

Presenter: Amy Lembcke

Placement Entry for 18-21 –Year–Olds in Foster Care

Youth in placement through CMH
Youth in placement through corrections

SSIS Worker Mentor Meeting
August 14, 2013

Eligibility Criteria

- ▶ Youth in placement through child protection (Minnesota Statutes, Chapter 260C) and those in voluntary foster care for treatment (Chapter 260D) who meet eligibility criteria may decide to voluntarily stay in (or, in some cases, return to) foster care to age 21.
- ▶ The youth must agree to meet the eligibility criteria specified in statute, and execute a voluntary placement agreement with the responsible social services agency (DHS–6248, Voluntary Foster Care Agreement for Youth Ages 18–21).
- ▶ Some youth in placement through child protection may be court–ordered to remain in foster care until age 19.

CMH youth in placement (Chapter 260D)

- ▶ If the 18–21 –year–old youth has signed a voluntary placement agreement to remain in voluntary foster care through Children’s Mental Health, keep the same continuous placement open in the CMH workgroup.
- ▶ If the youth’s case management has moved to Adult Mental Health Services and the youth is in placement, close the continuous placement in the CMH workgroup, close the CMH workgroup, and open a new continuous placement in an AMH workgroup.

- ▶ Minnesota Statutes, section 245.4875, subdivision 8, permits some 18–21 –year–old youth to continue to receive mental health services through CMH.
- ▶ If you think an 18–21 –year–old youth is in placement through CMH, but has not signed a VPA, consult with the SSIS Help Desk about the case specifics to determine how the placement should be entered in SSIS.

Youth in placement through corrections (Chapter 260B)

- ▶ No youth of any age in placement through corrections need to be entered into SSIS unless:
 - ❖ You are an umbrella agency.
 - ❖ Your social service agency has a Title IV-E agreement with corrections. or
 - ❖ The court has assigned custody/placement and care responsibility to your social service agency.

- ▶ There is no provision in Minnesota law for youth in placement through corrections to request to remain in voluntary foster care at age 18.
- ▶ A Title IV-E agreement between social services and corrections or being an umbrella county does not change this.
- ▶ Some agencies choose to provide corrections youth services or other assistance to transition to adulthood, but no Title IV-E funding is available for this, even if the agency calls it “foster care” or “placement.” (DHS Bulletin #12-68-22).

Example #1

- ▶ John is in placement through corrections at an umbrella agency. He is court ordered to remain at Mille Lacs Academy until his 18th birthday. Juvenile court jurisdiction will end for him at age 18.
- ▶ His probation officer is concerned about where John will go when he is discharged. She makes arrangements for him to live at Oak Leaf Group Home when he attains age 18. John voluntarily agrees to the help and the county corrections agency will pay for it for six months.
- ▶ In SSIS, John's continuous placement ends when he attains age 18.

- ▶ If a youth under age 18 in placement through corrections does not have a safe home to return to when the placement ends, the corrections officer should report the child protection/child welfare issues to social services. If warranted, a CHIPS petition should be filed to support meeting the safety needs.

Example #2

- ▶ Katie is 17 years old and has been in placement through corrections for two years. During that time, her mom has had some significant MH and CD issues, and her involvement with Katie has steadily declined.
- ▶ Katie will be released from her corrections placement in three months, and put on probation. Her probation officer is not sure that Katie's mom can meet her needs when she is discharged. She makes a report to child protection. An assessment is completed, and a CHIPS petition is filed, and Katie is adjudicated CHIPS.
- ▶ When Katie's corrections placement ends, the judge on the CHIPS case does not feel that she can go home because her mother is unable to meet her needs. Katie is court ordered into placement through social services.

- ▶ In SSIS, enter continuous placement through corrections (if an umbrella county or Title IV-E agreement exists).
- ▶ Keep continuous placement open and change supervising agency to social services when Katie's correction placement ends.

- ▶ There are some situations where a youth placed through corrections remains in court-ordered placement under juvenile court jurisdiction beyond age 18.
- ▶ Consult with DHS staff for questions on eligibility for continued Title IV-E claiming.
- ▶ If Title IV-E claiming will be continued, you must keep the continuous placement open in SSIS. If not, the continuous placement can be closed.

- ▶ Sometimes, there are cases where a youth approaching age 18 is being jointly served through social services and corrections, and it is not clear which agency is responsible for the placement. Consult with DHS on the case specifics to determine if the youth is entitled to request to remain in voluntary foster care under Chapter 260C.

Example #3

- ▶ Dylan is 17 ½ years old. He is under the guardianship of the commissioner of human services because his parents' rights were terminated six years ago.
- ▶ Four months ago, Dylan was convicted of a crime, and was court ordered to Prairie Lakes Detention Center through corrections for six months.
- ▶ Although Dylan is currently in placement through corrections, because he is under the guardianship of the commissioner of human services, he is entitled to receive notice of his right to remain in foster care until age 21.

Questions?

Amy Lembcke
amy.lembcke@state.mn.us
651.431.4779