

## FORMAL CAREGIVERS FAQs

### What is foster care?

Foster care is temporary out-of-home care for children with either a non relative or a relative/kin family.

### Who are formal caregivers?

Caregivers who are providing care to children receiving child welfare services from a county or tribal human services agency. Foster care requires the agency to place the child in a licensed family foster home or licensed residential facility; however, the agency may make an emergency placement with a [relative](#) prior to the licensure.

Additional information on the Basics of Foster Care for Relatives: [DHS-3799A-ENG\\_Ver 10-19\\_10-10-19 \(state.mn.us\)](#).

### Do I have the right to apply to become a licensed child foster care provider for one of my family members who is in foster care?

Yes, you have the right to apply for a child foster care license. You can either apply with your county of residence or a private foster care agency. Tribal social service agencies license, approve, and certify child foster homes on or near reservations. Prospective foster parents must contact their tribal social service agency for information about this process. When a county, tribe, or private foster care agency receives an application, they are required to process the application. In order to be approved for licensure, you will have to complete and pass a home study assessment, background studies for all household members (age 13 and over), home visits (including meeting home safety requirements), training, and required paperwork. Agencies have the right to request additional assessments if warranted. The agency makes their recommendation for licensure or denial to Minnesota Department of Human Services' Licensing Division staff, and they make final approval decisions. The process typically takes three to six months, the goal is 120 days from the time of application.



An approved foster care license does not guarantee placement of a child in the home of particular relative or kin.

### **Additional information:**

- [Information for Relatives Considering Becoming Foster Parents](#)
- [Minnesota Adoption and Child Foster Care Application](#)

## **As a formal caregiver, what is a background study and can I refuse to do this if I want to be considered for my relative?**

A background study is required to determine whether you or any household member have any criminal history that might impact the safety of the child and/or [child protection](#) involvement. Providing a background study is a requirement for foster care licensure. If you choose not to complete a background study, it may result in a denial of your application. Please consult with a licensing agency about specific situations. Even if there is criminal history, it may not be considered a current safety concern that would result in a disqualification, or the disqualification might be able to be worked through to still obtain a license.

## **If I'm told that I have a "licensing barrier", how do I find out what to do?**

If you are told that you have a "licensing barrier," ask your licensor or county social worker to explain what it is and request information on the appeal process for a background study disqualification and/or a license denial. If the barrier is your inability to meet some other aspect of the foster care licensing requirements, ask for a [variance](#). Many licensing requirements have the potential for a variance by the licensing agency.

Licensing barriers may result in a denial of a license and when that occurs you will be notified in writing via certified mail and given instructions for how to appeal. Sometimes relatives are told they have been ruled out as a placement option based on an initial background check ran by the involved county. The only way to know if you have a background study disqualification that is a licensing barrier, is to submit a formal Application for Adoption and Foster Care to a county or private foster licensing agency, and have your background study formally ran (this is typically a fingerprint-based study). If you have been told you were ruled out due to an initial

background check, you still have the right to submit an application for adoption and foster care (refer to response #1 above in this section).

**Additional information:**

- [Minnesota Adoption and Child Foster Care Application](#)

## What is a background study disqualification?

[See the definition for Disqualification.](#)

## What is the difference between a background study disqualification and a permanent bar?

See the definitions above for [Background Studies](#), [Permanent Bar](#).

## If I have a background study disqualification, what rights do I have to request reconsideration?

[See the definition for Requesting Reconsideration.](#)

## If I'm going to request a reconsideration, what information would be helpful for me to have in order to make the request?

[See the definition for Requesting Reconsideration.](#)

## If I can't be licensed for foster care, can I still be considered for **permanency** for a relative?

Yes. By law, counties who have placement responsibility for a child must consider placing the child with relatives for foster care and [permanency](#) before they consider unrelated individuals.



If you have been denied a foster care license, you may experience barriers to being a permanency option.

Only going through the foster care licensure process will determine if you and your family are eligible for becoming licensed. Sometimes, relatives assume, or are told, that they cannot be licensed for foster care for reasons such as their criminal or maltreatment history, condition of their home, or other individuals living in their home.

- Permanency through transfer of permanent legal and physical custody: A foster care license is typically required for this permanency option. For those who are eligible for Northstar Kinship Assistance, you must also have a foster care license for the last six months.
- Permanency through adoption: An adoptive placement does not require a foster care license, but the family must have a valid adoption home study for an adoptive placement to occur. It is important to communicate in writing with the county permanency team early in the process, so they can best advise your family.

### **Additional information:**

- [Adoption Agencies \(MN ADOPT\)](#)
- [MN ADOPT – Adoption Process \(MN ADOPT\)](#)
- [Children in Foster Care: Using relative visits and alternate child care arrangements \(state.mn.us\)](#)

## **I am not being considered for permanency for a relative or it doesn't seem like I am being considered. What can I do?**

If you are interested in caring for a relative child who is involved in child protection proceedings, it is important that you tell the child's county worker and others involved in the child's permanency team as soon as possible, even before a final decision has been made regarding reunification with the child's parents. You can also inform the court of your interest. This is especially important if you initially said you were not interested and have since changed your mind. Be sure to keep the county, child's permanency team, and the court informed of



your current address and contact information. You can attend court hearings and ask to speak during the hearing; the judge will decide whether to allow you to speak, and usually will agree to it.

If the county has stated they do not plan to consider you as a foster or [permanency](#) resource for the child and you wish to be considered, you may begin to pursue foster care licensure or, if applicable, an adoption home study on your own. If your relative child is in foster care in Minnesota, there are numerous private agencies you can work with to obtain a home study, which may or may not have a fee, depending on your situation. Beginning the home study process early is important (even if you hope the child will return to their parents).

If the child is under guardianship of the commissioner, and you feel (or are told) you are not being considered for adoption, you can request that the court order the county to consider you as an adoptive resource for the child. This request can be made during a post-permanency review hearing. The court may or may not grant your request.

If the county has made a decision not to place the child with you for adoption, and you feel the county was unreasonable in making that decision, you can file a motion to the court once you have an approved adoption home study. This motion can be filed any time after the child is ordered under guardianship of the commissioner, but must be filed no later than 30 days after receiving notice of a fully executed adoption placement agreement.

It is recommended you consult with an attorney to assist you early in the process and to ensure you are compliant with required timelines. If your requests or motions are denied, an attorney can also help you determine next steps, including but not limited to appealing final decisions and/or court orders.

Some important tips are:

- Begin the child foster care licensure process, or adoption home study process, as soon as possible, whether through the social service agency in the county or tribe in which you reside or with a private child-placing agency. Keep in mind that adoption home studies are only used for adoption, and cannot be used for foster care placement or transfers of permanent legal and physical custody of a child.
- Be sure the court knows you are interested in being a foster care and/or permanency option for the child, and that you would like to have visits with the child. You can let the court know of your interest at a scheduled hearing, or by sending a letter to the court. You can also inform the guardian ad litem, child's attorney, or parent's attorney of your interest.
- Even if you cannot be licensed for foster care, you can still be considered for permanent placement for the child, including through a transfer of permanent legal

and physical custody of the child to you, or through adoption (although adoption does require an approved adoption home study).

- Even if you did not participate in the child’s case before, you can still be considered for permanent placement for the child. You can also change your mind if you initially said you were not interested in being a permanent placement.

### **Additional information:**

- [List of private agencies](#)

## **My grandchild was “adopted out” of the family through foster care, can I see them now?**

Prior to an adoption occurring, a contact agreement may be created that outlines contact arrangements between family members and children. If you have an existing contact agreement, you can modify it through the courts if the court finds the proposed modification to be in the best interest of the child who is the subject of the agreement, and that either both parties to the agreement agree to the modification or exceptional circumstances exist that justify the modification.

However, if you do not have an existing contact agreement that was entered into before your grandchild was adopted, it is up to the child’s adoptive parents to determine contact arrangements.

You can also consult with an attorney to determine if other options exist.

### **Additional information:**

- [Communication or Contact Agreements](#)

## **I’m considering adopting or obtaining custody of my relative. Can I expect funding assistance?**

It depends.



If the child is in foster care and a Minnesota county or tribe is legally responsible for their placement, you may be able to receive Northstar Kinship Assistance if you and the child meet eligibility criteria, and you accept a [transfer of permanent legal and physical custody](#) (or tribal equivalent). This includes having the child placed in your home for at least six consecutive months, while you are licensed for child foster care.

It is not possible to receive Northstar Kinship Assistance if the child was never in foster care, and you obtain custody through a private [family court](#) matter.

If the child is under guardianship of the commissioner, you may be able to receive Northstar Adoption Assistance if you and the child meet eligibility criteria, and you adopt the child. This also applies to children who are tribal wards and adopted via customary adoption through tribal court. One of the main eligibility requirements is that a child must meet the special needs determination, which may or may not include a disability.

In rare circumstances, you may be able to receive Northstar Adoption Assistance even if the child you are adopting is not in foster care. Consult with an attorney or adoption agency for more information.

For both Northstar Adoption Assistance and Northstar Kinship Assistance, the child will receive Medicaid (MA), and the amount of funding assistance will be the same as the amount the child received as a foster child, unless you sign the benefit agreement when the child is age 5 or younger. In that instance, the amount is half of what the child would have received in foster care. Additionally, for Northstar Adoption Assistance only, the child must meet specific criteria regarding sibling group or disability to receive funding assistance. If the child does not meet this criteria, but are considered at risk of developing a disability during childhood, they will have a zero-dollar agreement with MA. However, if the child ends up developing a disability, you can request renegotiation to receive a payment.

For families that had been receiving assistance as a foster parent, they often will lose benefits they may have been previously receiving for the child, based on the child being in foster care; free school lunches, WIC and food support are some benefits that the child may no longer be categorically eligible to receive. However, it may be possible to continue receiving these benefits, depending on the family income.

### **Additional information:**

- [Adoption of children in foster care](#)
- [Transfer of permanent legal and physical custody of children in foster care](#)
- [Northstar Adoption Assistance](#)
- [Northstar Kinship Assistance](#)

## Once I adopt or get custody of my relative child, what can I expect?

If you have a Northstar Adoption Assistance or Northstar Kinship Assistance benefit agreement in place, the child will receive those payments until age 18 along with Medicaid (MA). Prior to the child's 18th birthday, the state will contact you to see if the child meets requirements to extend the assistance. Extensions may be granted in various increments, up to age 21, at which point the assistance must terminate by state and federal law.

If the child is receiving Social Security benefits from a birth parent, you should contact the Social Security Administration (SSA) to become the Representative Payee for the child's benefits. For newly adoptive parents who receive Social Security benefits for themselves, you should contact the SSA as the child will most likely be eligible to get Dependent Benefits off your benefits, as the child's adoptive parent.

If you adopted the child, look at your taxes the next time you file to see if you can use the Federal Adoption Tax Credit.

### Additional information:

- [Adoption Tax Credits](#)
- [Tax related adoption assistance](#)

*This tool is not considered legal advice.*