dependency treatment in a residential setting. The county agency assists the family with arranging treatment in a residential setting, arranges funding, monitors treatment and coordinates aftercare. A VPA is signed.
- A 13-year-old is receiving children's mental health case management. She is living with her parents and has a mental health crisis. The medical professionals determine that she needs residential care and treatment to stabilize her mental health. The family's insurance is paying for the residential care. The county agency continues to offer case management services, monitors treatment progress through the placement, and coordinates aftercare planning. A VPA is signed.
- A youth is court-ordered to a group home facility from a secure correctional facility. Both facilities are entered in SSIS as placements for AFCARS purposes. The secure correctional placement is not foster care; the group home is foster care. Due to the group home placement, both placements are entered into SSIS. This is a court-ordered placement.
- A 14-year-old youth is hospitalized due to a mental health crisis. The youth's family has been receiving in-home child protection services from the county and was recently referred to children's mental health for case management services. The youth has been in the hospital for five days as authorized by the parents. The plan is for the child to enter a residential treatment center (RTC) upon discharge from the hospital. A VPA is required when the youth enters RTC.  
After two months in the RTC, the youth has a crisis again, requiring hospitalization. The hospital is entered as a location, and this time would be reported to AFCARS as a second placement if it exceeds 15 days. Because hospitalization is classified as a location, it can overlap the placement.

### **Funding for out-of-home placement**

Payment for placement costs may be county funds, Medical Assistance, Consolidated Treatment Fund, waived services, publicly funded health plans, private insurance, or a combination of these. Some placements may not require payment. Federal reimbursement for the costs of foster maintenance may be claimed for Title IV-E eligible children. Neither payment or non-payment of maintenance costs, nor the source of funding, defines the facility as a placement or non-placement [Minnesota Statutes, section 260C.007, subd. 18]

### **Corrections placement**

Some counties have separate administrations for the juvenile corrections/court services agency and social services. In order for placements ordered by the court in delinquency cases to be the responsibility of the county IV-E agency, a Title IV-E agreement is required between corrections and the county social service agency. Only if there is a Title IV-E agreement in place should these placements be entered into SSIS.

When the corrections agency and social service agency are under the same administrative umbrella, the correction agency placements are to be entered into SSIS.

When the court commits children to the commissioner of corrections, this order establishes corrections as legally responsible for the placement of a child. If a child was previously entered into placement, the agency would enter discharged from placement with the reason - *Transfer to another agency*.

### **Temporary locations**

The following services are temporary locations for a child and are not considered placements. The temporary location may occur within a continuous placement, or as an individual service. *Services that are provided by local social service agencies that are not considered a change in foster care or placement for AFCARS include:*

- Respite care
- Visitation or other planned, approved absences
- Trial home visit [Minnesota Statute, section 260C.201, subd.1(a)(3)]
- Hospitalization of less than 16 days
- Summer camp
- Secure detention facilities when not occurring within a continuous placement.

### **Examples:**

- A child in court-ordered foster care leaves the foster home for respite care. The child remains in continuous placement with a temporary location of respite.
- A child on the run from an out-of-home placement is considered in continuous placement (but absent) until the county or tribal social service agency no longer has supervision and care responsibility.
- A child in foster care is reunified with their parent(s) under a court-ordered trial home visit. The child is in a continuous placement episode, although the recent placement setting is ended on SSIS. The child is considered to be in a temporary location, until:
  - The court returns legal custody to the parent(s) and ends the foster care placement episode and the trial home visit
  - The court orders the child to remain in the home under protective supervision; the placement episode ends with reunification, or
  - The agency returns the child to the foster home or facility; the placement episode is continuous.
- A child is picked up by the police from their parent's home for a crime and placed in secure detention. The child does not enter any facility other than the secure facility. This is not a placement.

### **Coming soon**

A video conference (VPC) will be offered on September 10 and September 29 from 9 a.m. to 11 a.m. to address questions about this bulletin. VPC locations will be announced on the County Link Web site. Questions related to this bulletin will be addressed during the VPC. Send questions to Nan Beman at [nan.beman@state.mn.us](mailto:nan.beman@state.mn.us) or Deborah Beske Brown at [deborah.beske.brown@state.mn.us](mailto:deborah.beske.brown@state.mn.us). For questions to be included in the VPC, send them at least two days before the conference.

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**Special Needs**

This information is available in other forms to people with disabilities by calling (651) 431-4671 contact us through the Minnesota Relay Services at 1 (800) 627-3529 (TTY) the Speech-to-Speech Relay, call (877) 627-3848.