

KINSHIP TERMS AND DEFINITIONS

Adoption

A legal parent-child relationship is established between adoptive parent and child. Adoptive parents have all rights and responsibilities that birth parents originally had. Adoption involves terminating legal parent(s)' rights through a court process. This is a legal relationship that is ongoing throughout the child's life.

For additional information:

- Adoption of children from foster care: [DHS-7024A-ENG_Ver 5-19_8-15-19 \(state.mn.us\)](#).
- Adoption of children not in foster care:
- [Completing a private, domestic adoption in Minnesota](#)

Background Studies

Background studies are required when someone is applying for a child foster care license. This includes a completed background study for anyone 13 or older who lives in the household or who will have significant contact with children in the home. For example, a boyfriend or girlfriend who lives elsewhere but spends a lot of time in the home or adult children who are away at college and come home often. Tribal social service agencies have a process for background studies. Contact the tribal social service agency making the placement for information about their process.

- **Criminal History Review**

Many individuals who are subject to a background study may have criminal or maltreatment history that does not result in a disqualification for foster care or a barrier to adoption. However, the history is relevant to the licensing assessment process and will be reviewed and assessed by the licensing agencies.

- **Disqualification**

Some criminal history and maltreatment information results in a disqualification for foster care licensing, for a specific period of time (7 years, 10 years, 15 years, etc.). The amount of time depends on the type of crime or social service history involvement, which is specified in MN Statute (245C.15). If relative child foster care applicants or household members are disqualified, the Minnesota Department of Human Services will provide written notice to the individual, as well as to the county or private agency licensing the home. The notice will include information about how to request reconsideration of the disqualification. If a licensing

disqualification is discovered after children are placed in a relative or kin home, county or tribal social service agency staff may need to remove children from the home and may return them only after a disqualification is set aside, or a variance is granted by the Minnesota Department of Human Services.

- **Permanent Bar Disqualifications**

Some disqualifications, such as felony domestic assault, felony crimes against children, criminal sexual conduct, and others, permanently prohibit a person from providing direct contact services to children in foster care. A request for reconsideration on a permanent bar can only be done on the basis of correctness – if the person believes the information used to disqualify them is incorrect. If you have a permanent bar, you likely will not be able to get licensed for foster care.

- **Reconsideration**

If you have a background study disqualification, you have the right to request reconsideration. For example, you can request reconsideration by sharing why your history does not pose a risk of harm to providing foster care services. In some cases, Minnesota Department of Human Services may be able to set aside or grant a variance to a disqualification if relatives show that they are not a risk to children’s safety or well-being. When you receive your background study disqualification from Minnesota Department of Human Services, they will provide instructions on how to request reconsideration. The letter will indicate the timeline for you to submit this information to your licensing county/agency. It is very important to pay attention to the deadline listed in the letter. If you do not request reconsideration within that time frame, you will not be able to do so later, and your foster care license may be denied. If your foster care license was denied, you would need to wait two years before you can apply for another foster care license. It is helpful to provide the following documents (if applicable): police reports, court documents, probation information and order discharging from probation, any required probation requirements that were completed (completion of diversion or de novo programs), and documentation of treatment or rehabilitation completed. In addition, you can provide additional information such as references (personal or professional) if you would like to. Additional information on [Background Study Disqualification](#).

CPS (Child Protection Services)

Child Protection conducts investigations and alternative response assessments of child maltreatment reports when a child’s health or welfare may be at risk due to abuse or neglect. On-going child protective services may be provided to ensure the safety and well-being of children and provide effective and culturally appropriate services to children and families to prevent the reoccurrence of child maltreatment.

Additional information on [Child Protection Services](#).

Custody Consent Decree



A parent may transfer legal and physical custody of a child, by a consent decree, to a relative caregiver. The court may approve this custody arrangement if it is in the best interests of the child and everyone agrees with the arrangement. This is only applicable for families who are not working with child protection.

Additional information on [Child Custody](#).

DOPA (Delegation of Parental Authority)

A DOPA is a document that lets someone take care of your children temporarily (they usually expire after a year). DOPAs are relatively simple documents that don't require going to court. They are helpful because they allow another caregiver to take your child to the doctor or attend school meetings, etc. But they are easily reversible and do not change your legal custody relationship with your child. This is only applicable for families who are not working with child protection.

Additional information on creating a [Delegation of Parental Authority \(DOPA\) \(lawhelpmn.org\)](#).

Family Court

Family Court oversees court cases involving family matters, such as divorces, parenting time schedules and disputes, child custody issues, child support establishment and modification, and paternity cases. Cases involving child custody go to family court when there is no involvement from the county or state. If there is an open child protection case involving a child, the case will be in juvenile, not family court.

Foster Care or out-of-home care

Foster care (also known as out-of-home care) is a temporary service provided by States for children who a court determines cannot live with their families for a period of time. Children in foster care may live with relatives or with unrelated foster parents. Foster care can also refer to placement settings such as group homes, residential care facilities, emergency shelters, and supervised independent living.

Additional information on [Foster care: Temporary out-of-home care for children \(state.mn.us\)](#).

Juvenile Court

Juvenile Court handles juvenile delinquency, juvenile traffic, child protection, foster care, adoption from foster care, and transfer of permanent legal and physical custody cases. If there is an open child protection case involving a child, issues related to the child's custody will be resolved in the juvenile court, not family court.

Additional information on a [Child in Need of Protection or Services \(CHIPS\) \(mncourts.gov\)](#).

Legal Custody



Legal custody refers to the right to make decisions about how to raise the child, including decisions about education, health care and religious training.

Additional information on [Child Custody and Parenting Time \(mncourts.gov\)](https://mncourts.gov).

Permanency

Permanency for children in foster care is achieved through reunification with birth parent(s), adoption or transfer of permanent legal and physical custody. Family reunification is the preferred option. Concurrent Permanency Planning is a term that describes when a caseworker both pursues family reunification while also developing alternative permanency plans (such as adoption or transfer of permanent legal and physical custody) if safe reunification is not achievable within legal timelines.

Additional information on [Permanency Timeline \(mncourts.gov\)](https://mncourts.gov).

Physical Custody

Physical custody refers to the right to make decisions about the routine day-to-day activities of the child and where the child lives.

Additional information on [Child Custody and Parenting Time \(mncourts.gov\)](https://mncourts.gov).

Relative and Kin

In Minnesota, a “relative” means a person:

- Who is related to the child by blood, marriage or adoption
- Who is the legal parent, guardian or custodian of the child’s sibling(s), or
- Who has lived with the child or had significant contact with the child (kin)

In some cases, relatives are also defined by tribal law or custom.

Third-Party Custody

Third-party custody is when a court gives legal and physical custody of a child to someone who is not a biological or adoptive parent. This person is sometimes called the custodian. This is only applicable for families who are not working with child protection. Third-party Custody is started by someone other than a parent, when that person wants to care for the child permanently. Only a court can grant someone third-party custody. This is a legal relationship that ends at age 18.

Additional information: [Fact Sheet on Third Party Custody](#).

TPR (Termination of Parental Rights)

Termination of Parental Rights means that a birth or adoptive parent’s rights as a parent to a child have been ended. The person is not legally the child’s parent anymore. This means that the birth or adoptive parent no longer has rights to care for their child or make decisions about



their child's life. In some circumstances birth or adoptive parents may be allowed contact with their child. Parental rights may be re-established in certain circumstances. The parent would need to file a petition, and have fixed the issues that caused the termination, and be willing and able to provide care for their child's safety and well-being.

Additional information: [Fact Sheet on Termination of Parental Rights \(lawhelpmn.org\)](https://www.lawhelpmn.org).

TPLPC (Transfer of Permanent Legal and Physical Custody)

For children in foster care, a TPLPC to a relative establishes a legal relationship between a child in foster care and their adult relative, giving that relative permanent decision-making authority for that child. Relative custodians have primary rights and responsibilities for a child's protection, education, care, supervision, and decision making on behalf of a child. Birth parents retain a legal parent-child relationship with their child, but their rights are secondary, subject to limits imposed by relative custodians. Their rights may include visitation, access to information, and notice of accidents or serious illness. The TPLPC ends when the child turns 18.

Additional information on [Transfer of Permanent Legal and Physical Custody](#).

Variance

For families who are caring for a child in foster care and are getting licensed, there are situations in which a variance can be applied to your license. Variances are applied for situations in which the health and safety of a child are not at risk. Variances must be requested by the applicant or license holder to the licensing agency or the Department of Human Services Licensing Unit.