

Presenter: Nan Beman

## Clarifications

### Statute and SSIS Procedure

## Prenatal exposure to controlled substances

- This report relates to a pregnant mom prior to the birth.
- The required response is to assess and offer services.
- In SSIS the assessment and service provision would be in CD or CW, not CP unless Mom has older children who are at risk.

## Mn. Stat.626.5561

### **Subd. 2.Local welfare agency**

Upon receipt of a report required under subdivision 1, the local welfare agency shall immediately conduct an appropriate assessment and offer services indicated under the circumstances. Services offered may include, but are not limited to, a referral for chemical dependency assessment, a referral for chemical dependency treatment if recommended, and a referral for prenatal care. The local welfare agency may also take any appropriate action under chapter 253B, including seeking an emergency admission under section 253B.05. The local welfare agency shall seek an emergency admission under section 253B.05 if the pregnant woman refuses recommended voluntary services or fails recommended treatment.

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## What does this mean?

- When the pregnant mother has no older children, CP assessment or investigation opening is not allowed by statute.
- The assessment and offer of services must be in CD or CW.
- Unborn children are never entered into SSIS.

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## What does 253B.05 say?

- This clause allows a chemically dependent person to be held in a treatment facility if certain factors are present. This is essentially an emergency hold to prevent injury to that individual or others.

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## What happens when the baby is born?

- Follow the requirements for assessment or investigation under 626.556 Subd.2 (f) (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance;

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## Mn. Stat. 253B.02?

- "Chemically dependent person" also means a pregnant woman who has engaged during the pregnancy in habitual or excessive use, for a nonmedical purpose, of any of the following substances or their derivatives: opium, cocaine, heroin, phencyclidine, methamphetamine, amphetamine, tetrahydrocannabinol, or alcohol.

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## The CP Assessment...

- ...can only take place once the infant is born and the mother or the infant have a positive toxicology screen, or the infant shows withdrawal symptoms at birth, or the baby shows medical effects or delays in the first year.

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Some cases have been opened in CP on the pregnant mother

- If you have cases done incorrectly like this, corrections will need to be made beginning with cases dated July 1, 2009.
- SSIS will send you a report with the cases that must be corrected. Most agencies will not receive this report
- Follow the five steps on the next slides to make corrections.

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## Step 1

- Send in datafix to detach CP intake from the CP WG. You will then be able to screen *out* the report on the pregnant Mother. Open CW or CD for the work done prior to the baby's birth.  
Note: WG contents will not be lost!

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## Steps 2 and 3

- Send in datafix to move CP WG contents for work prior to baby's birth to CW or CD, as appropriate.
- Enter new CP Intake as of baby's birth date, with maltreatment report as of that date. Create an assessment in CP from the new intake.

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## Steps 4 and 5

- Send in datafix to move contents of your work after the baby's birth from the old CP to the new CP assessment.
- Delete the now empty CP WG.

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## Financial responsibility for placement

- When your agency has financial responsibility for placement, the placement setting and the continuous placement must (usually) remain open in your database.
  - In some situations, the county has financial responsibility but the tribe has taken jurisdiction. Placement remains open in the county.

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## Jurisdiction transfers to the DOC

- When the court transfers jurisdiction of a delinquent to the Minnesota Department of Corrections, your agency may still pay the bill. The placement is discharged with a reason of discharged to another agency.

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## The difference between the tribe and Mn. DOC

- County social services continue to have financial responsibility for the child for whom the tribe has taken jurisdiction. AFCARS expects the placement to be reported on from the agency with financial responsibility.

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## DOC youth

- These youth are delinquent. There is no IV-E agreement for Mn. DOC and there are no IV-E requirements for these youth. Delinquent youth are not in the reporting population for AFCARS unless there is a IV-E agreement.

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## When cases transferred to Leech Lake Band or White Earth Band

For those counties who transferred cases to the **Initiative**, the entire continuous placement should be in the tribe's SSIS database. SSIS staff will call both bands on those placements which need to be corrected.

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## Courtesy supervision

- Did another agency/state place this child – courtesy supervision by this county?
- Checking the Yes box will turn the placement settings into locations. The continuous placement should be deleted.
- You will be getting calls on the cases that need these changes.

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## Safe Place for Newborns

- See corrected Bulletin #09-68-19c
- Infants left at a hospital under this law have a CW case opened, not CP.
- Infants born in that hospital cannot be accepted under Safe Place for Newborns. The infant's mother is known.

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## Court action

- File either a Chips or TPR petition to allow the court to find the child to be abandoned.
- Birth parent and relative search is not required.
- If there is reason to believe the newborn is American Indian, the Indian Child Welfare Act may apply.

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## SSIS entry

- Assign the infant a temporary name and clear to SWNDX. The agency may request the pre-adoptive parents or the foster parents to name the child.
- Never assign general descriptors as a name -- such as baby, child, newborn, male, female, etc.

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## Refer to an adoption agency

- Mom has her baby in the hospital and asks to have her baby taken under Safe Place for Newborns.
- Mother should be referred to local adoption agencies. Social services may also be called to facilitate Mom placing her infant for adoption. This is **not** Safe Place for Newborns.

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## New Bulletin #10-68-02

- Referrals must be made to the local early intervention programs for children under age three with substantiated cases of abuse or neglect, as well as situations that involve any of the following: parental substance abuse, homelessness, parental developmental disability, infants and toddlers affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure. [IDEA 2004, §637(a) (6)]

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## SSIS report that helps

- Under Tools>General Reports>Child Maltreatment, choose “Determined Maltreatment – Children Under Three” Report
- It lists children under age three (at the time of the report) where maltreatment was determined.

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*For answers to your questions, contact:*

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