

Temporary modification of out-of-home placement plans for foster children

NUMBER

#20-68-16

DATE

April 21, 2020

OF INTEREST TO

County Directors

Social Services Supervisors and Staff

Tribal Social Services Supervisors and Staff

County Attorneys

Tribal Attorneys

ACTION/DUE DATE

Please read information and implement modified policy

EXPIRATION DATE

April 21, 2022

TOPIC

Policy modification to the due date and signature requirements for out-of-home placement plans. This is to ensure foster children's well-being and help stop the spread of COVID-19.

PURPOSE

Provide information on modified due date and signature requirements for out-of-home placement plans.

CONTACT

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SIGNED

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Assistant Commissioner

Children and Family Services

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.

I. Background

As Minnesota experiences the COVID-19 pandemic, Minnesota Department of Human Services (department) staff are reviewing circumstances to modify policy and practice to align with measures to slow the spread of COVID-19 through social distancing and quarantine.

The Code of Federal Regulations require a case plan to be developed within a reasonable period, but no later than 60 days from a child's removal from the home. [[45 Code of Federal Regulations, 1356.21 \(g\)](#)] Case plans must satisfy requirements of sections [471\(a\)\(16\)](#), [475\(1\)](#), [475\(5\)\(A\)](#) and [\(D\)](#) of the Social Security Act.

[Minnesota Statutes, section 260C.212](#), requires the responsible social service agency to complete an out-of-home placement plan (OHPP) within 30 days of placement. A case plan is a written document prepared jointly with child's parents, and in consultation with the guardian ad litem, child's tribe if an Indian child, foster parents/facility staff, and child, if appropriate. Case plans document placement decisions, specific actions by the parent/s to correct conditions in the home, child's permanency plan, and services that support reunification or other permanency options, visitation, and services and supports that ensure child's well-being during placement.

State law requires the OHPP be signed by the parent/s or guardian of the child, child's guardian ad litem, a representative of child's tribe, the responsible social service agency, and if appropriate, the child. [Minn. Stat. § 260C.212, subdivision 1(b)] These signatures are an acknowledgement of the OHPP, but not intended to indicate whether a party signing an OHPP agrees with its terms. Due to the peacetime emergency, child welfare staff are working from home and practicing social distancing by conducting client visits by phone or video. Access to technology for electronic signature is not available to all. Therefore, obtaining written or electronic signatures on plans may not be possible.

II. Modified policy

Governor Tim Walz signed Emergency Executive Order [20-12](#) on March 20, 2020, permitting the department's commissioner to temporarily waive or modify state statute. In response to the state statutory waiver, the commissioner approved a waiver to modify the date out-of-home placement plans are due.

The commissioner issued a waiver to modify the requirement in [Minnesota Statutes, section 260C.212, subdivision 1](#), to provide child welfare case managers **60 days** to complete written out-of-home placement plans. Consistent with current policy, plans must be developed/updated anytime there is a placement move, and after 180 days in placement. The modification provides caseworkers an additional 30 days to engage parents and others in developing the initial plan, or updating it after a change in placement location. This modification supports social service agencies by giving caseworkers flexibility to complete requirements, but not compromising the safety and well-being of children during the crisis.

Also modified was the signature requirement. This modification requires the responsible social service agency to provide a copy of the OHPP (electronically or by mail), and allow parent/s or guardian of the child, child's

guardian ad litem, their tribe, and child (if appropriate), to verify that they received a copy of the OHPP. Verifying receipt of the plan does not mean they are in agreement with requirements of the plan. The responsible social service agency staff must document in the Social Service Information System (SSIS) how a copy of the OHPP was provided, and verification of its receipt. However, if the court determines signatures are required, the responsible social service agency shall obtain the signatures.

To support caseworkers' ability to ensure the services necessary to meet safety, permanency, and well-being needs of children are provided, while following social distancing guidelines, this waiver permits other methods of communication to be utilized to develop plans with child's parent/s or guardian, in consultation with child's guardian ad litem, tribe (if appropriate), foster parent/s or representative of foster care facility, and child (if appropriate). This may include, but is not limited to, agencies engaging children and parents in case planning through phone calls, video chat and similar mediums, and email, to complete required Social Service Information System case plans. As a substitute to obtaining parent and child signatures, agency staff are to document efforts to engage children and families to explain plans, how a copy of the plan was provided, and verification that the plan was received. Documentation is entered in SSIS case chronology and notes.

III. Resources

For more information see the following resources:

- [Centers for Disease Control and Prevention](#) webpage
- [Minnesota Department of Human Services](#) webpage (sign up for email notifications)
- [Minnesota Department of Health](#) webpage
- [BeReadyMN](#) webpage
- [Administration for Children and Families, Children's Bureau](#) webpage

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4670 (voice) by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.