

NUMBER

#19-68-21

DATE

October 7, 2019

OF INTEREST TO

County Social Services Directors

Tribal Social Services Directors

Social Services Supervisors and
StaffLicensed Children's Residential
Facilities staff**ACTION/DUE DATE**Please read information and
implement**EXPIRATION DATE**

October 7, 2021

Title IV-E safety requirements for children's residential facility placements

TOPIC

The Family First Prevention Services Act amends Title IV-E of the Social Security Act to require criminal record and registry checks on adults working in child care institutions.

PURPOSE

To notify county and tribal agencies of new Title IV-E safety background study requirements on behalf of children placed in residential facilities; the impact on Title IV-E eligibility and claiming.

CONTACT

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SIGNED

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Interim 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 (FFPSA) [Public Law 115—123] , enacted February 9, 2018, amends Title IV-E of the Social Security Act to require that Title IV-E agencies apply the same Adam Walsh background study requirements for any adult working in a child care institution (children’s residential facility (CRF) in Minnesota). This means staff working in group homes, residential treatment centers, shelters and other congregate care settings. The background study requirements for children’s residential facility staff include finger-print-based checks of national crime information databases and checks of child abuse and neglect registries (as defined in section 534(f)(3)(A) of Title 28, United States Code) in Minnesota and any state where an individual has resided in the preceding five years.

A criminal records check must reveal that adult staff members have not been convicted of prohibited felonies. These requirements are a condition of eligibility for federal Title IV-E foster care funds. [Section 471(a)(20) (D) of the Social Security Act]

A. New background study requirements

The 2019 Minnesota Legislature made necessary changes to background study requirements in Minnesota Statutes, Chapter 245C – Human Services Background Studies, to comply with Section 471(a)(20) (D) of the Social Security Act, as amended by FFPSA. Effective July 1, 2019, children’s residential facilities (CRF) licensed by the commissioners of the Minnesota Departments of Corrections or Human Services under Minnesota Rules, chapter 2960, are required to implement the following procedures:

- **All staff must have a background study:** All staff age 18 or older – both those who have and do not have direct contact with persons served by a program – must have a background study.
- **New enhanced background studies:** All background studies of staff working in children’s residential facilities will now be finger-print- based and include a search of the national criminal history registry and child abuse and neglect registries in any state a study subject has lived during the previous five years. Some disqualifications will no longer be set aside. The commissioner shall not set aside disqualification of an individual in connection with a license for a CRF who was convicted of a felony within the past five years for: (1) Physical assault or battery, or (2) Drug-related offense.
- **Timelines for completion of enhanced background studies:** Effective July 1, 2019, all individuals/staff in connection with a licensed CRF are required to complete a new finger-print-based background study. To comply with FFPSA requirements for Title IV-E funding, the commissioner has established a schedule for (1) Individuals in connection with a licensed CRF that serves Title IV-E eligible children to complete the background study no later than **March 1, 2020**; (2) Individuals/staff in connection with a licensed CRF that serves children not eligible for Title IV-E funding to complete the new background study no later than **March 1, 2021**.

B. Title IV-E eligibility and claiming

These new requirements for child care institutions are a condition of eligibility for Title IV-E funds; federal law does not allow claiming of Title IV-E until the new enhanced background checks have been completed and cleared for all adults working in a facility. County or tribal agencies cannot claim Title IV-E foster care maintenance payments for a title IV-E eligible child placed in a CRF until enhanced background checks are completed and cleared for all adults working in a facility.

Note that county or tribal agencies **cannot** claim Title IV-E foster care maintenance payments for placements in a CRF when staff are working under supervision while waiting for results of enhanced background checks. When placing a child in a children's residential facility, county or tribal social service agencies will need to verify with a facility that it has completed the new enhanced background study for all adults working in the facility before an agency may claim Title IV-E foster care maintenance payments.

To the extent that Title IV-E agencies incur administrative costs as a result of implementing this new requirement, Title IV-E agencies may claim administrative costs in accordance with an approved Title IV-E cost allocation plan or cost allocation methodology. [45 Code of Federal Regulations, 1356.60]

C. Children's residential facility documentation requirements for Title IV-E claiming

Children's residential facilities that serve Title IV-E eligible children must have a licensing file that includes documentation that verifies each component of the safety requirements listed below for each staff member. [45 Code of Federal Regulations, 1356.30 (f)] CRFs are required to maintain documentation in personnel files of the date that background studies were initiated and cleared, and the date that a subject (staff) first had contact with children served. [Minnesota Statutes, section 245C.20, subdivision 1-License Holder Record Keeping]

D. Children's residential facility (provider) Title IV-E safety requirements list (template)

To demonstrate and support compliance with Title IV-E safety requirements, and future federal Title IV-E foster care eligibility reviews, it is suggested that facilities (providers) create a document listing the following information:

CRF Title IV-E safety list (see attached template)

Name:

Enter the full name of employee, including their middle name. Also, indicate NMN (no middle name) if they do not have a middle name.

Date of birth:

Enter the eight digit date of birth – MM/DD/YYYY.

Date of hire:

Enter the eight digit date of hire.

Date background study was initiated (in NETStudy):

Enter the eight digit date the BGS was initiated in NETStudy.

Date BGS clearance was received:

Enter the eight digit date the BGS clearance was received.

Date started working with children:

Enter the eight digit date employee started working with children.

Dates of supervision (if applicable):

Enter the eight digit dates of supervision. The time frame that an employee worked prior to receiving a BGS clearance and/or during the disqualification reconsideration process.

Date of termination (if applicable):

Enter the eight digit date that employee was terminated or separated from employment.

Providers must keep the CRF Title IV-E list up to date and have it available for placing county or tribal agencies to review upon request for Title IV-E safety requirements and claiming.

Send questions regarding CRF Title IV-E safety requirements documentation to: Amber Buckner, Title IV-E Foster care consultant, at amber.buckner@state.mn.us, 651-431-4148.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (000) 000-0000 (voice) (division's general information phone number) or toll free at (800) 000-0000 (include if available within the division) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.

Agency Name:

Program(s):

Street address:

Date:

[illegible]