

NUMBER

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DATE

May 19, 2017

OF INTEREST TO

County Directors

Social Services Supervisors and
Staff

Tribal Directors

Tribal Social Services
Supervisors and Staff

County Attorneys

Tribal Attorneys

Judges

Title IV-E Coordinators

ACTION/DUE DATERead information and
implement**EXPIRATION DATE**

May 19, 2019

Transfer of Placement and Care Responsibility from Corrections to Local Social Services Agency (LSSA)

TOPIC

Corrections placements transferred to local social services agencies.

PURPOSE

Policy guidance regarding corrections placements involving transfer of placement and care responsibility from corrections to a local social services agency.

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Assistant Commissioner
Children and Family Services Administration**TERMINOLOGY NOTICE**

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Background

When a child is initially removed from their home by a delinquency petition and is under placement and care responsibility of a county juvenile corrections agency, and juvenile corrections is not under the same administration as the local social services agency (LSSA)(non-umbrella), or does not have a Title IV-E agreement in place with the LSSA, these placements are not entered into the Social Service Information System (SSIS).

If a child is later transferred to placement and care responsibility of a local social services agency through a court order or voluntary placement agreement (VPA), the placement is eligible for Title IV-E foster care maintenance payments when a child meets all Title IV-E requirements. The start date begins when the placement and care responsibility of a child transfers to a LSSA through a court order or voluntary placement agreement.

The Social Security Act (the Act) does not require that a child's placement and care be the initial responsibility of the state Title IV-E agency, nor does it conversely prohibit a subsequent transfer from another public (or private) agency to the state agency from triggering eligibility for foster care payments for an otherwise eligible child. When all eligibility criteria in section 472(a) are met, a state may claim federal financial participation (FFP) from the first day of placement in the month in which all eligibility criteria have been met. FFP may not be retroactive to the time of removal.

Once responsibility for placement and care has been given to the state agency, all of the state plan requirements in sections 471(a)(15) and (16) of the Act are applicable, including Title IV-E case plan and case review requirements. [Source/date ACYF-CB-PIQ-87-03, June 1, 1987, legal and related references, Social Security Act – sections 471 and 472]

II. What is a valid removal?

Consistent with § 472(a)(2)(A) of the Act and 45 CFR § 1356.21(k), a valid removal is a removal in accordance with a voluntary placement agreement or judicial finding of “contrary to the welfare” that sanctions physical or constructive removal (i.e., a non-physical or paper removal of custody) of a child from either (1) The parent or legal guardian who signed a voluntary placement agreement (in a voluntary removal), or (2) The parent or another relative (specified in § 406(a) of the Act in effect July 16, 1996) whose home is the subject of judicial findings of “contrary to the welfare” (in a court-ordered removal).

III. Which court order must include the contrary to the welfare/best interest finding?

The contrary to the welfare/best interest findings needs to be in the first court action giving an LSSA placement and care responsibility. If this is not made in the first court action giving a LSSA placement and care responsibility, a child is not eligible for Title IV-E foster care for the duration of a foster care episode.

IV. Which court order must include the reasonable efforts to prevent placement?

Court orders must include reasonable efforts to prevent placement, including:

- The *reasonable efforts to prevent removal* finding should be made in the first court action, or within 60 days of a child's valid removal.
- Title IV-E foster care eligibility cannot begin, and Title IV-E maintenance claims cannot be made, prior to obtaining a judicial determination that *reasonable efforts to prevent removal* of a child from their home have been made. The *reasonable efforts to prevent removal* judicial determination, as stated in a court order, must be made within 60 days of child's physical/constructive removal from the home. The clock for the 60-day period begins the day a child is physically removed. If a child is constructively removed, the clock begins on the date the court sanctions removal. If the *reasonable efforts to prevent removal* finding is not obtained within 60 days from a child's valid removal, they are not Title IV-E eligible for the duration of an out-of-home placement episode.
- If the *reasonable efforts to prevent removal* determination is not made in the first court order, a child does not meet Title IV-E eligibility until the first day of the month the reasonable efforts to prevent removal determination is made, and all eligibility factors are met.

V. What is the Title IV-E removal date/continuous placement start date?

The Title IV-E removal date/continuous placement start date is when a local social services agency obtains placement and care responsibility through a court order or voluntary placement agreement, and a child is physically placed by a LSSA in a foster care setting.

VI. What is the eligibility month?

The eligibility month is based on the petition filing date or the removal court hearing date that transferred placement and care responsibility to a LSSA. The eligibility month is the month (1) All parties have signed the VPA, or (2) The month a petition is filed for a valid removal which leads to transfer of placement and care responsibility to a LSSA, or (3) The date of the court hearing which results in transfer of placement and care responsibility to a LSSA, if a new removal petition is not filed, or one is filed after a hearing.

VII. Court order does not state which agency has placement and care responsibility

If a corrections agency is involved with a placement and the court order does not specify which agency has placement and care responsibility in the initial order, the legally responsible agency is corrections.

VIII. Entering a placement into Social Service Information System when placement and care responsibility is transferred

Follow the steps below to enter SSIS data when a case for a child in placement is transferred by juvenile court from corrections to social services.

Continuous Placements folder – Continuous Placement tab

The **Continuous Placement** Start Date is the date that a LSSA obtained placement and care responsibility for supervision of a placement and child is placed in a foster care setting.

1. Beneath the **Continuous Placement** tab, enter the date a LSSA obtained legal custody in the **Start Date** field. Complete the remaining fields (and tabs), as applicable, and click **Save**.

Continuous Placements folder – Authority tab

2. **Authority** tab, enter the authority (voluntary or court ordered), and the date LSSA obtained legal custody in the **Effective Date** field and click **Save**.

Placements/Locations/Absences folder and tab

Placement Foster Parents Changes to this placement/location

Placement / Location / Absence Information

Setting: Foster family home - non-relative

Reason: Safety/stability

Start Date: [Yellow box] 02:00 PM Entry Date: []

Date LSSA obtains legal custody

3. **Placement/Location/Absence** tab, enter the setting for the placement a child is entering (or remains in), and enter the start date as the date LSSA obtained legal custody. Complete the remaining fields, as applicable, and click **Save**.

Court Actions folder – Child Findings tab

Court Hearing Child Findings

Child findings:

Continuous placement: Date LSSA obtains legal custody

Best interest statement: ☐ Yes ☐ No Date: [Yellow box]

Reasonable (active) efforts statement: [] Date: [Yellow box]

Reasonable (active) efforts to finalize permanency plan made: ☐ Yes ☐ No Date: [Yellow box]

Date of findings from initial CHIPS Hearing

[Judicial findings meet placement review requirements:](#)

4. **Court Actions** folder, enter a new court action beginning with the LSSA CHIPS court order. Beneath the **Court Hearing** tab, enter the CHIPS petition filing date, CHIPS hearing date, and the subsequent order/disposition findings in the corresponding fields and click **Save**.
5. In the **Best Interest Statement** field, enter the date that the finding was made during the initial CHIPS court hearing.
6. In the **Reasonable (active) Efforts** field, enter the date that finding was made during any CHIPS court hearing within 60 days of child's removal date and click **Save**.

Court Actions folder – Court Hearing tab

If steps four – six were skipped:

7. From the **Court Actions** folder, enter a new court action reflecting the hearing transferring placement and care responsibility for child's placement from corrections to social services. Beneath the **Court Hearing** tab, enter the CHIPS petition filing date, CHIPS hearing date, subsequent order/disposition, and findings and date in the corresponding fields. Click **Save**.

Title IV-E entry for child's placement can be made once the above steps are complete.

8. From the **Client Eligibility Log** select **New IV-E Eligibility Submission Worksheet**. Dates must display in the drop-down menus; they cannot be entered. If dates are missing, return to the **Tree View** and enter data in the corresponding folders.
9. Make selections in **Continuous Placement**, **petition filing date**, **court hearing date**, and **best interests and reasonable efforts** fields. Click **Save**.
10. Authority effective date and Title IV-E removal date autofill based on entries made in the **Continuous Placements** folder – from the **Continuous Placement** tab and the **Authority** tab.
11. Petition filing, court hearing, best interests and reasonable efforts dates autofill based on court action entries – the **Court Hearing** and **Child Findings** tabs.

Client Eligibility Log folder – New Title IV-E Eligibility Submission Worksheet

Client: Luke Schmidt		DOB: 12/07/2007	
Continuous placement:	<input type="text"/>	Cont Placement #:	<input type="text"/>
Not seeking IV-E because: <input type="text"/>			
Initial placement authority: <input type="text"/>			
Authority effective date:	<input type="text"/>	IV-E removal date:	<input type="text"/>
For initially court ordered placements:			
Regarding the initial court hearing that sanctioned the placement			
Petition filing date:	<input type="text"/>		
Court hearing date:	<input type="text"/>		
Did the initial court order contain the Best Interests or Contrary to the Welfare language?			
<input checked="" type="radio"/> Yes --	Date:	<input type="text"/>	
<input type="radio"/> No -- no IV-E eligibility exists			
Reasonable efforts to prevent placement or reunify statement is due within 60 days of the IV-E removal date. Was this obtained?			
<input checked="" type="radio"/> Yes --	Date:	<input type="text"/>	Num. of days: <input type="text"/>
<input type="radio"/> No -- no IV-E eligibility exists			

12. Right-click on the Title IV-E **Submissions to MAXIS** folder and complete the fields. Click **Save**.
13. Right-click on the **Client Eligibility** node in the **Tree View** and select **Submit to MAXIS**.

IX. MAXIS instructions

Follow the steps below to enter MAXIS data when placement and care responsibility for a child in placement is transferred from corrections to social services. Social services must ensure that an interface record is submitted from SSIS to MAXIS, as the foster care placement data, needed to make a Title IV-E eligibility determination in MAXIS, is obtained from the interface record.

1. To determine the footer month of application in MAXIS, use the later of transfer of placement and care responsibility date (month LSSA took over placement and care responsibility for supervision of a placement), or the physical placement date (month child was first physically placed in a foster care setting for this continuous placement).
2. In the correct month of application, enter the APPL series of panels (APPL, MEMB, MEMI, ADDR) with all available information.
3. Enter required STAT panels. TYPE, PROG (enter the first of the month as the APPL date), ABPS, FCPL, FCLD and FCRH.
4. Enter other STAT panels, as appropriate.
5. Send case through background and review title IV-E results to confirm accuracy.
6. Approve eligibility results.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4670 (voice) (division's general information phone number) or toll free at (800) 627-3529 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.