

NUMBER

#18-68-09

DATE

June 28, 2018

OF INTEREST TO

County Directors

Social Services Supervisors and
Staff

Tribal Social Service Directors
and Staff

Child-placing Agencies
Supervisors and Staff

ACTION/DUE DATE

Read information and prepare
for implementation

EXPIRATION DATE

June 28, 2020

Children in Foster Care: Smoke-free child foster homes

TOPIC

Defines policy and child welfare practice requirements to protect foster children from the effects of second-hand smoke.

PURPOSE

Provides information regarding requirements to maintain a smoke-free environment for licensed child-placing agencies, child foster homes and training for licensed foster parents. It updates bulletin 15-68-18.

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SIGNED

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TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

Background

Minnesota Statutes were amended in 2014 to protect foster children from the effects of second-hand smoke by establishing smoke-free foster care home requirements.

County and tribal social service agencies assess the capacity of prospective foster parents to provide safe, healthy homes for foster children.

County social service agencies with legal responsibility for placement are required to ensure that the assessment of prospective foster parents include how they will provide a smoke-free environment for foster children. This includes an assessment completed by child-placing agencies.

Tribal social service agencies with legal responsibility for a foster care placement are encouraged to consider a smoke-free environment as one of the best interest factors when selecting prospective foster parents. The information and training identified in this bulletin may be used for this purpose.

This bulletin provides information about the safety risks of second-hand smoke, smoke-free child foster care home requirements, and provides a link to training on health risks of exposure to second-hand smoke.

Risks of second-hand smoke exposure

[Research](#) shows that second-hand smoke exposure is a known cause of Sudden Unexpected Infant Death, potentially fatal respiratory infections, frequent and severe asthma attacks, and frequent ear infections. Foster children are also more likely to have pre-existing medical conditions that would also place their health at risk due to second-hand smoke exposure.

Smoke-free child foster care requirements

Due to the risks of second-hand smoke, foster homes for children are required to provide a smoke-free environment in the following areas:

- Inside the home
- Other enclosed spaces connected to the home, such as garage, porch or deck
- Motor vehicles
- Outdoors, when children are present.

Placements are based on a child's best interest

The county social service agency with legal responsibility for placement ensures a child's best interest is met by selecting a foster home that will safely meet their needs. This assessment includes consideration of prospective foster parents' capacity to meet the needs of a child and their home environment. The requirements include assessing the capacity of prospective foster parents to provide a smoke-free environment.

[The Minnesota Adoption and Child Foster Care Application, DHS-4258A \(PDF\)](#) was amended to identify household members who smoke, and for the applicant to define a plan to provide a smoke-free environment for foster children in their home, garage, surrounding area and cars. If a placement is made in an unlicensed home, the application is to be completed within 10 days of placement. [[Minnesota Statutes, section 245A.035, subdivision 5](#)]

Nothing in this policy shall delay placement of a child with a relative, unless the relative is unable to provide for the immediate health needs of child.

Assessment of prospective child foster care

As part of the home study assessment, a child's placing agency reviews prospective foster parents' plan to provide a smoke-free environment for foster children. [[Minnesota Statutes, section 260C.215, subdivisions 4 \(5\) and 9](#)]

Violation and training

If a foster parent does not provide a smoke-free environment for foster children, a placing agency must ask the foster parent to comply with a plan that includes training on the health risks of exposure to second-hand smoke. [[Minnesota Statutes, section 260C.215, subdivision 9](#)]

This training is also on YouTube at: [Smoke Free Foster Care Laws](#).

Agency staff determines health risks

If a legally responsible agency determines that a foster parent is unable to provide a smoke-free environment, and that the home environment constitutes a health risk to a foster child, agency staff must re-assess whether the placement is based on a child's best interest. [[Minnesota Statutes, sections 260C.212, subdivision 2, and 260C.215, subdivision 9](#)]

Indian child welfare cases

The provisions of a smoke-free foster care environment are not to be interpreted to interfere, be in conflict with, or the basis for denying placement, pursuant to provisions of the federal Indian Child Welfare Act, or Minnesota Indian Family Preservation Act.

A smoke-free foster care environment shall not be interpreted to interfere with traditional or spiritual American Indian or religious ceremonies involving the use of tobacco. [[Minnesota Statutes, section 260C.215, subdivision 9](#)]

Americans with Disabilities Act (ADA) Advisory

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