

# Policy on sibling placement, separation, visitation, and contact in permanency

## Overview

Federal law, state law, best practice literature, and national research support placing siblings together in foster, adoptive, and kinship homes, and document many benefits to placement together.

This policy outlines requirements to place siblings together for adoption and transfer of permanent legal and physical custody; considerations regarding separating siblings when establishing permanency through adoption or transfer of permanent legal and physical custody; the obligation to facilitate visitation and contact if siblings are separated while in foster care awaiting permanency; and considerations for post-adoption contact and visitation between siblings.

## Reason for policy

This policy and its procedures ensure that children involved in juvenile protection proceedings, including children under guardianship of the commissioner, who cannot be reunified with their parents or custodians, are able to maintain sibling and family connections to the greatest extent possible, including the opportunity to grow up with their siblings through finding permanency together.

## Applicability

This policy is applicable to sibling placements, separation, visitation, and contact of children involved in juvenile protection proceedings under Minnesota Statutes Chapter 260C, who cannot be reunified with their parents or custodians and whose primary permanency goal is adoption or transfer of permanent legal and physical custody.

## Policy

This section outlines legal requirements for siblings to be placed together in adoptive and kinship homes, agency responsibilities to ensure visitation and contact if siblings are separated, and court reviews of agency efforts.

### I. Permanency placement decisions regarding siblings

1. When making permanency placement decisions, siblings in foster care must be placed together whenever possible and at the earliest possible time.

- a. A child's current and future relationship with their siblings must be considered when making a permanent placement decision. [Minn. Stat., section 260C.212, subd. 2 (b)(9) and (d)]
    - i. For Indian children, agencies must consider the best interests of an Indian child under the Minnesota Indian Family Preservation Act (MIFPA), which includes supporting a child's sense of belonging to their family, extended family, and tribe. Extended family includes siblings as defined by law or custom of a tribe as well as adult siblings. [Minn. Stat., sections 260C.212, subd. 2 (b); and 260.755, subd. 2a; 25 U.S.C. § 1903 (2); Minnesota Tribal-State Agreement, 2007]
    - ii. Foster care and preadoptive placement preferences under the Indian Child Welfare Act (ICWA) include consideration of an Indian child's attachment to siblings or proximity to siblings, if siblings are separated. [25 CFR § 23.131-23.132]
  - b. Reasonable efforts to finalize a permanent plan for a child include due diligence to place siblings in foster care in the same home for adoption or transfer of permanent legal and physical custody to a relative. [Minn. Stat., section 260.012 (e)(4); 42 U.S.C. § 671 (a)(31)]
  - c. Agencies must first consider permanent placement with individuals related to a child by blood, marriage, or adoption, including adult siblings and siblings' legal parents, guardians, or custodians, before considering individuals who are important friends or who have significant relationships to a child or a child's parents or custodians. [Minn. Stat., sections 260C.008, subd. 1 (b); 260C.212, subd. 2 (a); and 260C.613, subd. 1 (b)]
    - i. Adult siblings are considered adult relatives of a child and must be included in initial and ongoing relative search efforts. [Minn. Stat., sections 260C.008, subd. 1 (b); and 260C.221]
    - ii. Adult siblings have a right to be considered for adoptive placement of their sibling/s, or as relative custodians who will accept a TPLPC of their sibling/s. [Minn. Stat., section 260C.008, subd. 1 (b)]
2. Responsible social services agencies must place siblings together for transfer of permanent legal and physical custody to a relative.
    - a. If siblings are separated while in foster care, agencies must document reasonable efforts to place siblings together, as well as the reason/s why they are separated, and continue to make reasonable efforts to place siblings together. This also applies to siblings with the permanency goal of TPLPC. [Minn. Stat., section 260.012 (e)(5); 42 U.S.C. § 671 (a)(31); 42 U.S.C. § 675 (1)(F)(ii)]
    - b. The court must find there are reasons to separate siblings during placement, if applicable, when ordering a TPLPC of a child to a relative. [Minn. Stat., section 260C.515, subd. 4 (7)(iv)]
  3. Responsible social services agencies must make every effort to place siblings together for adoption, and must obtain court approval if separating siblings.
    - a. If siblings are separated while in foster care, agencies must document reasonable efforts to place siblings together, as well as the reason/s why they are separated, and continue to make reasonable efforts to place siblings together. [Minn. Stat., sections 260C.212, subd. 2 (d); and 260C.605, subd. 1 (d)(9)]
    - b. If recommending that siblings be separated for adoption, agencies must submit a request to the court and provide notice of their sibling separation proposal to required parties. Until the court

approves such a proposal, agencies must continue to make reasonable efforts to place siblings together for adoption. [Minn. Stat., sections 260C.605, subd. 1 (d)(9); 260C.613, subd. 3; and 260C.617]

4. Exceptions to placing siblings together are when:
  - a. Joint placement is determined not to be in the best interests of at least one sibling after weighing the benefits of separate placements against the benefits of sibling connections for each child.
  - b. It is documented that placement together would be contrary to the safety or well-being of any of the siblings.
  - c. It is not possible to place siblings together after reasonable efforts by the responsible agency.
  - d. For adoption only: After the court finds an agency made reasonable efforts to place siblings together, the court finds that further efforts would significantly delay the adoption of one or more siblings and are not in the best interests of those sibling/s.

[Minn. Stat., sections 260C.193, subd. 3 (g); 260C.212, subd. 2 (d); and 260C.617 (d); ; 42 U.S.C. § 671 (a)(31)]

## **II. Contact and visitation requirements for separated siblings**

1. Agencies must develop visitation and contact plans for siblings in foster care who are waiting for their adoption or transfer of permanent legal and physical custody to finalize, if it is in their best interests.
  - a. Responsible social services agencies must develop a plan for and provide frequent, ongoing visitation or other ongoing interaction among separated siblings, if visitation is in their best interests. [Minn. Stat., sections 260.012 (e)(4); 260C.008; 260C.178, subd. 1 (l); 260C.212, subd. 2 (d); and 260C.212, subd. 1 (c)(5); 42 U.S.C. § 671 (a)(31)]
  - b. Sibling visitation and contact plans must be documented in Out-of-home Placement Plans (OHPP). Agencies are responsible for ensuring visitation and contact plans are carried out. [Minn. Stat., sections 260C.193, subd. 3 (g); and 260C.212, subd. 1 (c)(5)]
  - c. The exception to developing a visitation or contact plan is when an agency documents that contact would be contrary to the safety or well-being of any of the siblings. [Minn. Stat., sections 260C.178, subd. 1 (l); and 260C.212, subd. 2 (d); 42 U.S.C. § 671 (a)(31)]
  - d. Responsible social services agencies must annually provide children and youth in foster care with contact information for all of their siblings who are also in foster care. This contact information must also be provided to youth who leave foster care at age 18 or older. [Minn. Stat., sections 260C.008, subd. 1 (a)(4); and 260C.452, subd. 4 (c)]
2. Agencies must discuss with siblings in foster care expectations for continued visitation and contact following adoption or transfer of permanent legal and physical custody.
  - a. Children in foster care who have siblings have a right to be informed of expectations and possibility of ongoing contact after an adoption or transfer of permanent legal and physical custody. [Minn. Stat., section 260C.008, subd. 1 (a)(9)]
  - b. Preadoptive parents may enter into communication and contact agreements with a parent or legal guardian of a child's siblings (including parents whose parental rights were terminated to the child), as well as with any adult sibling of a child. [Minn. Stat., section 260C.619 (a)]

- i. Communication and contact agreements must be included in a written court order before or at the time of granting an adoption decree. [Minn. Stat., section 260C.619 (b)]

### III. Court reviews

1. The court must review agencies' sibling placement, contact, and visitation efforts.
  - a. The court is required to review a responsible social services agency's reasonable efforts to place siblings together at the emergency removal hearing and at each subsequent hearing, if siblings are not placed together. [Minn. Stat., section 260C.178, subd. 1 (l)]
  - b. As part of court reviews for youth ages 18 and older in foster care, the court must ensure that responsible social services agencies assist youth with obtaining contact information for their siblings in foster care, prior to youth leaving foster care. [Minn. Stat., section 260C.452, subd. 4 (c)]
2. The court must make findings related to siblings being separated due to transfer of permanent legal and physical custody.
  - a. When children are in placement at the same time and are being separated due to a transfer of permanent legal and physical custody to a relative, the court must review reasonable efforts to place siblings together and find that there are reasons to separate siblings during placement. [Minn. Stat., section 260C.515, subd. 4 (7)(iv)]
3. The court must review and hold a hearing on an agency's proposal to separate siblings under guardianship of the commissioner for adoption.
  - a. When a child is under guardianship of the commissioner, the court must send notice of court review hearings regarding progress toward adoption to a child's sibling's foster or preadoptive parents (among other parties). A child's sibling's foster or preadoptive parents have the right to participate in court reviews. [Minn. Stat., section 260C.607, subds. 2 and 3]
  - b. The court must review an agency's proposal to separate siblings under guardianship of the commissioner for adoption. Sibling separation may be ordered for a child under the court's jurisdiction in one of the two following circumstances:
    - i. The court finds that reasonable efforts to place siblings together have been made, and further efforts would significantly delay the adoption of one or more siblings and are therefore not in one or more of the siblings' best interests.
    - ii. The court determines that it is not in the best interests of one or more siblings to be placed together after the responsible social services agency has made reasonable efforts to place siblings together. [Minn. Stat., section 260C.617 (b) and (d)]
  - c. When siblings, who are under guardianship of the commissioner at the same time, are within different court jurisdictions, courts must communicate with each other regarding each sibling's needs, and must conduct review hearings in such a way as to ensure coordinated planning by all agencies involved in decision making for the siblings. [Minn. Stat., section 260C.617 (c)]

## Procedures

### I. Sibling placement efforts

1. Place siblings together at the earliest point possible, including upon entering foster care, as joint placement at the onset of a case helps ensure joint placement for permanency.
  - a. Follow relative search requirements and consider placing siblings with a relative, including adult siblings and a sibling's legal parent, guardian or custodian. Relatives may be more willing to care for larger sibling groups, especially at permanency.
    - i. When sending the Foster Care Sibling Bill of Rights to adult siblings, clearly state that adult siblings have a right to be considered as foster care providers, adoptive parents, and relative custodians for their siblings, and ensure they know how to contact agency staff to request to be considered.
    - ii. Reconsider relatives, including those who could not be a placement option for siblings previously or who previously indicated being able to care for one or some (but not all) siblings, whenever a child's placement must change. Also consider following up with relatives who may not have responded to a relative search notice previously. Relatives can and do change their mind about being placement options, and may be able to be a permanency option at a later time.
    - iii. Continue to conduct a relative search as needed throughout the life of a case, including when ordered to reopen a relative search by the court.
  - b. Inform a child's current caregiver/s of any new siblings that enter foster care, and whenever a child's sibling must change placement. A child's current caregiver/s may wish to be considered for placement of sibling/s of the child.
  - c. For children under guardianship of the commissioner: Upon agency request or at the discretion of Minnesota Department of Human Services staff, receive information about previously unknown siblings from department staff to assist in making placement decisions and guide permanency planning for siblings.
    - i. When the department is informed a child has been ordered under guardianship of the commissioner, department staff may conduct a search to determine if the child has siblings who are currently, or were previously, under guardianship of the commissioner. This search is conducted as a courtesy to county agencies.
    - ii. If a sibling is found, department staff may send written notification to the responsible social services agency. If the child is an Indian child, the responsible social services agency must provide this notice to the Indian child's tribe.
2. Make a permanency placement decision that supports sibling relationships.
  - a. Determine each sibling's current and future individualized needs, based on the placement decision factors outlined in Minn. Stat., section 260C.212, subd. 2.
    - i. For an Indian child, this individualized determination also includes consideration of an Indian child's best interests as defined in the MIFPA. In addition to supporting an Indian child's sense of belonging and preserving and maintaining an Indian child's family, extended family, and tribe, an Indian child's best interests are interwoven with the best

interests of an Indian child's tribe. Establishing and maintaining relational ties with siblings through joint placement, contact, and visitation are key to an Indian child's best interests and preservation of an Indian child's cultural and tribal identity.

- b. Assess each prospective caregiver to determine whether and how they are able to meet each child's needs individually and as a sibling group.
  - c. Consider requesting a transfer of venue if siblings under guardianship of the commissioner are under different court jurisdictions, and the plan is to have siblings be adopted at the same time by the same parent/s.
  - d. When legal and physical custody of a child is to be transferred permanently to a relative, and a child's sibling who is also in placement is not part of this plan, the court must find that there are reasons to separate a child from the child's sibling.
    - i. Note: When children are residing together, but are to be separated legally, the court should consider whether this constitutes a reason to separate siblings, as it is still considered a legal separation.
3. When siblings are not placed together, make efforts to place siblings together.
- a. Assess sibling relationships to develop strategies that promote joint sibling placement, from the perspective of each sibling's needs. The following should be part of this assessment:
    - i. Consultation with siblings' parents, relatives, kin, and current caregivers, as appropriate
    - ii. Team decision making
    - iii. Consideration of each sibling's current needs, as well as future needs.
    - iv. If needed: Referral for a sibling attachment assessment by a mental health professional.
  - b. Continue with reasonable efforts to place siblings together, unless there is an appropriate reason to separate them, or the court orders sibling separation for purposes of adoption.
  - c. Ensure regular and frequent visitation and contact occur between siblings who are separated. Such interactions support permanency recruitment efforts toward joint sibling placement, as siblings are able to develop relationships and grow together, while professionals and prospective caregivers are able to see how siblings interact with one another and can better assess parenting needs. See Procedures Section II.
4. Document reasonable efforts to place siblings together for adoption or transfer of permanent legal and physical custody.
- a. Documentation requirements are part of the overall requirement to document reasonable efforts to place siblings together in foster care.
  - b. For adoption only: While agencies should work toward joint sibling placement overall, including considering placing children with their siblings' legal caregivers, requirements for placing siblings together for adoption only apply to siblings who are under guardianship of the commissioner at the same time.

## **II. Sibling visitation and contact plans, if siblings are separated**

1. Establish and implement sibling visitation and contact plans to ensure continued relationships, unless it is documented that such interaction is contrary to the safety or well-being of any of the siblings.
  - a. Visitation and contact plans must be documented in each sibling's out-of-home placement plan, as well as whether visitation is consistent with the best interests of the child while in foster care.

- b. Visitation and/or contact between siblings should not be contingent on the behavior of any of the siblings or dependent on any of the siblings requesting a visit or contact. It is the adults' obligation to promote visitation and contact between separated siblings to maintain family connections when safe and appropriate to do so. Agencies are responsible for ensuring caregivers understand, support, and implement visitation and contact plans.
    - c. When a child exits foster care at age 18 or older and is given contact information for their siblings who are in foster care, caregivers of the siblings may be notified that their contact information has been given to the child leaving foster care.
  2. Continue to conduct a relative search as needed throughout the life of a case, including when ordered to reopen a relative search by the court. Agencies must continue to engage relatives regardless of court findings regarding relative search efforts. In addition to being a placement or permanency option for one or more siblings, relatives may also participate in care and planning for a child, which may include supporting contact and visitation between siblings. See the department's policy on adoption placement decisions for children under guardianship of the commissioner on [CountyLink](#).

### **III. Formal sibling separation for permanency**

1. Consider whether sibling separation in permanency is or is not appropriate for siblings in foster care.
  - a. Potentially appropriate reasons to separate siblings include:
    - i. A child is in placement for treatment, and further efforts at placing siblings together will significantly delay permanency for the other sibling/s. Note: This does not include instances where the child will be adopted with their sibling/s by the same parent/s at the same time.
    - ii. One sibling is physically, emotionally or sexually abusive toward another sibling and therapeutic interventions have been unsuccessful in ameliorating the behavior.
    - iii. A child whom the court has determined to be of sufficient age to express a preference, or who is age 14 or older and required to be consulted on a potential TPLPC or give consent to adoption, has expressed a reasonable placement preference that would result in sibling separation.
    - iv. After exhausting all recruitment efforts, a responsible social services agency has been unsuccessful in locating a relative who will accept a TPLPC of a sibling group, or in locating an appropriate adoptive home for a sibling group, and continued efforts will result in the delay of permanency for one or more siblings.
    - v. Siblings will have transfers of permanent legal and physical custody to different relatives, or will be adopted separately by relatives, and the plan was determined appropriate through a family group decision making or conferencing process. For an Indian child, siblings will also be in reasonable proximity to each other.
    - vi. Siblings have different permanency dispositions (e.g., one sibling will be legally adopted while another will remain in foster care or have custody permanently transferred to a relative), but will remain in the same physical location as each other.
    - vii. For adoption only: Birth parents have executed consents to adoption under Minn. Stat., section 260C.515, subd. 3, agreed to by the responsible social services agency and accepted by the court, that identify separate adoptive parents for siblings.

2. For adoption only: Submit a proposal to separate siblings under guardianship of the commissioner for purpose of adoption to the court, only after exhausting all efforts to place siblings together. Continue making reasonable efforts to place siblings together for adoption, including recruitment efforts regarding the sibling group as a whole, until the court determines that further efforts would be futile or that placement together is not in the best interests of one or more of the siblings.
  - a. The court must approve a proposal to separate siblings for adoption, prior to signing an Adoption Placement Agreement (APA), if at least one of the following outcomes is intended:
    - i. Siblings under guardianship of the commissioner will be adopted at different times.
    - ii. Siblings under guardianship of the commissioner will be adopted by different adopting parents.
    - iii. One sibling under guardianship of the commissioner will be adopted while the other sibling under guardianship of the commissioner will remain in foster care or extended foster care, regardless of where siblings reside or who is providing their care.
  - b. The following documentation should be included with the proposal:
    - i. History of sibling placement, together and separately
    - ii. Special needs of one or more of the siblings that necessitate separation based on the safety and well-being of the siblings
    - iii. Attempted interventions to alleviate behaviors or issues that prevent the siblings from safely living together
    - iv. Specific recruitment efforts made to identify appropriate adoptive parent/s for the sibling group, including recruitment methods and length of time efforts were made
    - v. Permanency plan for each sibling
    - vi. Current visitation/contact between separated siblings, and the specific plan for continued ongoing visitation/contact between the siblings after adoption finalization; both current and future plans should indicate who is responsible for ensuring visitation/contact occurs.
  - c. Notice of a sibling separation request must be given to all persons entitled to notice under Minn. Stat., section 260C.627, including an Indian child's tribe, as well as a child's foster or prospective adoptive parent(s); any foster, preadoptive, or adoptive parent of a child's sibling(s); and any relative with permanent legal and physical custody of a child's sibling(s).
    - i. Notices are intended to encourage joint placement of siblings in foster, adoptive, or kinship homes, or communication or contact in the event that joint placement is unsuccessful.
  - d. Upon receiving a sibling separation proposal, the court must schedule the matter for hearing.
    - i. If siblings are under jurisdiction of more than one court, the judges conducting reviews must communicate with each other about the siblings' needs and coordinate planning by agencies involved in decision making for the siblings.
      1. Note: In this case, if each judge and agency is in agreement regarding approving an agency's sibling separation proposal, it is not necessary for each court to issue a separate order approving sibling separation. However, the other court should acknowledge the approval of the sibling separation proposal by the other court and indicate whether they agree with the separation.

- e. The court may order sibling separation when it finds one of the following:
    - i. The responsible social services agency's reasonable efforts to place siblings together were unsuccessful, and further efforts would significantly delay the adoption of one or more of the siblings and are therefore not in the best interests of the siblings
    - ii. It is not in the best interests of one or more of the siblings to be placed together after reasonable efforts were made by the responsible social services agency to alleviate the issues that prevent the siblings from safely living together.
  - f. Submit documentation with a child's APA verifying the court's approval as follows:
    - i. A court order accepting a parent's consent to the adoption of their child by individual/s named in the child's APA. Note: Some agencies and courts may still require separate court approval for separating siblings for purposes of adoption.
    - ii. A court order approving an agency's proposal to separate siblings for adoption that is issued after a hearing on the proposal in which all individuals listed in Minn. Stat., section 260C.617 were notified.
3. For TPLPC only: Report to the court agency's reasonable efforts to place sibling/s together for TPLPC and reason/s for separation.
- a. The court must find there are reason/s to separate siblings during placement as part of a final TPLPC order.

#### **IV. Reassessment of sibling placement and separation decisions**

1. Reassess sibling placement and separation decisions when circumstances and/or placements change. Such a reassessment must be according to the children's best interests individually and as a sibling group. The following circumstances warrant a reassessment of placement and separation decisions:
  - a. Siblings were separated as a result of parental consents to adopt, and identified adoptive families are no longer adopting (for any reason): If the responsible agency continues to recommend separation, the agency must bring the matter to court and request findings and a court order that separation is in the children's best interest despite the change in the adoptive plan.
    - i. Requesting court approval for sibling separation in the situation described above is not required if one sibling remains the subject of a consent to adopt under Minn. Stat., section 260C.515, subd. 3, and the prospective adoptive parent named in the consent to adopt is continuing with the adoption.
  - b. Court approved separating siblings to allow at least one sibling to be adopted by an identified adoptive family, who is no longer adopting the sibling/s: The agency's proposal is no longer valid for purposes of signing an APA. If the responsible agency continues to recommend separation, the agency must submit a new sibling separation proposal to the court.
  - c. The court issued an order placing a new sibling under guardianship of the commissioner, and another sibling has a fully executed APA: The responsible agency must assess sibling placement issues based on the new information. This includes notifying the sibling's adopting parent of the option to become a placement and/or permanency resource for the new sibling, and discussing benefits of ongoing visitation and contact between siblings if siblings are not adopted by the same parent.

- i. If the responsible agency determines separation is in the best interests of the sibling with the fully executed APA, a formal request to the court to approve sibling separation is not required. However, the agency must inform the court and parties that there is a new sibling and the agency has determined that separation is in the best interests of the sibling with the fully executed APA.
    - ii. The agency should document efforts in each child's case record.
  - d. Siblings previously approved to be separated for adoption will now be placed in the same adoptive home, to be adopted at the same time: If a court previously approved an agency's sibling separation proposal based on it being in the best interests of one or more siblings, and the agency's adoption plan for the siblings is to place them in the same adoptive home, the agency must bring the matter to court to allow the agency to proceed with joint sibling placement.
    - i. The agency should submit a copy of the court order approving joint sibling placement to the department with the siblings' APAs, if the agency had previously submitted a court order approving sibling separation for adoption to the department.

## **V. Post-permanency communication and contact for separated siblings**

1. Ensure post-permanency communication and contact agreements for siblings who are separated due to adoption or TPLPC are incorporated into a final permanency order. This includes siblings who are not in foster care placement and adult siblings.
  - a. Communication or contact agreements ensure ongoing contact among separated siblings after finalization. Specific types of contact may include: face-to-face visits, phone calls, letters, emails, texts, exchange of photos, webcam or video conferencing, or other reasonable means.
  - b. Contact agreements that include face-to-face visits should address logistics such as: responsibility for planning, transportation, supervision and expenses; date, time and location; and frequency and duration.
  - c. When Indian siblings are to be separated, include a cultural plan so that siblings may explore their cultural and tribal identity together. For example, a cultural plan may include attending pow wows, talking circles, ceremonies, and Native community events together.
  - d. The terms of an agreement must be approved by the parties to the agreement and the responsible social services agency.
  - e. For post-adoption communication and contact, the court must find that the communication or contact agreement is in a child's best interest.
    - i. Agreements are legally enforceable when the terms of an agreement are in a written court order issued before or at the time of granting of the adoption decree.
    - ii. The court order granting contact must be filed in the adoption file, with the juvenile court as the venue to enforce or modify the agreement.

## **Form(s) that apply**

Sibling Bill of Rights Commissioner's Form (DHS-8068)

## Related Policies and References

[Policy on Adoption Placement Decisions for Children Under Guardianship of the Commissioner](#)

### Training

None

### Legal Authority

Minn. Stat., section 259.58

Minn. Stat., section 260.012 (e)(5)

Minn. Stat., section 260.755, subd. 2a

Minn. Stat., section 260.762

Minn. Stat., section 260C.007, subds. 4, 26b, 27, 27a and 32

Minn. Stat., section 260C.008

Minn. Stat., section 260C.178, subd. 1 (l)

Minn. Stat., section 260C.193, subd. 3 (g)

Minn. Stat., section 260C.201, subds. 2 (a)(3), 2 (a)(4)(v) and 5

Minn. Stat., section 260C.203 (c)(2)

Minn. Stat., section 260C.212, subds. 1 (c)(5), 2 (a), 2 (b)(9), 2 (b)(10), 2 (b)(11), and 2 (d)

Minn. Stat., section 260C.221

Minn. Stat., section 260C.515, subds. 3 and 4 (7)(iv)

Minn. Stat., section 260C.603, subds. 2, 3, 7, and 8

Minn. Stat., section 260C.605, subd. 1 (d)(10)

Minn. Stat., section 260C.607, subd. 4 (2)(ii)

Minn. Stat., section 260C.613, subd. 3

Minn. Stat., section 260C.617

Minn. Stat., section 260C.619

42 U.S.C. § 671 (a)(29) and (31)

42 U.S.C. § 671 (a)(31)

42 U.S.C. § 675 (1)(F)(ii) and (12)

### Standards

None

## Definitions

**Adoption Placement Agreement:** A written agreement among the preadoptive parent/s, representative of the responsible social services agency, and delegated agent of the commissioner of the Minnesota Department of Human Services indicating the intent of all signatories to the agreement that the preadoptive parent/s establish a legal parent and child relationship through adoption with a child under guardianship of the commissioner. An Adoption Placement Agreement is fully executed when it is signed by all parties. [Minn. Stat., section 260C.603, subd. 3]

**Adoptive home:** Permanent placement with a relative or non-relative through adoption.

**Child under guardianship of the commissioner:** An individual under 18 years of age who is under guardianship of the commissioner of the Minnesota Department of Human Services by court order, pursuant to Minn. Stat., section 260C.325. [Minn. Stat., sections 260C.007, subd. 4; 260C.451, subd. 7; and 260C.603, subd. 7]

**Communication and contact agreement:** A plan for ongoing communication and/or contact among a child, their permanent caregiver/s, and the child's relative/s or foster parent/s, following adoption or TPLPC. All parties to the plan must agree to its terms. A communication or contact agreement is legally enforceable when it is included in a court order. [Minn. Stat., section 260C.619]

**Consent to adopt:** When a legal parent voluntarily gives their written consent for their child to be adopted by identified prospective adoptive parent/s, according to requirements under Minn. Stat., section 260C.515, subd. 3. Once accepted by the court, a parent's consent to adopt is irrevocable, and their child is then ordered under guardianship of the commissioner of the Minnesota Department of Human Services. Parental rights are not terminated; the legal parent-child relationship terminates upon the child's adoption. [Minn. Stat., section 260C.515, subd. 3]

**Foster Care Sibling Bill of Rights:** A document listing the rights a child has when they are placed in foster care and they have at least one sibling. [Minn. Stat., section 260C.008]

**Kinship home:** Permanent placement with a relative through transfer of permanent legal and physical custody.

**Preadoptive parent:** An adult who has signed an Adoption Placement Agreement regarding a child, but whose adoption of a child has not yet been finalized by the court. This has the same meaning as adopting parent. [Minn. Stat., section 260C.603, subd. 2]

**Prospective adoptive parent:** An individual who may become a preadoptive parent, regardless of whether the individual has an approved adoption home study, but who has not signed an Adoption Placement Agreement. [Minn. Stat., section 260C.603, subd. 8]

**Relative:** A person related to a child by blood, marriage, or adoption; the legal parent, guardian, or custodian of a child's siblings; or an individual who is an important friend of the child or of the child's parent or custodian, including an individual with whom the child has resided or had significant contact or who has a significant relationship to the child or the child's parent or custodian. For an Indian child, a relative is a person who is a

member of the Indian child's family as defined in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903, paragraphs (2), (6) and (9). [Minn. Stat., section 260C.007, subds. 26b and 27]

**Responsible social services agency:** The county social services agency that has responsibility for public child welfare and child protection services and includes the provision of adoption services as an agent of the commissioner of human services. [Minn. Stat., section 260C.007, subd. 27a]

**Sibling:** One of two or more individuals who have one or both parents in common through blood, marriage or adoption, including siblings as defined by a child's tribal code or custom. Sibling also includes an individual who would have been considered a sibling prior to a termination or suspension of parental rights of one or both parents, or another disruption of parental rights such as the death of a parent. The definition of sibling under Minn. Stat., section 260C.007, subd. 32, means that siblings who are separated due to adoption are still considered siblings for purposes of sibling rights and agency duties and responsibilities under Minnesota Statutes, Chapters 256N, 259, and 260C, and section 260.012. [Minn. Stat., section 260C.007, subd. 32]

**Termination of parental rights:** A court-ordered severing of the legal parent-child relationship under Minnesota Statutes, Chapter 260C. [Minn. Stat., section 260C.301]

**Transfer of permanent legal and physical custody (TPLPC):** A full, permanent transfer of both legal and physical custody to a relative who is not a child's parent under Minn. Stat., section 260C.515, subd. 4; for a child under jurisdiction of a tribal court, a judicial determination under a similar provision in tribal code which means that a relative will assume the duty and authority to provide care, control and protection of a child in foster care, and to make decisions regarding the child's education, health care and general welfare until adulthood. [Minn. Stat., sections 256N.02, subd. 16; and 260C.515, subd. 4]

## Policy Contacts

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## Policy History

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- 03/01/17

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- 01/01/15 (revised)
- 08/01/12 (revised)
- 09/15/11 (revised)
- 07/28/08 (initial release)

This policy and its procedures remain in effect until rescinded or updated.