

NUMBER
#18-68-19C

DATE
July 22, 2019

OF INTEREST TO
County Social Services
Directors

Tribal Social Services
Directors

Social Services Supervisors and
Staff

ACTION/DUE DATE
Please read information and
prepare for implementation

EXPIRATION DATE
July 22, 2021

Corrected #18-68-19: Title IV-E Foster Care Maintenance Payments for Children Placed with a Parent in Residential Family-based Substance Use Disorder Treatment

TOPIC

The Family First Prevention Services Act, Public Law (P.L.) 115-123, enacted February 9, 2018, amends Title IV-E of the Social Security Act to provide foster care maintenance payments for children placed with a parent receiving services in a licensed residential substance use disorder (SUD) treatment program.

PURPOSE

Provide information about eligibility requirements and instructions for claiming Title IV-E foster care maintenance payments for a child's care.

CONTACT

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SIGNED

NIKKI FARAGO
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

The federal Family First Prevention Services Act (P.L. 115—123) amends Title IV-E of the Social Security Act effective October 1, 2018, to provide foster care maintenance payments for up to 12 months for an eligible child placed with a parent receiving services in a licensed residential family-based substance use disorder (SUD) program.

This bulletin explains the following eligibility requirements:

- **Eligible child.** A child must either be eligible for Title IV-E foster care maintenance payments, or meet all eligibility requirements for Title IV-E foster care maintenance payments **except** the Aid to Families with Dependent Children (AFDC) eligibility requirements [section 472(a)(1)(B) and (3), and section 472 (j)(1)] of the Social Security Act. Note that a child who does not meet AFDC requirements is not categorically eligible for Medicaid. [Section 472(j)(2) of the Social Security Act]
- **Case plan.** The recommendation for placement is specified in child's case plan before they are co-located with their parent in the SUD program. [Section 472(j)(1)(A) of the Social Security Act]
- **Mandatory facility services.** Treatment facilities must provide parenting skills training, parent education, and individual and family counseling. [Section 472(j)(1)(B) of the Social Security Act]
- **Trauma-informed.** The substance abuse treatment, parenting skills training, parent education, and individual and family counseling must be provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma, in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing. [Section 472(j)(1)(C) of the Social Security Act]

A. Eligible child

A child is eligible for foster care maintenance payments when placed with their parent who is receiving services in a licensed residential family-based substance use disorder treatment program, and the county or tribal social service agency has placement and care responsibilities. The placement authority may be either a voluntary placement agreement or court-ordered trial home visit.

1. Voluntary placement

A county or tribal agency may enter into a voluntary placement agreement (VPA) with a parent to place their child co-located with them when receiving services in a licensed residential family-based SUD program. The VPA must be signed within one business day of a child's placement co-located with their parent in a SUD program.

A county or tribal agency may also enter into a VPA with a parent when a peace officer takes a child into custody because they found them in circumstances or surroundings that endanger their health or welfare. During the period of peace officer custody, county agencies can develop a safety plan for a child and, when appropriate, the plan can include a child to be co-located with their parent while in residential treatment. Arrangements for the parent to enter treatment and an out-of-home placement plan must be completed before a child is released from peace officer custody. If a voluntary placement agreement and out-of-home placement plan cannot be executed during the period of peace officer custody, and it is necessary for an agency to have legal responsibility for a child, agency staff may ask the court to order a child into agency custody by filing a petition alleging a child to be in need of protection or services (CHIPS), and scheduling an Emergency Protective Care hearing.

If an agency and parent subsequently agree that the parent and their child can be co-located in a SUD program prior to or at a hearing, the county attorney may request that the court dismiss the CHIPS petition, but only after a county agency completes a case plan with parents and a voluntary placement agreement is signed.

To offer a voluntary placement, county social service agencies must follow provisions in Minnesota Statutes, section 260C.227, including:

- Providing a written agreement on a form prescribed by the commissioner of the Minnesota Department of Human Services, which must be signed within one business day of a child's placement with their parent in a SUD program. Attachments A, B, C and D are the voluntary placement agreements for non-Indian and Indian children, and the required parental notices. [Minnesota Statutes, section 260C.219 (b)]
- Conducting placement reviews within 90 days by filing a petition in juvenile court, consistent with Minnesota Statutes, section 260C.141, subdivisions 1 or 2, asking the court to: a) Review child's placement and continue voluntary placement for an additional 90 days, if needed; b) Continue foster care by court order under Minnesota Statutes, sections 260C.178 or 260C.201; or c) Terminate parental rights under Minnesota Statutes, section 260C.301.
- Continuing foster care for up to 90 more days on a voluntary basis if the court approves; child must be returned to their parental home at the end of the additional 90 days. If a child is not returned home, an agency must: a) Proceed with a petition alleging child is in need of protection or services; b) File a petition for termination of parental rights or other permanent placement of a child away from their parents. [Minnesota Statutes, sections 260C.301 or 260C.505]
- Continue a placement; a child can be co-located with a parent in a SUD program up to 12 months.

To request a Microsoft Word version of the voluntary placement agreements or parent notices (Attachments A, B, C and D), email Mailinda Kue at Mailinda.kue@state.mn.us. These agreements will be on eDocs soon.

Tribal social services agencies follow tribal code or their agency's practice for voluntary placements.

2. Trial home visits

When a county or tribal social service agency has placement authority through a court order, it may request a trial home visit to place a child with their parent in a licensed residential family-based SUD program.

A trial home visit maintains the continuous placement, and counts towards time requirements for a permanency hearing. [Minnesota Statutes, sections 260C.201, subdivision 1 (3), and 260C.503, subdivision 3 (a)]

3. Other eligibility components

A child is not required to meet Title IV-E AFDC eligibility requirements for foster care maintenance payments to be claimed. [Section 472 (j)(1) of the Social Security Act]

Children must be under age 18 to be eligible for this benefit.

B. Placement and case plan requirements

Continuous placements and settings are entered in the Social Service Information System (SSIS). Residential SUD Program with Parent is the placement setting in SSIS.

A child's case plan must specify the recommendation for their placement co-located with their parent who is receiving services in a licensed residential family-based SUD program prior to placement. Within 30 days after a placement, county social services agencies must develop a written out-of-home placement plan, consistent with Minnesota Statutes, section 260C.212, subdivision 1. A tribal social services agency follows tribal code or its agency's practice for case plans.

Plans must include:

- Participation of a parent and child in services provided by a SUD program, including parenting skills training, parent education, and family and individual counseling
- Description of how parent will meet the daily needs of their child in a SUD program, including medical and education needs.

When a case involves prenatal exposure, a plan of safe care must be developed. It can be part of an existing case plan for a family, as long as it is identified as the plan of safe care and includes the necessary components. Refer to [Minnesota's Best Practice Guide for Responding to Prenatal Exposure to Substance Use](#) for information on circumstances that require a plan of safe care and its components. [Section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act (CAPTA), as amended by Public Law 114-198, The Comprehensive Addiction and Recovery Act of 2016]

Note that a child eligible for Title IV-E foster care maintenance payments for placement with their parent in a SUD program who does not meet AFDC eligibility requirements is not categorically eligible for Medicaid. [Section 472 (j)(2) of the Social Security Act] Case plans need to address how a child's medical needs will be met through existing health insurance coverage, or parents may apply for Medical Assistance for their child.

C. Residential SUD program requirements

Residential programs must be licensed by the Minnesota Department of Human Services under Minnesota Statutes, Chapters 245A, 245G.01-245G.16, 245G.19, and 245G.21, as a Residential Substance Use Disorder Treatment Program specializing in treatment of clients with children under Minnesota Statutes, Chapter 245G, or approved or licensed by a tribe to provide residential family-based substance use disorder treatment services. (Note that there is no requirement that a SUD program meet children's residential facility licensing requirements under Minnesota Rules, Chapter 2960.)

To be eligible, SUD programs must provide:

- Parenting skills training, parent education, and individual and family counseling
- Trauma-informed services under an organizational structure and treatment framework that involves understanding, recognizing and responding to the effects of all types of trauma in accordance with principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

Attachment E lists Minnesota programs meeting requirements.

II. Payment and claiming

A. Payment for child's care

Foster care maintenance payments are made to a SUD residential program by the financially responsible agency. The established rate is the Northstar Care for Children basic rate to support costs incurred by programs to provide for child's food, clothing, shelter, daily supervision, school supplies, personal incidentals, and reasonable travel for them to remain in the school where they were enrolled at the time of placement. Below is the Northstar Care for Children basic rate, effective July 1, 2019 – June 30, 2020:

Child's age	Monthly basic rate	Daily basic rate
Birth - 5	\$672	\$22.09
6 - 12	\$797	\$26.20
13 – 17	\$941	\$30.94

B. Service arrangements

A Budgeting, Reporting and Accounting for Social Services (BRASS) code has been established and is in SSIS to make payments for this service.

Brass Code 172: Child co-located with parent in a family-based residential Substance Use Disorder (SUD) Program

This BRASS code is for 24-hour-a-day care of a child following placement by a county or tribe with legal responsibility pursuant to a court order or voluntary placement agreement in a licensed SUD treatment program with the child's parent, where the parent is receiving residential SUD treatment services. The treatment program must provide trauma-informed substance abuse treatment, parenting skills training, parent education, individual and family counseling under the organizational structure. The recommendation for this placement must be specified in the child's case plan before the placement. This service provides for the child's food, clothing, daily supervision, school supplies and personal incidentals. It also includes reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. This BRASS code does not include the cost of the parent's care and treatment services.

C. Claiming

The financially responsible agency may claim Title IV-E foster care maintenance payments made on behalf of a child to the SUD residential program. The Minnesota Department of Human Services is taking the following actions to support these claims:

- SSIS is being updated to support claims; a notice of this change will be announced in an upcoming SSIS Update. Once available, claims can be made for the previous five quarters.
- Financial directors and supervisors will be informed of the changes in an upcoming Financial Operations Division's quarterly Fiscal Memo.

III. Minnesota Family Investment Program (MFIP) eligibility

While a child is co-located with their parent who is receiving services in a licensed residential family-based substance use disorder treatment program, parent(s) may receive MFIP for their own needs, if otherwise eligible. [Minnesota Statutes 256J. 24, subdivision 3(b)] A child co-located with their parent in a SUD program is not eligible for an MFIP benefit because they are eligible for foster care maintenance payments. [Minnesota Statutes 256J.24, subdivision 3]

Americans with Disabilities Act (ADA) Advisory

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



Voluntary Out-of-home Placement Agreement for a Child Co-located with a Parent in Residential Treatment for Substance Use Disorder

Purpose

The county social service agency and child's parent(s) or legal custodian(s) agree the child's safety, health and best interest require foster care placement. This agreement between the agency and child's parent(s) or legal custodian(s) provides the agency authority to place the child in foster care for the purpose of placement with their parent(s) or legal custodian(s) in a licensed residential family-based substance use disorder facility, in accordance with Minnesota Statutes, section 260C.227.

The Parental Notice is presented to the parent(s) as part of this agreement. [Minnesota Statutes, section 260C.219]

THIS IS AN AGREEMENT BETWEEN _____[county agency name], an agency duly authorized by the state of Minnesota to place children in out-of-home care, (hereinafter the "agency"), and _____[parent or legal custodian 1 name] and _____[parent or legal custodian 2 name], parent(s) or legal custodians (hereinafter "the parent"), of _____[child's name], residing at _____[child's address], _____[city], _____[state] _____[zip code], county of _____[county name], Minnesota.

The agency agrees to:

1. Place your child with you, their parent, in a licensed residential family-based substance use disorder program providing trauma-informed parenting skills training, parent education, and individual and family counseling.
2. Provide foster care payments to the licensed residential substance use disorder program for child's food, clothing, shelter, daily supervision, school supplies, personal incidentals, and reasonable travel for the child to remain in the school where they were enrolled at the time of placement.
3. Assist in applying for Medical Assistance, if child does not have health insurance.
4. Provide current child support information with authorization for release of information.
5. Specify the recommendation for child's placement with you in the substance use disorder program in child's case plan prior to placement.
6. Develop a written out-of-home placement plan within 30 days after child's placement in the licensed residential substance use disorder program that meets requirements of Minnesota Statutes, section 260C.212, subdivision 1.
7. Assist in providing for the daily care of your child, including access to medical care and education services.
8. Provide casework and other services according to the required out-of-home placement plan while your child is placed with you in a licensed residential family-based substance use disorder program.
9. Receive from the Minnesota Department of Human Services consumer credit reports for foster care youth ages 14 - 17, and assistance in interpreting reports and resolving inaccuracies, if appropriate.

10. Terminate the voluntary placement agreement: a) At discharge from a licensed residential substance use disorder program; b) Upon receipt of a written and dated request from you, unless a request specifies a later date; c) Because the agency secured legal authority to continue out-of-home placement due to child protection concerns.
11. When placement of your child with you in a licensed residential substance use disorder program continues, the agency shall file a petition in juvenile court within 90 days asking the court to: a) Review child's placement and continue the voluntary placement for an additional 90 days; b) Continue foster care by court order under Minnesota Statutes, sections 260C.178 or 260C.201; or c) Terminate parental rights under Minnesota Statutes, section 260C.301.
12. If the court approves continuing foster care for up to 90 more days on a voluntary basis, your child must be returned to your home at the end of the additional 90 days. If the child is not returned home, the agency must: a) File a petition alleging child is in need of protection or services [Minnesota Statutes, section 260C.141]; b) File a petition for termination of parental rights or other permanent placement of your child away from you. [Minnesota Statutes, sections 260C.301 or 260C.505]

As a parent, I agree to:

1. Provide for the daily care of my child while placed with me in a licensed residential family-based substance use disorder program.
2. Follow through with my responsibilities as documented in my child's out-of-home placement plan, including ensuring they have access to medical care and education services.
3. Participate in services offered by licensed residential family-based substance use disorder program, including trauma-informed treatment services, parenting skills training, parent education, and individual and family counseling.
4. Keep the agency informed about how to contact me at all times.
5. Inform the agency about discharge planning or if I want to leave licensed residential family-based substance use disorder program with my child, which will result in terminating this agreement. My request will be in the form of a written, signed and dated statement.
6. Provide the agency with my income information and cooperate with a fee assessment.
7. Reimburse the agency for expenses it incurs in caring for my child in accordance with the plan agreed upon with the agency, and as allowed by Minnesota Statutes, section 260C.331.
8. Agree to assign to the agency any program assistance benefits I receive for my child as authorized by law, including child support and Social Security benefits.
9. Authorize the agency to obtain medical and school information about my child to assist in accessing services for my child.
10. Apply for Medical Assistance, if my child does not have health insurance.

Note: If you are in the Minnesota Family Investment Program (MFIP) at the time your child is placed in foster care with you in the substance use disorder program, you may continue to receive MFIP for your personal needs, if otherwise eligible. Your child will not be eligible for MFIP because they are eligible for foster care maintenance payments.

I agree to the provisions included in this voluntary placement agreement.

Signature of parent/legal custodian

Signature of agency representative

Signature of parent/legal custodian

Title of agency representative

Date of agreement (*Must be within one business day of child's placement*)



Voluntary Out-of-home Placement Agreement for a Child Co-located with Parent or Indian Custodian in Residential Treatment for Substance Use Disorder – Indian Child

Purpose

The county social service agency and child's parent(s) or Indian custodian(s) agree their child's safety, health and best interest require foster care placement. This agreement between the agency and child's parent(s) or Indian custodian(s) provides the agency authority to place the child in foster care for the purpose of placement with their parent(s) or Indian custodian(s) in a licensed residential family-based substance use disorder facility, in accordance with Minnesota Statutes, section 260C.227.

The Parental Notice is presented to the parent(s) or Indian custodian(s) as part of this agreement. [Minnesota Statutes, section 260C.219]

Identifying information

Child's full name:

Birth date:

Child's tribal membership or affiliation:

Parent or Indian custodian's full name:

Birth date:

Parent or Indian custodian's address:

Parent or Indian custodian's tribal membership or affiliation:

(If tribal affiliation has not been determined, include a statement to that effect)

Parent or Indian custodian's full name:

Birth date:

Parent or Indian custodian's address:

Parent or Indian custodian's tribal membership or affiliation:

(If tribal affiliation has not been determined, include a statement to that effect)

Placement information:

Name of licensed residential family-based substance use disorder facility program:

Address:

Court hearing information:

Date and time of the hearing to obtain court validation of consent *(if known)*:

Location/phone/name of judge or referee who will hear the consent *(if known)*:

THIS IS AN AGREEMENT BETWEEN _____ [county agency name], an agency duly authorized by the state of Minnesota to place children in out-of-home care, (hereinafter "the agency"), and _____ [parent or legal custodian 1 name] and _____ [parent or legal custodian 2 name], parent(s) or legal custodians (hereinafter "the parent"), of _____ [child's name].

Conditions of this agreement:

1. Child's residence or domicile ☐ is or ☐ is not on the reservation.
2. Child is not a ward of tribal court.
3. Consent was not given prior to or within 10 days after child's birth.
4. Parents acknowledge that this agreement was explained to them in detail, and they understand the terms and consequences of this agreement.
5. The parents have a right to services to prevent placement of their child.
6. Active efforts to prevent placement were made by the agency, including: _____
7. To be valid, this consent must be approved at a court proceeding in which the parents or Indian custodian personally appear.
8. Parents were advised of provisions of the Indian Child Welfare Act and Minnesota Indian Family Preservation Act governing the provision of out-of-home care, and understand that a copy of this consent will be provided to their tribe.

The agency agrees to:

1. Place your child with you, their parent or Indian custodian, in a licensed residential family-based substance use disorder program, providing trauma-informed parenting skills training, parent education, and individual and family counseling.
2. Provide foster care payments to the licensed residential substance use disorder program for your child's food, clothing, shelter, daily supervision, school supplies, personal incidentals, and reasonable travel for child to remain in the school where they were enrolled at the time of placement.
3. Assist in applying for Medical Assistance if your child does not have health insurance.
4. Provide current child support information with an authorization for release of information.
5. Specify the recommendation for child's placement with you in the substance use disorder program in child's case plan prior to placement.
6. Develop a written out-of-home placement plan within 30 days after child's placement with you in a licensed residential substance use disorder program that meets requirements of Minnesota Statutes, sections 260C.212, subdivision 1, and 260.762, subdivision 2.
7. Assist in providing for the daily care of your child, including access to medical care and education services.
8. Provide active efforts casework and other services according to the required out-of-home placement plan while your child is placed with you in a licensed residential family-based substance use disorder program.
9. Receive from the Minnesota Department of Human Services consumer credit reports for foster care youth ages 14 - 17, and assist in interpreting reports and resolving inaccuracies, if appropriate.
10. Terminate the voluntary placement agreement: a) At discharge from a licensed residential substance use disorder program; b) Upon receipt of a written and dated request from you, unless the request specifies a later date; c) Because the agency secured legal authority to continue out-of-home placement due to child protection concerns.
11. When placement of your child with you in a licensed residential substance use disorder program continues, the agency shall file a petition in juvenile court within 90 days asking the court to: a) Review child's placement and continue voluntary placement for an additional 90 days; b) Continue foster care by court order under Minnesota Statutes, sections 260C.178 or 260C.201; or c) Terminate parental rights under Minnesota Statutes, section 260C.301.
12. If the court approves continuing foster care for up to 90 more days on a voluntary basis, your child must be returned to your home at the end of the additional 90 days. If they are not returned home, the agency must: a) Follow minimum requirements of the Indian Child Welfare Act and Minnesota Indian Family Preservation Act; b) File a petition alleging child is in need of protection or services [Minnesota Statutes, section 260C.141]; or c) File a petition for termination of parental rights or other permanent placement of child away from their parent. [Minnesota Statutes, sections 260C.301 or 260C.505]

As a parent or Indian custodian, I agree to:

1. Provide for the daily care of my child while placed with me in a licensed residential family-based substance use disorder program.
2. Follow through with my responsibilities as documented in my child's out-of-home placement plan, including ensuring access to medical care and education services.
3. Participate in services offered by the licensed residential family-based substance use disorder program, including trauma-informed treatment services, parenting skills training, parent education, and individual and family counseling.
4. Keep the agency informed about how to contact me at all times.
5. Inform the agency about discharge planning, or if I want to leave the licensed residential family-based substance use disorder program with my child, which will result in terminating this agreement. My request will be a written and dated statement.
6. Provide the agency with my income information and cooperate with a fee assessment.
7. Reimburse the agency for expenses it incurs in caring for my child in accordance with the plan agreed upon with the agency, and as allowed by Minnesota Statutes, section 260C.331.
8. Agree to assign to the agency any program assistance benefits I receive for my child as authorized by law, including child support and Social Security benefits.
9. Authorize the agency to obtain medical and school information about my child to assist in accessing services for my child.
10. Apply for Medical Assistance, if child does not have health insurance.

Note: If you are in the Minnesota Family Investment Program (MFIP) at the time your child is placed in foster care with you in the substance use disorder program, you may continue to receive MFIP for personal needs, if otherwise eligible. Your child will not be eligible for MFIP because they are eligible for foster care maintenance payments.

I agree to the provisions included in this voluntary placement agreement.

Signature of parent/legal custodian

Signature of agency representative

Signature of parent/legal custodian

Title of agency representative

Signature of tribal social service representative

Date of agreement

(Must be within one business day of child's placement.)

Signature of judge or court referee

Date of signature of judge or court referee



Agency name

Address 1

Address 2

Month 00, 20xx

Parent's Name

Address 1

City, State Zip Code

Notice to parent considering voluntary placement of a child co-located with their parent in a residential substance use disorder treatment program

Dear [parent's name]:

This letter is to inform you of your rights and the consequences when considering voluntary placement of your child in foster care for co-located placement with you as their parent in a licensed residential family-based substance use disorder program, in accordance with Minnesota Statutes, section 260C.227.

Your rights

- You and your child each have the right to consult with an attorney at your expense before signing the voluntary placement agreement.
- You can disagree with the voluntary placement and choose not to sign the voluntary placement agreement.
- If you sign the voluntary placement agreement and your child is placed with you in a licensed residential family-based substance use disorder program, you can request that an agreement be terminated. The request must be a statement in writing, signed and dated.
- A voluntary placement agreement will be terminated upon your request unless a petition was filed with the court alleging that your child's return would not be in their best interests.

Your responsibilities

You continue to have responsibility to support your child financially. Any child support paid to you may be redirected, as well as any other income received for the care of your child.

Engage with your county social service agency to develop an out-of-home placement plan. This plan will be developed with you within 30 days of placement, listing services to help meet your child's needs while you are together in a program.

Agency responsibilities

Agencies must specify the recommendation for child's placement with you in a substance use disorder program in child's case plan prior to placement. Jointly with you and in consultation with the child, if age appropriate, the agency will prepare a written out-of-home placement plan within 30 days that describes the placement setting and services to be provided.

Information gathered while your child is in voluntary placement may be used to support a petition to the court alleging that your child is in need of protection or services. Agencies must ensure that a child has a permanent home. In some situations, it may file a petition seeking termination of parental rights. If an agency files either type of petition, you have the right to an attorney. If you are unable to afford legal representation, and are eligible, the court will appoint an attorney at no charge to you. Once in court, your child may have an attorney and/or a guardian ad litem.

Review of voluntary placements

When placement of a child co-located with their parent in a licensed residential substance use disorder program continues, the agency shall file a petition in juvenile court within 90 days asking the court to: a) Review child's placement and continue the voluntary placement for an additional 90 days; b) Continue foster care by court order under Minnesota Statutes, sections 260C.178 or 260C.201; or c) Terminate parental rights under Minnesota Statutes, section 260C.301.

If the court approves continuing foster care for up to 90 more days on a voluntary basis, the child must be returned to their parental home at the end of the additional 90 days. If they are not returned home, agencies must: a) File a petition alleging child is in need of protection or services [Minnesota Statutes, section 260C.141]; b) File a petition for termination of parental rights or other permanent placement of a child away from their parents. [Minnesota Statutes, sections 260C.301 or 260C.505]

Name:

Title:



Agency name

Address 1

Address 2

Month 00, 20xx

Parent's/Indian Custodian's Name

Address 1

City, State Zip Code

Notice to Parent or Indian Custodian Considering Voluntary Placement of an Indian Child Co-located with Parent or Indian Custodian in Residential Substance Use Disorder Program

Dear [parent's name]:

This letter is to inform you of your rights and consequences when considering voluntary placement of your child in foster care for co-located placement with you as their parent in a licensed residential family-based substance use disorder program, in accordance with Minnesota Statutes, section 260C.227.

Your rights

- You and your child each have the right to consult with an attorney at your expense before signing a voluntary placement agreement.
- You can disagree with a voluntary placement and choose not to sign the voluntary placement agreement.
- If you sign a voluntary placement agreement and your child is placed with you in a licensed residential substance use disorder program, you can request that the agreement be terminated. The request must be a statement in writing, signed and dated.
- The voluntary placement agreement will be terminated upon your request, unless a petition was filed with the court alleging that a child's return would not be in their best interest.

Court proceedings

Voluntary placement agreements must be approved at court proceedings, and you must personally appear at the proceeding in order for the consent to be valid. At court proceedings you will be advised of provisions of the Indian Child Welfare Act governing voluntary placements, and asked to make a statement acknowledging understanding of the Indian Child Welfare Act and your rights. A copy of the voluntary out-of-home placement consent agreement will be provided to the tribe(s).

Your responsibilities

You continue to have responsibility to support your child financially. Any child support paid to you may be redirected, and any other income received for the care of your child.

Engage with the county social services agency to develop an out-of-home placement plan. The agency will develop this plan with you within 30 days of placement, listing services to help meet your child's needs while placed together in a family-based treatment program.

Agency responsibilities

When an Indian child is voluntarily placed in out-of-home care, agencies must give notice of placement to their tribe(s) within seven days of placement, excluding weekends and holidays. Agencies must also follow placement preference provisions specified by the Indian Child Welfare Act, and any placement recommendations made by your tribal social services agency.

Agencies must specify recommendations for child's placement with you in a substance use disorder program in child's case plan prior to placement. Jointly with you and in consultation with child, if age appropriate, the agency will prepare a written out-of-home placement plan within 30 days that describes the placement setting and services to be provided.

Information gathered while your child is in voluntary placement may be used to support a petition to the court alleging that they are in need of protection or services. Agencies must ensure that children have a permanent home. In some situations, an agency may file a petition seeking termination of parental rights. If it files either type of petition, you have the right to an attorney. If you are unable to afford legal representation, and are eligible, the court will appoint an attorney at no charge to you. Once in court, your child may have an attorney and/or a guardian ad litem.

Review of voluntary placements

When placement of a child co-located with their parent in a licensed residential substance use disorder program continues, the agency shall file a petition in juvenile court within 90 days asking the court to: a) Review child's placement and continue the voluntary placement for an additional 90 days; b) Continue foster care by court order under Minnesota Statutes, sections 260C.178 or 260C.201; or c) Terminate parental rights under Minnesota Statutes, section 260C.301.

If the court approves continuing foster care for up to 90 more days on a voluntary basis, a child must be returned to their parental home at the end of the additional 90 days. If a child is not returned home, an agency must: a) File a petition alleging child is in need of protection or services [Minnesota Statutes, section 260C.141]; b) File a petition for termination of parental rights, or other permanent placement of a child away from their parent(s). [Minnesota Statutes, sections 260C.301 or 260C.505]

Name

Title



Licensed Minnesota Residential Family-based Substance Use Disorder Treatment Programs

Below is a list of licensed programs that specialize in substance use disorder treatment of clients with children.

List of Minnesota Family-based Treatment Facilities

Facility name	Name of contact	Phone	Email
AVIVO	*Use email or call for referral	612-752-8189	intakereferrals@avivomn.org
Journey Home /Family Unity	Joal Peitz	320-259-9149 Ext. 22303	peitzj@centracare.com
Recovering Hope Treatment Center	Nicki Miller	320-364-1303	nicki@recoveringhope.life
Wayside Family Treatment Center	Ashley Todd	651-242-5540	Ashley.Todd@waysiderecovery.org
Wellcome Manor Family Services	Lauren Duran	507-546-3295 ext.105	Lauren.Duran@wellcomemanor.org