

## FAQs: Foster Care in the Time of COVID-19

During the COVID-19 pandemic, responsibilities around placement practice continue. This includes the duty to provide active or reasonable efforts to prevent placement, and when placement is necessary, ensuring that parents and children receive culturally appropriate and available services to meet identified needs to eliminate the need for removal at the earliest possible time. Given the economic and health impacts, families are stressed and may have specific needs arise due to COVID-19 that need to be considered and incorporated into practice.

Social service agencies are encouraged to proactively share [Make a Plan, Minnesota](#) with families they are working with and the general public. These resources help guide families through a process to identify possible caregivers, collect vital family and child information, and share their plan with others in case of emergency, such as illness from COVID-19.

### What if a parent is diagnosed with COVID-19 and is too sick to care for their child?

If a county social service agency receives a report that parent/s are sick with COVID-19 and not able to care for their child, the agency's role may be helping to think through resources and options, including:

- Informal family arrangements

The agency may assist provide information and assist a parent to establish a delegation of parental authority with an individual the parent identifies as a temporary caregiver for their child. This agreement is not foster care, but provides the caregiver with temporary authority to make decisions for child, including accessing education and medical services.

The [Emergency Family Planning and Information Kit](#) is a resource to help families document important information about their children that can be shared with alternate caregivers designated by the family.

- Parent Support Outreach Program (PSOP) services

PSOP program requirements have been modified during the COVID-19 response. Direct funding may be provided to help with a variety of needs, including child care. See [COVID-19 Response: Parent Support Outreach Program and Family Assessment Response Allocation](#) for details.

- Respite

When a parent is unable to identify an individual to provide care for their child, agencies may arrange for respite. Respite care is a service, not a placement, and no fiscal supports are available. Respite care can be arranged for up to 30 days.

- If no informal resource or respite is available, a parent may enter into a voluntary placement agreement pursuant to Minnesota Statutes, section 260C.227. First consideration for placement is the child's relatives or individuals who have had significant contact with or cared for the child. The agency must consult parent/s, child, and the child's tribe if the Indian Child Welfare Act applies, to identify and notify relatives.

### **What should be considered when a report is received about maltreatment that occurred during the stay-at-home order?**

Reports of non-current child maltreatment must be documented and screened according to the [Minnesota Child Maltreatment Intake, Screening, and Response Path Guidelines](#) (see pages 34- 35). Reports that meet criteria must be screened in and assigned a response path and timeframe based on the nature of the allegation(s) and safety for the child. For reports of a non-accidental physical injury, a visible injury at the time of receipt of the report is not necessary to screen in the report under physical abuse. See Bulletin #20-68-13 [Modify timelines and face-to-face requirements for Child Protection responses and alleged maltreatment](#) for policy modification related to COVID-19 precautions.

### **How to respond when safety concerns are discovered during an assessment/investigation?**

During the COVID-19 response, child welfare practices continues. This includes the duty to provide active/reasonable efforts to prevent placement, including:

- Working with the family to develop and implement a safety plan [Minnesota Statutes, section 260.012(d)]
- Assessing non-custodial or non-adjudicated parent's willingness and capability of providing day-to-day care of their child [Minnesota Statutes, section 260C.219]

The comprehensive relative search outlined in Minnesota Statute 260C.221 includes notifying relatives of the option to become a placement resource and the opportunity to participate in care and planning for the child. Relatives may be available to support the child and parent/s, including participation in case planning for the parent and child, identifying the strengths and needs of the parent and child, supervising visits, providing respite and vacation visits for the child, providing transportation to appointments, suggesting other relatives who might be able to help support the case plan, and to the extent possible, helping to maintain the child's familiar and regular activities and contact with friends and relatives. Engaging family and other natural supports through a Family Group Decision Making meeting may help to plan for the parent/s and child.

### **What are the requirements for an emergency relative placement?**

In an emergency, the responsible social services agency may place a child in an unlicensed emergency relative placement. Relatives include persons related by blood, marriage or adoption; the legal parent, guardian, or custodian of a child's siblings; or an individual who is an important friend with whom the child has resided or had significant contact.

Relative placements can be immediately arranged within the state of Minnesota; current access to online education and telehealth may support a child placed with a relative outside of their community.

Minnesota Statutes, section 245A.035 details requirements for an unlicensed emergency relative placement, including an initial inspection prior to or within three days of placing the child in the home of a relative, providing information for initial background checks through SSIS and MGA, and submitting a child foster care license application within 10 days. If any household member or person who is otherwise subject to a background study has a disqualification that is a permanent bar to set aside, placement may not be made.

Placement decisions are based on the best interests of the child, including an individualized determination of the needs of the child and how the selected placement will serve the needs of the child. [Minnesota Statutes, section 260C.212]

Minnesota has a new formalized process for requesting services, including foster care licensing for a relative, in another county. See Bulletin #20-68-18 [Intrastate Process on Child Foster Care Placements in Another County](#) for information on the Minnesota Intrastate Referral.

It is important that relatives are aware of the local resources that are in place or being developed for families that will support the needs of the child and caregiver/s during the pandemic.

### **How can caregivers reduce the risk of COVID-19 infection?**

Minnesota Department of Health (MDH) [Coronavirus Disease 2019 webpage](#) provides information about COVID-19, including how to protect yourself and your family, strategies to slow the spread, materials, resources, and a guidance library.

Consult with your public health department regarding daily care concerns, how to prevent spread, and local efforts and resources to respond to COVID-19.

### **What if a child has suspected or known exposure to COVID-19?**

When a child enters or moves placement, the responsible social services agency should inquire about potential COVID-19 exposure and disclose answers to potential placement providers.

It is good practice for agencies to know which families may be open to placement of a child with suspected/known exposure or presumed/confirmed positive for COVID-19.

MDH has an [online screening tool](#) to help decide whether someone should be tested for COVID-19 and a map with available [testing locations](#). Families should call their health care provider if they have questions and to inquire about testing. If a family experiences challenges accessing testing, call the MDH COVID hotline (651-201-3920) for assistance.

If a child who is in foster care has suspected/known exposure or presumed/confirmed positive for COVID-19 and their foster home is not able to continue to care for them during a period of quarantine, arrangements can be made for the child to quarantine elsewhere in an unlicensed setting, if in their best interest, for up to 14 days (entered as a location). Whenever possible, arrangements should be made with relatives and others

in the child's support network; see [Children in Foster Care: Using relative visits and alternative child care arrangements](#). In accordance with Minnesota Statutes, section 256N.26, Subdivision 8, when a child is temporarily absent from the foster home for up to 14 days and the child's placement continues with the same caregiver, that home may be paid for the whole month and preserve Title IV-E eligibility.

## How has the foster care licensing process been modified during the COVID-19 response?

The latest information about COVID-19 and licensing is available [here](#).

In accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and [Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease \(COVID-19\) Outbreak](#), the Children's Bureau has approved flexibility to meet specific title IV-E requirements, including the opportunity to issue a provisional license for a foster family home that is provisionally or conditionally approved or licensed, if the declared major disaster precludes full completion of the licensing process. The title IV-E agency must complete as many of the requirements for licensure as practicable, taking into account local requirement related to physical/social distancing guidelines and shelter in place orders and ensure that the foster family home is safe for children. The title IV-E agency must complete any remaining licensing requirement as soon as it is safe to do so in accordance with local and state health authorities. When an otherwise eligible child is placed in a home with a provisional license due to COVID-19, IV-E claiming is allowed.

The department has approved waivers to issue a license if COVID-19 precludes full completion of the licensing process:

- Orientation training may be condensed to less than six hours. Training reducing the risk of sudden unexpected infant death and abusive head trauma may be found online.
- Child passenger restraint systems training is not required during the peacetime emergency. Caregivers must review online information on the federal [National Highway Traffic Safety Administration website](#) and watch the "how to choose the right seat" video, as well as car seat installation instruction videos for each type of car seat they will be using based on the age and size of the child/children they are transporting.
- At least one license holder in the home must complete two hours of mental health training prior to the nonemergency placement of a child in a foster home.
- If it is not possible to complete the home safety checklist in person, remote technologies may be used.
- In-person interviews may be conducted virtually using remote technology.
- [Background studies requirements have been modified](#). Minnesota criminal history record checks and Child Abuse and Neglect Registries, including out-of-state maltreatment checks, will be completed. Emergency background studies can be completed without the fingerprint and photograph requirement.

- Bulletin #20-68-23 [Title IV-E and Background Studies During the Peacetime Emergency](#) provides information for claiming Title IV-E foster care maintenance payments and background studies during the peacetime emergency.

### **What resources are available to help foster parents?**

MN ADOPT has a [COVID-19 Family Resource Page](#) and provides personalized support and resource connection for foster, kinship and adoptive parents through the [HELP program](#).

The [Get help](#) webpage provides links to the general public for immediate needs such as: worker support, financial assistance, housing support, child care support, food support, mental health, education, health care, safety, and travel restrictions. Many mental health providers are able to complete assessments and provide ongoing therapeutic services via online platforms.

When case managers learn from foster parents that their children's needs and subsequent parenting responsibilities increased due to COVID-19, an immediate step is to complete a Minnesota Assessment of Parenting for Children and Youth (MAPCY) reassessment to capture changing needs of children and parenting. Contact Jody McElroy at 651-431-4730 or [jody.mcelroy@state.mn.us](mailto:jody.mcelroy@state.mn.us) for questions.

### **What are the current recommendations for modifying visitation and case plan services?**

Minnesota's Children's Justice Initiative (CJI) provided [guidance during COVID-19](#), including considerations and recommendations.

The child protection agency must continue to make reasonable (Minnesota Statutes 260.012, 260C.001, subdivision 3, 260C.178) or active efforts (Minnesota Statute 260.762). Agencies may need to reassess the needs of children and their parents and make modifications to their case plans to ensure they are provided what they need to meet their needs.

For children placed in facilities licensed by the Minnesota Department of Corrections, each facility is required to have an approved plan for visitation based on COVID-19 concerns, including any restrictions. Contact the facility for their plan.

### **What flexibilities are available for youth in Extended Foster Care that are not able to meet eligibility criteria due to the impact of COVID-19?**

The Children's Bureau identified education and employment conditions for youth age 18 and older as an administrative condition that may be modified under the Stafford Act authority for youth who are unable to fulfill this requirement as a direct result of the pandemic. Criteria for Extended foster care include:

- 1) Completing secondary education or a program leading to an equivalent credential
- 2) Enrolled in an institution that provides post-secondary or vocational education
- 3) Participating in a program or activity designed to promote or remove barriers to employment

- 4) Employed for at least 80 hours per month, or
- 5) Incapable of doing any of the activities described in (1) to (4) due to a medical condition.

[Minnesota Statutes, section 260C.251]

The department encourages agency staff to consider how COVID-19 impact criteria, and determine continued eligibility as follows, youth:

- Meeting criteria under provisions (1) and (2) who are on break from school, continue to meet eligibility requirements.
- Continue to meet criteria under provision (3) if there is suspension of programs or activities, and other barriers due to COVID-19 as long as they locate on-line activities that meet this criteria
- That are not able to meet criteria under provision (4) due to temporary closure of businesses, or lack of hours, should be encouraged to apply for unemployment benefits, and consider meeting criteria under provision (3).

## Notes to consider from 5/29/20 MACSSA meeting (will delete later)

- **Provisional license**

- What would be helpful to agencies as extra information?
- What communication do we need to have with licensing folks across the state?
  - For length of declaration of national emergency
  - Reggie's addition: title IV-E reimbursement on behalf of an otherwise eligible child who is placed in a licensed or approved foster family home in accordance with §472(c)(1)(A)(i) of the Act and 45 CFR 1355.20(a). However, the title IV-E agency may request flexibility under the Stafford Act to allow claiming of title IV-E reimbursement on behalf of an otherwise eligible child who is placed in a foster family home that is provisionally or conditionally approved or licensed, if the declared major disaster precludes full completion of the licensing process. The title IV-E agency must complete as many of the requirements for licensure as practicable, taking into account local requirements related to physical/social distancing guidelines and shelter in place orders. The title IV-E agency must complete any remaining licensing requirements as soon as it is safe to do so in accordance with local and state health authorities. The title IV-E agency also must ensure that the foster family home is safe for children.
- What is the minimal amount that would get us to the provisional license? What then would remain to be done?
  - Feds want to see link to the pandemic. Very clear that you have to complete the remaining steps as allowable.
  - If more often than not, can get a provisional license in 3-5 weeks, IV-E attaches. Then get it.
- Paula Stocke: I may have missed this but a Q and A on using respite care vs a voluntary placement would be helpful.
- Outline a process and IV-E expectation. Be sensitive to baggage with IV-E from a county perspective.
- Brenda Mahoney: Thank you for the information on the provisional licenses. This has some good potential! I think the concerns may be when the state of emergency ends. What will need to occur to have a "normal" license, what will timeframes be, will there be sufficient resources for families to complete all those aspects timely, etc. Can we have something that explains clearly to families what will happen at the end of the waiver and what will be next steps for the foster family? Licensing staff have expressed concern that we will lose the families if they suddenly find a number of barriers and tasks they need to complete.
- Nikki: Careful with using "PPE"—may have options available to remove barriers that don't require PPE.