

9535.4023 PERSONS TO RECEIVE INFORMATION AND PLAN SERVICES.

Subpart 1. **Persons to receive information and plan the child's services.** Except as specified in subparts 3 and 4, when family community support services are requested for a child or the child is referred for family community support services, the child's parent or legal representative, if any, has the right to:

- A. receive the notices and information specified in parts 9535.4000 to 9535.4070;
- B. make decisions about family community support services for the child; and
- C. be included in planning the family community support services available to the child under parts 9535.4000 to 9535.4070.

Subp. 2. **Child's receipt of information and inclusion in planning services.** A child who is at least 12 years of age has the right to receive and a child who is less than 12 years of age may receive the notices and information specified under parts 9535.4000 to 9535.4068 and be included in planning family community support services available to the child under parts 9535.4000 to 9535.4068 unless these actions are determined by a mental health professional to be clinically inappropriate for the child's mental health needs. If the mental health professional determines that receiving information and participating are clinically inappropriate for the child's mental health needs, the reasons for the determination must be documented in the child's case record.

Subp. 3. **Circumstances when person other than parent has the right to consent and authorize family community support services.** Consent and authorization for family community support services must be obtained from the child's parent unless otherwise obtained in accordance with Minnesota Statutes, section 245.4876, subdivision 5.

Subp. 4. **Petition filed or court order issued.** If a petition has been filed under Minnesota Statutes, chapter 260, or a court order has been issued under Minnesota Statutes, section 260C.148 or 260C.151, and a guardian ad litem appointed, and if consent for family community support services has not been otherwise obtained from the child's parent or legal representative or the child, the local agency may request a court order under Minnesota Statutes, chapter 260, to authorize family community support services for the child.

Statutory Authority: *MS s 245.484*

History: *18 SR 1519; L 1999 c 139 art 4 s 2*

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