

2960.3080 PLACEMENT, CONTINUED STAY, AND DISCHARGE.

Subpart 1. **Placement criteria.** Foster care placement is governed by the statement of intended use developed by the licensing agency and the license holder. The license holder may decline to accept a foster child without a stated reason. The requirements of parts 2960.0510 to 2960.0530 do not apply if the foster home serves as an emergency shelter home.

Subp. 2. **Screening.** The license holder must cooperate with the placing agency to ensure that the child's needs are identified and addressed.

Subp. 3. **Child's property.** The foster child must be allowed to bring personal possessions, as agreed upon between the child, the child's parent, the placing agency, and the license holder, to the foster home and must be allowed to accumulate possessions to the extent the home is able to accommodate them.

Subp. 4. **Information about foster children.** Before placement or within five days following placement, the placing agency shall give the license holder written information in items A to K about the child:

- A. the child's placement history summary;
- B. name and nicknames;
- C. date of birth;
- D. gender;
- E. name, address, and telephone number of the child's parents, guardian, and advocate;
- F. race or cultural heritage of the child, including tribal affiliation, if any;
- G. description of the child's presenting problems, including medical problems, circumstances leading to placement, mental health concerns, safety concerns including assaultive behavior, and victimization concerns;
- H. description of assets and strengths of the child and, if available, related information from the child, child's family, including siblings, and concerned persons in the child's life;
- I. name, address, and telephone number of the contact person for the last educational program the child attended, if applicable;
- J. spiritual or religious affiliation of the child and the child's family; and
- K. information about the child's medication and diet needs and the identities of the child's recent health care providers.

The child's placing agency shall update the information in items A to K as new information becomes available.

Subp. 5. **Cooperation required.** The license holder must cooperate with the child's placing agency according to items A and B.

A. The license holder must provide basic services to the child.

B. The license holder must cooperate with the child's case manager and other appropriate parties to develop and implement the child's case plan during the child's stay in the foster home. The license holder shall cooperate in the following areas:

(1) identify and share information, if appropriate, with persons who are directly involved in the child's treatment plan and tell those persons about major treatment outcomes the child will achieve while in the home, including attaining developmentally appropriate life skills that the child needs to become functional in the community;

(2) report the child's behaviors and other important information to the placing agency and others as indicated in the child's case plan;

(3) recommend changes in the child's case plan to the case manager if needed;

(4) give the placing agency additional significant information about the foster child as it becomes known;

(5) facilitate the child's school attendance and enroll the child in a local school district or, if appropriate, the child's district of residence;

(6) provide a child with timely access to basic, emergency, and specialized medical, mental health, and dental care and treatment services by qualified persons; and

(7) maintain a record of illness reported by the child, action taken by the foster parent, and the date of the child's medical, psychological, or dental care.

Subp. 6. **Foster child services.** The license holder must:

A. work with the child's placing agency and child's parents to develop a plan to identify and meet a foster child's immediate needs. The license holder must collaborate with the placing agency to provide the basic services to the child;

B. encourage age-appropriate activities, exercise, and recreation for the foster child;

C. seek consultation or direction from the placing agency if issues arise that cannot be resolved between the license holder and the foster child;

D. explain house rules and tell the foster child about the license holder's expectations about behavior, the care of household items, and the treatment of others; and

E. know the whereabouts of the child in the license holder's care. The license holder must be guided by the case plan or court order in determining how closely to supervise the child. The license holder must immediately notify the placing agency if the child runs away or is missing.

Subp. 7. **Foster child diet.** A foster child must be provided food and beverages that are palatable, of adequate quantity and variety, served at appropriate temperatures, and have sufficient nutritional value to promote the child's health. If the child has a medically prescribed diet, then the license holder must provide the diet as ordered by a physician or other licensed health care provider.

Subp. 8. **Discipline.** The license holder must consider the child's abuse history and developmental, cultural, disability, and gender needs when deciding the disciplinary action to be taken with the child. Disciplinary action must be in keeping with the license holder's discipline policy. The discipline policy must include the requirements in items A and B.

A. Children must not be subjected to:

(1) corporal punishment, including, but not limited to: rough handling, shoving, ear or hair pulling, shaking, slapping, kicking, biting, pinching, hitting, throwing objects at the child, or spanking;

(2) verbal abuse, including, but not limited to: name calling; derogatory statements about the child or child's family, race, gender, disability, sexual orientation, religion, or culture; or statements intended to shame, threaten, humiliate, or frighten the child;

(3) punishment for lapses in toilet habits, including bed wetting or soiling;

(4) withholding of basic needs, including, but not limited to: a nutritious diet, drinking water, clothing, hygiene facilities, normal sleeping conditions, proper lighting, educational services, exercise activities, ventilation and proper temperature, mail, family visits, positive reinforcement, nurturing, or medical care. However, a child who destroys bedding or clothing, or uses these or other items to hurt the child's self or others, may be deprived of such articles according to the child's case plan;

(5) assigning work that is dangerous or not consistent with the child's case plan;

(6) disciplining one child for the unrelated behavior or action of another, except for the imposition of restrictions on the child's peer group as part of a recognized treatment program;

(7) restrictions on a child's communications beyond the restrictions specified in the child's treatment plan or case plan, unless the restriction is approved by the child's case manager; and

(8) requirements to assume uncomfortable or fixed positions for an extended length of time, or to march, stand, or kneel as punishment.

B. The license holder:

- (1) must not require a child to punish other children;
- (2) must follow the child's case plan regarding discipline;
- (3) must not use mechanical restraints or seclusion, as defined in part 2960.3010, subpart 38, with a foster child;
- (4) must ensure that the duration of time-out is appropriate to the age of the child; and
- (5) must meet the requirements of part 9525.2700, subpart 2, item F, regarding the use of aversive or deprivation procedures with a foster child with a developmental disability.

Subp. 9. **Visitation and communication.** The license holder must follow the visitation and communication plan in a foster child's case plan, which was developed by the placing agency and child's parents, or required by court order. In the absence of a case plan or court order regarding visitation, the license holder must work with the placing agency and the child's parents to jointly develop a visitation plan.

Subp. 10. **Complaints and grievances.** The license holder must work with the licensing agency to develop written complaint and grievance procedures for foster children. The procedures must meet at least the following requirements:

A. the agency or license holder must tell the child and the child's parent or legal representative about the complaint and grievance procedures and upon request give the child or the child's parent or legal representative a copy of the procedures and any forms needed to complain or grieve;

B. the license holder must notify the placing and licensing agency about a written complaint or grievance and the resolution of the complaint or grievance; and

C. a license holder's response to a complaint or grievance that alleges abuse or neglect must meet the requirements of the Maltreatment of Minors Act, Minnesota Statutes, section 626.556.

Subp. 11. **Discharge.** The license holder must work with the child's placing agency to ensure a planned discharge and compliance with Minnesota Statutes, section 260C.212, subdivision 3. Before an unplanned discharge, the license holder must confer with other interested persons to review the issues involved in the decision. During this review process, which must not exceed 30 days, the license holder must determine whether the license holder, treatment team, if any, interested persons, and the child can develop additional

strategies to resolve the issues leading to the discharge and to permit the child an opportunity to continue to receive services from the license holder. If the review indicates that the decision to discharge is warranted, the reasons for it and the alternatives considered or attempted must be documented. A child may be temporarily removed from the foster home during the review period if the child is a danger to self or others. This subpart does not apply to a child removed by the placing authority or a parent or guardian.

Statutory Authority: *L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09*

History: *28 SR 211; L 2005 c 56 s 2*

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