

## **Guidance for closing an inactive family child foster care, family adult foster care, or family adult day services license**

### **Minnesota Statutes 245A.055**

Licensing agencies may close the license of a program that has not served a person for 12 consecutive months or longer.

### **Considerations**

- Licensing agencies can determine if they would like to close a license under 245A.055.
- It takes time and effort to complete the license application, home study (for family child foster care), and related trainings. The decision to close an inactive license should not be made lightly.
- Prior to closing a license under 245A.055, licensors should have conversations with the license holder about their inactive status and attempt to address the issue together. This should include discussions about voluntarily closing the license.
- A license holder's consistent and extended refusal of placements is grounds to support closing an inactive license. However, a license holder who has refused placements due to concerns about the COVID-19 pandemic should not be closed under 245A.055.
- If a license is closed under 245A.055, the license holder has the right to request reconsideration. Licensors should have documentation to support the closure if a reconsideration is requested. For example, for child foster care, it may be helpful to have a log of the number of times a license holder was called for placement and refused.
- Under 245A.055, the license holder is not prohibited from reapplying for a license.

### **Circumstances under which an inactive license may be closed**

The following are examples of common scenarios where it may be appropriate to close an inactive license. Each individual situation, however, is unique. Licensors should contact triage if they have questions about a specific situation.

- A license holder has not had a placement, which includes respite, in 12 months or longer.
- A license holder has not responded to the agency's repeated attempts to communicate with them.
- A license holder has not had a placement in 12 months or longer but wants to maintain their foster care license for the status it gives them in the community or to achieve a certain threshold of years of licensed service.

- A license holder’s personal circumstances have changed and they are unable to provide care for an extended period of time. It is reasonable for a license holder to temporarily refuse placements while the license holder addresses personal issues (e.g. a move to a new house, health issues, birth or adoption of a new child, etc.). If it has been 12 months or longer, however, and the license holder is not able to give an indication that they will soon be able to accept a placement, it may be appropriate to close the license.
- Adult foster care and family adult day services: The license holder has continually refused appropriate placements.
- Child foster care:
  - A license holder is looking to adopt and is seeking a specific age range/type of child. The license holder has continually refused placements.
  - A license holder wants to remain licensed after their relative achieved permanency in case another relative needs care. If it has been 12 months or longer since the relative child achieved permanency and the license holder has not accepted any other placements, it may be appropriate to close the license.
  - A license holder pursued a license in order to be a placement option for a specific child/children. The child was not placed with them and the license holder refuses all other placements.

### **Circumstances under which an inactive license should not be closed**

- The agency would like to give the license holder the opportunity to take future placements.
- There is a lack of appropriate placements.
- The agency has decided to not close licenses under 245A.055 at this time.

### **Process to close an inactive license**

- If your agency has determined that a license should be closed because a license holder has not served a person for 12 months or longer, complete and send the “Notice of License Closure Letter” to the license holder. DHS recommends sending this letter two weeks prior to the closing date.
- Submit the 3324 to close the license, select “closing inactive license” for the closing reason. After the agency attestation section, select “attach documentation” and attach the copy of the “Notice of License Closure Letter.”
- DHS will send a letter to the license holder notifying them of the license closure and end the dual variance, if applicable.
- The status of the license will change in ELMS and Licensing Information Lookup after this process is complete.