

A Guide to Completing the Out-of-home Placement Plan

The Out-of-home Placement Plan on the Minnesota Department of Human Services' Social Service Information System (SSIS) addresses federal and state case plan requirements for a child's safety, permanency and well-being. To serve the individualized needs of a child in placement, seven types of plans are available:

- Safety and permanency
- Voluntary placement to access treatment
- Adoption
- Permanent custody to the agency: Youth age 16 and older
- Youth ages 18 to 21
- Delinquency
- Trial home visit

To further individualize plans, they are separated into sections:

- Details and services related to the plan type
- Sibling separation services
- Placement and permanency
- Health plan
- Education plan
- Visitation/contact plan
- Final issues
- Signature page

A key feature of the SSIS Out-of-home Placement Plan is that only selected sections and completed individual questions are part of the final document and printed. This feature requires child welfare professionals to have comprehensive knowledge of federal and state requirements, know how to address safety, focus on a child's permanency, and ensure a child's well-being needs are met in the plan.

This is a practice guide for the Out-of-home Placement Plan and includes instructions that identify federal and state requirements.

When an Out-of-home Placement Plan is required

The Social Security Act, Title IV-E, section 475, and Minnesota Statutes, section 260C.212, subd. 1, require an out-of-home case plan for children in placement, as follows:

- By court order under children in need of protection or services (CHIPS), including trial home visits. This plan substitutes for the child protection service plan. [Minnesota Statute, sections 260C.141; 260C.178, subd. 7; 260C.201, subd. 1; and 260C.212, subd. 1]
- By court order establishing a child under guardianship of the commissioner. [Minnesota Statutes, section 260C.325]

- By court order establishing permanent or temporary custody to an agency under sections 260C.515, subds. 5 and 6.
- By a voluntary placement agreement signed by a child's parent(s) or guardian(s) under Minnesota Statutes, section 260C.227, or a voluntary placement agreement for treatment under section 260D.06.
- By a voluntary placement agreement signed by a foster child eligible for extended foster care under Minnesota Statutes, section 451.

The Social Security Act, Title IV-E, section 475, and Minnesota Statute, section 260B.198, subd. 5, require an out-of-home case plan for children in placement by a court order under delinquency if a:

- Title IV-E agreement is in effect between the county social service agency and probation agency, or
- Child's custody was transferred to a county agency.

The Social Security Act, Title IV-E, section 475, requires an Out-of-home Placement Plan for children in placement when:

- By a tribal court order under tribal law, or voluntary placement agreement signed by a child's parent(s) or guardian(s), for an American Indian child participating in the American Indian Child Welfare Initiative per Minnesota Statutes, section 256.01, subd.14b.
- Under tribal court jurisdiction per the Indian Child Welfare Act and Leech Lake, Mille Lacs, Red Lake and White Earth Tribal-State Title IV-E Agreement, or a tribal-county Title IV-E Agreement is in effect.

When the court places a child under protective supervision of the responsible social service agency and orders a child into the home of a noncustodial parent, the child protection service plan may be used. [Minnesota Statutes, sections 260C.178, subd. 1(l), and 260C.201, subd. 6]

Plan development

All out-of-home placement plans have the following policy requirements:

- Developed jointly by the social worker and parent or guardian, including a child's legal parent and noncustodial parent. [*45 CFR 1356.21(g) and Minnesota Statutes, section 260C.212, subd. 1*]
- Consultation with the guardian ad litem, tribe, pre-adoptive/foster parent or facility staff, and when appropriate, child. When a child is age 14 or older, they may include two other individuals on the team preparing the plan. The child may select one member of the case planning team to be designated as the child's advisor and to advocate with respect to the application of the reasonable and prudent parenting standards. [*Section 475(1)(b) of the Social Security Act; 45 CFR 1356.21(g) and Minnesota Statutes, section 260C.212, subd. 1*]

- Recognize that Juvenile Court Rules require a foster home or facility's name, address, or location to be confidential when submitting a plan to the court and not identified in the plan. [*Juvenile Protection Rules 8.04. subd. 2*]
- Completed within 30 days of placement. Plans for American Indian children participating in the American Indian Child Welfare Initiative per Minnesota Statutes, section 256.01, subd. 14B, are completed within 60 days of placement. [*45CFR1356.21(g) and Minnesota Statutes, section 260C.212, subd. 1*]
- Signed by the parent(s)/legal guardian(s), child/youth (when appropriate), guardian ad litem, tribal representative (when applicable), probation agency staff (when applicable) and social service staff. [*Minnesota Statutes, section 260C.212, subd. 1*]
- Submitted to the court for approval is required within 30 days of a CHIPS petition under Minnesota Statutes, section 260C.178, subd. 7, or for judicial review within 90 days of a voluntary placement agreement under section 260C.227, or within 165 days of a voluntary placement agreement for treatment under section 260D.06.
- Ordered by the court either as presented or modified after a court hearing. [*Minnesota Statute, sections 260C.178, subd. 7, or 260C.201, subd. 6*]
- Fully inform the foster parent(s) of the plan and provide them with a copy after the plan has been agreed upon or approved, or ordered by the court. [*Minnesota Statutes, section 260C.212, subd. 1*]

Targeted Case Management

An Out-of-home Placement Plan meets the requirements of Child Welfare Targeted Case Management (CW-TCM). The [Minnesota Health Care Programs Provider Manual: CW-TCM](#) offers information about CW-TCM case plan requirements.

Consult with the Minnesota Department of Human Services, Children's Mental Health staff regarding how this plan may relate to mental health targeted case management. The Out-of-home Placement Plan may be the identified plan for mental health targeted case management.

Reviewing the plan

An Out-of-home Placement Plan must be reviewed and modified every six months, or anytime a child's placement changes until they return home, are adopted, or custody awarded to a relative. [*Minnesota Statutes, section 260C.203*]

Types of out-of-home placement plans

Safety and permanency

This type of plan is used when the authority for a child's placement is a court order under children in need of protection or services (CHIPS), [*Minnesota Statutes, sections 260C.141, 260C.201*] or tribal court order. When the court orders permanency disposition of temporary legal custody to the agency, this plan could continue to be used. [*Minnesota Statutes, section 260C.515, subd. 6*]

It may also be used when an authority for a child's placement is a voluntary placement agreement, under Minnesota Statutes, section 260C.227. In voluntary cases, case managers

ensure the plan reflects the voluntary nature of a placement. *[Social Security Act, Title IV-E, section 475, and Minnesota Statute, sections 260C.141, 260C.178, 260C.201 and 260C.515, subd. 6]*

Access to treatment

This type of plan is used when the authority for a child's placement is a voluntary placement agreement for treatment. [Minnesota Statutes, Chapter 260D] It documents how an agency responsible for a child and the parent are planning for a child's safety, permanency and wellbeing when placement is necessary for a child to access treatment due to their disabilities or need for mental health treatment. For a child in voluntary foster care for treatment under chapter 260D, preparation of the Out-of-home Placement Plan shall additionally include the child's mental health treatment provider. *[Social Security Act, Title IV-E, section 475, and Minnesota Statute, sections 260C.212, subd. 1 and 260D.01]*

Adoption

This type of plan is used when a child has been court ordered under guardianship of the commissioner of Human Services and awaiting an adoptive parent. *[Social Security Act, Title IV-E, section 475, and Minnesota Statutes, sections 260C.325 and 260C.515, subd. 3]*

Permanent custody to an agency, age 16 and older

This type of plan is used when a child, age 16 and older, has been ordered into permanent custody to the responsible social service agency.

This type of plan is **not** to be used for the following dispositions and services for children:

- Who are court ordered under guardianship of the commissioner on or after Aug. 1, 2012
- In voluntary placement under Minnesota Statutes, Chapter 260D.

[Social Security Act, Title IV-E, section 475(1); and Minnesota Statutes, section 260C.515, subd. 5]

Youth ages 18 to 21

This type of plan is used when a youth is age 18 to 21 and is eligible for continued foster care consistent with Fostering Connections to Success and Increasing Adoptions Act of 2008. [Public Law 110-351]. Youth may be placed in a family foster care setting, group home, residential facility or supervised independent living setting. *[Minnesota Statutes, section 260C.451]*

Delinquency

This type of plan is used when authority for a child's placement is a delinquency petition and the agency has a title IV-E agreement with corrections, or is an umbrella agency. *[Minnesota Statutes, Chapter 260B]*

Trial home visit

This type of plan is used when the court orders a child to a trial home visit, returning them to the care of their parent or guardian from whom they were removed. [*Minnesota Statutes, section 260C.201, subd.1*]

Independent living

An independent living plan must be completed along with the Out-of-home Placement Plan for a child age 14 or older. The goals of the independent living plan are specific to a youth's age, need, interests, culture and current/future plans. Development of the plan is to be youth driven and include supportive adults as part of their planning team. [*Social Security Act, Title IV-E, section 475; Minnesota Statutes, section 260C.212, subd. 1c (12)*]

Sections of out-of-home placement plans

Title page

This is the first section of all out-of-home placement plans. It includes a child's name, relationships, placement information and plan development.

When filing a plan with the court, the following is confidential information requiring the coversheet, form 11.4:

- When a child is identified as a victim of an alleged or adjudicated sexual assault, the child's name, including the names of the child's siblings, are confidential. When filing a plan with the court, the plan must not use the children's names; refer to them as Child 1, Child 2 and so forth.
- The current residential facility or foster parents' name and address is confidential. This includes a pre-kinship parent or pre-adoptive parent. In the text, do not refer to the foster parents or facility by name. Refer to foster parents and facility staff as Foster Parent 1, Foster Parent 2 or Facility Staff 1, and so forth. Previous facilities or foster parents' name may be used and are not confidential.

[*Juvenile Protection Rules 8.04. subd. 2*]

Sibling separation services

This section must be completed when siblings are in foster care and placed in different settings. The separation may be for a short time or an unknown duration. This is required when a social service agency or agencies have placement responsibility for the siblings. It is not required if an agency has placement responsibility for one child and their sibling(s) remain in the parental home. It documents reasonable efforts regarding keeping siblings together, as well as the reason for separation. [*Social Security Act, Title IV-E, section 471(31); Minnesota Statutes, sections 260.012; 260C.193, subd. 3(g); and 260C.212, subds. 1 and 2*]

Placement and permanency

This section must be included in all plans. Federal and state law requires that case plans assure that children receive safe and proper care, in the least restrictive setting, consistent with their best interest and special needs, services are provided to foster/pre-adoptive parents

or facility staff, and permanency plans are in place. *[45 CFR 1356.21 (g); Social Security Act, Title IV-E, section 475; Minnesota Statutes, sections 260C.001, subd. 2; 260C.201, subd. 2; 260C.212, subd. 1]*

Health plan

This section must be included in all plans. It provides space to record the name and addresses of a child's health providers, immunizations, medical problems, responsibilities for medical care and medication management.

When a child enters foster care, the legal parent or guardian retains the right to consent for medical treatment for a minor child, except in the case of an emergency as described below in emergency care. If a child's parent or guardian refuses to consent to decisions essential to the child's well-being, the local agency must seek a court order authorizing the local agency to act for the child. If there is a question about whether a decision requires parental or judicial consent, the agency must consult the court [Minnesota Rules, part 9560.0552, subp.2].

Foster care providers are authorized under Minnesota Rules to obtain routine health care for children in foster care with written authorization by the agency [Minnesota Rules part 9560.0600, E].

When a child is under guardianship of the commissioner of human services, the agency is delegated to consent for a child's medical treatment, with two exceptions. The commissioner must consent to: 1) a medical care plan of a child at imminent risk of death, including do not resuscitate or do not intubate requests; and 2) a child donating part of their body to another person while the child is still living. [Minnesota Statutes, section 260C.615, and Minnesota Rules, 9560.0450, subparts 1 & 2].

Emergency care addressed in Minnesota Statutes, section 144.344, states that medical, dental, mental, and other health services may be rendered to minors of any age without the consent of the parent or legal guardian when, in the professional's judgment, the risk to a minor's life or health is of such a nature that treatment should be given without delay, and a requirement of consent would result in delay or denial of treatment.

[Social Security Act, Title IV-E, section 475; Minnesota Statutes, sections 260C.201, subd. 2, 260C.452 and 260C.212, subd. 1]

Education plan

This section must be included in all plans. It provides for individualization by providing space to record child's school, grade level and efforts for education stability.

This section documents an agency's efforts to find a placement within the school district in which a child attended school at the time of placement. If placement is outside of the school district, this section must include agency efforts to provide transportation arrangements to the original school. If a child must change schools, efforts to provide the child's educational records immediately to the new school should also be documented.

[Social Security Act, Title IV-E, section 475; Minnesota Statutes, section 260C.212, subd. 1]

Visitation/contact plan

This section must be included to be compliant with Minnesota Statutes, sections 260C.175, subd. 3 and 260C.212, subd. 1. It provides a plan for parent(s), sibling(s), and relative visitation and other types of contact.

Final issues

This section must be included to be compliant with Minnesota Statutes, section 260C.212, subd. 1. It provides documentation for services requested by the parent(s), guardian(s), foster parent(s) or custodian but were not provided, and the basis for that determination.

Youth's rights

This section must be part of a plan for a child who is age 14 or older. It documents and describes the rights of a child regarding to education, health, visitation, court participation, the right to be provide documents, the right to be safe and free from exploitation. The rights must be explained to a child in an age appropriate way, and signed by the child. A copy is provided to the child. [*Minnesota Statutes, section 260C.212 (b) (14)*]

Signature page

This section must be included to be compliant with Minnesota Statutes, section 260C.212, subd. 1. Required signatures include the following:

- Parent(s)/legal guardian(s)
- Child/youth (when appropriate)
- Guardian ad litem
- Tribal representative (when applicable)
- Probation agency staff (when applicable)
- Social service staff

After the plan has been agreed upon by the parties involve, or approved or ordered by the court, the foster parents shall be fully informed of the provisions of the case plan and provided a copy of the plan.

When filing a plan with the court, the signature page is confidential requiring the cover sheet, form 11.4, when signed by either a:

- Child who is the victim of sexual abuse or assault, or
- Foster parent, pre-adoptive parent or pre-kinship parent.

[*Juvenile Protection Rule 8.04, subd. 2*]

Contact

For questions, contact the following Minnesota Department of Human Services staff:

- Adolescent Services: Kim Lemcke, 651-431-4686, kim.lemcke@state.mn.us
- Adoption and children under guardianship of the commissioner: Heidi Ombisa Skallet, 651-431-5889, heidi.ombisa.skallet@state.mn.us

- Extended foster care: Nicolas Vogel, 651-431-4707, nicolas.vogel@state.mn.us
- Foster care policy: Deborah Beske Brown, 651-431-4731, deborah.beske.brown@state.mn.us
- Health records: Autumn Baum, 651-431-4678, autumn.baum@state.mn.us

Confidential information – court forms 11.3 and 11.4 are available at [MN Courts.gov](http://MN.Courts.gov).

For questions about SSIS contact the SSIS Help Desk, 651-431-4801, dhs.ssishelp@state.mn.us