

# Commissioner Transitions

What are the Commissioner Transitions?

- Commissioner Transitions are the way the State is slowly moving children from pre-Northstar permanency benefits to Northstar Care for Children.

Who will be affected by the Commissioner Transitions?

- Individuals receiving Relative Custody Assistance
- Individuals receiving Legacy Adoption Assistance
- Individuals on the Minnesota Permanency Demonstration Project

When will the Commissioner Transitions begin?

- The Minnesota Department of Human Services has begun the commissioner transitions process
- Families receiving Relative Custody Assistance will be transitioned first and then the remaining programs will be transitioned
- It will take several years to complete the transitions

**Exception: AT this time, no youth age 16 and older will receive commissioner transitions.**

What can I expect when I receive a commissioner transition?

- A higher monthly payment
- An option for the benefit to be extended after age 18, if specific conditions are met
- A yearly increase in monthly payments to reflect cost of living
- No reduction in payments for child support
- No annual affidavit
- No MFIP or SNAP involvement

What other income will be considered when figuring out my monthly Northstar payment?

- Retirement Survivor's Disability Insurance (RSDI)
- Veteran's Benefits
- Railroad Retirement Benefits
- Black Lung Benefits

When income is received on behalf of a child for any of the above, your monthly payment will be reduced by that amount.

What if I have received a notice from the Department of Human Services about completing a commissioner transition?

You must:

1. Receive and review a notice from the department
2. Contact the person listed in the notice to complete a Northstar Benefit Agreement
3. Review and sign the Benefit Agreement
4. Complete and submit a [Substitute W-9 form](http://www.mn.gov/mmb/images/w-9-form-swift.pdf)  
(<http://www.mn.gov/mmb/images/w-9-form-swift.pdf>)

The Substitute W-9 form is required by the IRS. If you sign the Benefit Agreement but do not submit a Substitute W-9 form, the department cannot send money to you. If there are two caregivers, the one listed first must complete the W-9 form

What will happen next?

- Current Relative Custody Assistance payments benefits will end on the date listed in your notice from the department.
- If you do not sign the new Benefit Agreement within six months of your first notice, your child will not receive benefits.

What if I want to remain on the current program?

For Relative Custody Assistance, you do not have a choice for your child to remain on the current program. You will be required to complete transition process or your benefits will stop.

For Legacy Adoption Assistance, you may choose to remain on Legacy Adoption Assistance. You will not receive annual cost of living increases and you are closing the door to Northstar Adoption Assistance.

# Benefit Agreement for Northstar Kinship Assistance or Northstar Adoption Assistance

The Benefit Agreement is your legal contract. It is an agreement with the:

- Relative custodian or adoptive parent
- Local agency (county or tribe)
- Minnesota Department of Human Services

The Benefit Agreement must be signed by all parties. Once signed, it cannot be changed unless all parties agree.

## Sections in the Benefit Agreement

The Benefit Agreement has 14 sections. Click on the links below for more information.

- A. [Type of Agreement](#)
- B. [Court or Legal Action](#)
- C. [Benefits: Monthly Payment](#)
- D. [Benefits: Medical Care](#)
- E. [Other Benefits](#)
- F. [Benefits: Collection of Overpayments](#)
- G. [Responsibility to Report Changes](#)
- H. [Data Practices](#)
- I. [Interstate Compact on Adoption and Medical Assistance](#)
- J. [Term and Possible Extension](#)
- K. [Modification of Terms](#)
- L. [Termination of Agreement](#)
- M. [Assignment \(and Successors\)](#)
- N. [Services](#)
- O. [Appeal](#)
- P. [Effective Date](#)

## A. Type of Agreement

This section answers three questions:

- Is this agreement for Northstar Kinship Assistance or Northstar Adoption Assistance?
- Does the agreement involve a commissioner transition, an at-risk conversion, or neither one?
- What rate structure does the agreement follow?

There are two rate structures:

- Preschool Entry Rate or Alternate Rate
- School Age Rate or Full Rate.

Both rate structures compare the monthly payment to what a child would receive in Northstar Foster Care.

## **1. Pre-school Entry Rate or Alternate Rate**

A child's monthly payment is half of what they would receive in Northstar Foster Care.

This rate applies:

- When Northstar Kinship or Adoption Assistance eligibility is established when a child is 5 or younger
- Under most commissioner transitions

## **2. School-age Rate or Full Rate**

A child's monthly payment is what they would receive in Northstar Foster Care.

This rate applies:

- When Northstar Kinship or Adoption Assistance eligibility is established when a child is 6 or older
- Under commissioner transitions when the Alternate Rate is too low  
State law requires commissioner transitions result in a monthly payment that is at least as high as the previous benefit.

## **B. Court or Legal Action**

This section explains what court or legal action is involved.

In most cases, no final court action must happen until the Benefit Agreement is signed by all parties.

## **C. Benefits: Monthly Payment**

This section explains the monthly payment, including showing the initial amounts.

### **C1. Monthly Net Payment**

The monthly net payment is the initial amount sent to a caregiver for care of a child.

### **C2. How the Monthly Net Payment is Calculated**

This table shows each step in calculating the payment amount. Most of the figures refer to other parts of the section if you want more information.

### **C3. Monthly Basic Payment**

The monthly basic payment is based on a child's age. It pays for costs that parents typically provide, such as:

- Food
- Clothing
- Shelter
- Daily supervision
- School supplies
- Activities
- Personal items
- Typical transportation expenses

#### **C4. Monthly Supplemental Difficulty of Care Payment**

Some children get a monthly supplemental payment. This is for the extra care, attention and impact on the family for parenting this child. It is based on the Minnesota Assessment of Parenting for Children and Youth (MAPCY).

If the MAPCY level is extraordinary, then part of the supplemental payment is available only when the child is physical living with the caregivers.

#### **C5. Reassessment of Monthly Supplemental Difficulty of Care Payment**

A caregiver may ask for a reassessment if circumstances change. A new MAPCY assessment might determine that a child can receive a higher monthly supplemental payment.

A caregiver must ask the financially responsible agency in writing for a reassessment.

#### **C6. Monthly Total Payment**

The monthly total payment is the monthly basic payment added to the monthly supplemental payment. This is the most that might be paid and is sometimes reduced by child income offsets (see C7 below).

#### **C7. Automatic Adjustments to Monthly Payments due to Income Offset**

The monthly total payment will be reduced if the child gets financial benefits from:

- Retirement Survivor's Disability Insurance (RSDI)
- Veteran's Benefits
- Railroad Retirement Benefits
- Black Lung Benefits

#### **C8. Automatic Adjustments to Monthly Payments**

Automatic adjustments keep payments in line with foster care payments. They may result in increases or decreases to the monthly total payment. These include:

- Annual cost adjustments
- Age adjustments

- Child care
- Extraordinary level increases

## **C9. Monthly Initial Amount Foregone**

If your Benefit Agreement has Part C9, then you asked for a negotiated payment that is lower than what your child could have received. This shows the amount foregone (given up).

## **D. Benefits: Medical Care**

This section says if a child is eligible for Title IV-E. Based on that, it describes how a child is eligible for Medicaid health benefits. Medicaid is called Medical Assistance (MA) in Minnesota.

If a child is eligible for Title IV-E, then they are automatically eligible for Medicaid health benefits. The child is automatically eligible for Medicaid in Minnesota or in any other state or tribal service area.

If the child is not eligible for Title IV-E, they are likely eligible for Medicaid in Minnesota, but might not be eligible in other states or tribal service areas. In this case, eligibility in Minnesota is through the standard MA application process.

## **E. Other Benefits**

### **Non-Recurring Expenses**

The department may reimburse you for certain expenses. These expenses must have been required for the legal change of adoption or transfer of permanent legal and physical custody.

You may submit these expenses to the department. The department must receive the request within 21 months of the court order for adoption or transfer of permanent legal and physical custody.

Non-recurring expense reimbursement is the only benefit in this section for Northstar Kinship Assistance.

### **Home and Vehicle Modification**

If you need to modify your home or vehicle to meet your child's special needs, money may be available through Northstar Adoption Assistance. To receive this assistance, you must contact the department for approval and instructions.

Home and vehicle modification is not available through Northstar Kinship Assistance.

## **F. Benefits: Collection of Overpayments**

The department may find that it has paid you too much. If that happens, the department will notify you before trying to collect the money from you.

You must repay the money or appeal the department's decision within 60 days. If the issue is not resolved within 60 days, the department may reduce future payments to you. If there are no future payments, the department may collect in other ways.

## **G. Responsibility to Report Changes**

You must report specific events, such as a change in your name or address, to the department whenever they occur. Additional events include legal changes, such as getting a divorce or no longer having responsibility for a child, and changes in the four financial benefits that involve [child income offsets](#):

- Retirement Survivor's Disability Insurance
- Veteran's Benefits
- Railroad Retirement Benefits
- Black Lung Benefits

It is your responsibility to report them to the department. Failure to report an event, or reporting false information, could result in a criminal investigation.

## **H. Data Practices**

Local agencies and the department take steps to protect private information which is governed by the Minnesota Government Data Practices Act. When needed to run the program, private information may be shared within the system. Private information may be shared with others outside the system only with your written consent.

## **I. Interstate Compact on Adoption and Medical Assistance**

This agreement remains in effect even if a child crosses state lines or changes tribal service areas. A federal agreement governs those situations.

## **J. Term and Possible Extension**

The Benefit Agreement ordinarily lasts until the day before a child turns 18. If a child is dependent on you for care and financial support due to a physical or mental disability, the Benefit Agreement may be extended up to age 21.

There are additional conditions for extension if a child was age 16 or older at the time of the final court order to adoption or transfer of permanent legal and physical custody.

## **K. Modification of Terms**

A change in circumstances may result in a change in the monthly payment amount, a reassessment may be requested as described in Part C4.

If changes are made to your benefit agreement, the department will let you know and have you sign an amended benefit agreement.

## **L. Termination of Agreement**

This section describes conditions that end the Benefit Agreement, including when a:

- Child turns 18, unless an extension was granted as described in Section J

- Caregiver no longer provides support for a child.

You should review the list of conditions in Section L.

## **M. Assignment (and Successors)**

This section is different for Northstar Kinship Assistance and Northstar Adoption Assistance.

### **Northstar Kinship Assistance**

A relative custodian has the option to name up to five successors, similar to how parents name successors for their children in a will.

This is an option and is not required. Relative custodians may add or change named successors at a later date through an amendment to the Benefit Agreement. A successor may not be:

- A child's legal parent
- A child's biological parent
- A child's step-parent
- Another adult living in the house of the legal parent, biological parent or step-parent

If a relative custodian dies or becomes unable to care for a child, there are steps to approve a named successor as a child's new relative custodian. These steps include a background study, renegotiation of the agreement, and court action. After the steps are completed, the Northstar Kinship Assistance benefit and Title IV-E eligibility, if applicable, follow the child to the new relative custodian.

If no successor is named, the Benefit Agreement may be assigned to a successor with the written agreement of the department. However, Title IV-E eligibility and automatic eligibility for Medical Assistance, if applicable, will not follow.

### **Northstar Adoption Assistance**

The Benefit Agreement may be assigned to a successor with the written agreement of the department. However, Title IV-E eligibility and automatic eligibility for Medical Assistance, if applicable, will not follow.

## **N. Services**

This section describes services that are available. You may receive services that are specific to this Benefit Agreement, such as a reassessment and renegotiation. You may also apply for additional services at your local county agency or appropriate tribal agency. A wide range of services may be available for you, your child or both.

## **O. Appeal**

You have the right to appeal any decision of the local agency or the department. This includes modification or termination of the Benefit Agreement, or denial of payments or reimbursements.

Appeals follow the fair hearing and appeal process as defined in Minnesota law.



An appeal must be in writing and filed within 30 days of the action. It could be filed within 90 days if you can explain why it wasn't filed within 30 days, and the hearing official agrees.

Appeals may be filed through the department's electronic process or by mail as described in Section O.

## **P. Effective Date**

This section explains when the Benefit Agreement takes effect and monthly payments can begin. The date depends on the type of agreement and other conditions.

Usually, the effective date is a future date when the court acts. Examples of when it could be a past date include:

- Conversion of a Northstar Adoption Assistance “at-risk” agreement
- Commissioner transition if the Benefit Agreement was not signed promptly but prior to its expiration.