Glossary of Select Terms

The following glossary contains select Minnesota-specific terms related to foster care regulations and policies, as well as a few legislative terms that may be of interest to parties considering smoke-free foster care initiatives.¹ These definitions can be found in 2012 Minnesota statutes, rules and related laws, as indicated below.

**Adoptive families:** Families that legally adopt children not born to them. Adoption is the method provided by State law or, for a Tribal Title IV–E agency, Tribal law, which establishes the legal relationship of parent and child between persons who are not related by birth, with the same mutual rights and obligations that exist between children and their birth parents. This relationship can only be termed “adoption” after the legal process is complete. Once a court approves an adoption, adoptive parents receive an official decree and birth certificate with their names listed as parents.²

**Adult foster care:** A program operating 24 hours a day that provides functionally impaired adults with food, lodging, protection, supervision, and household services in a residence, in addition to services according to the individual service plans under Minnesota Rules, part 9555.5105, subpart 18.³

**Commissioner:** In the context of Minnesota foster care law, “Commissioner” typically refers to Commissioner of the Department of Human Services.⁴

**Concurrent Permanency Planning:** Practice focusing on children who enter foster care in which caseworkers
vigorously pursue family reunification while also developing alternative permanency plans if safe reunification is not achievable within legal timelines.\(^5\)

**County agency:** The agency designated by the county board of commissioners, human service boards, local social services agencies or multicounty local social services agencies, or departments where those have been established under the law.\(^6\)

**Emergency care placement:** Under Minnesota Statutes, Chapter 245A, county social service agencies may not place a child in unlicensed foster care unless it is an emergency care relative placement. Minnesota Statutes, section 245A.035, provides a process for suitable relatives to immediately receive related children for emergency placement until they are licensed. A county agency may place a child with a relative (see definition below) who is not licensed to provide foster care, provided the following requirements are met:

1. the county agency must conduct an initial inspection of the premises where the placement is to be made to ensure the health and safety of any child placed in the home. The county agency shall conduct the inspection using a form developed by the commissioner;

2. at the time of the inspection or placement, whichever is earlier, the county agency must provide the relative being considered for an emergency placement an application form for a child foster care license;

3. whenever possible, prior to placing the child in the relative’s home, the relative being considered for an emergency placement shall provide the information required by Minn. Stat. section 245C.05; and

4. if the county determines, prior to the emergency placement, that anyone requiring a background study prior to licensure of the home is disqualified under chapter 245C, and the disqualification is one which the commissioner cannot set aside, an emergency placement must not be made.\(^7\)

**Foster care:** Twenty-four hour a day care of a child following placement by the commissioner or a licensed child-placing agency with legal placement responsibility pursuant to a court order or voluntary placement agreement, in any facility that regularly provides one or more children, when unaccompanied by a parent or guardian, with a substitute for the care, food, lodging, training, education, supervision, or treatment they need which for any reason cannot be furnished by a parent or guardian in the child’s home.\(^8\) “Foster care” includes, but is not limited to, placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities not excluded in this subdivision, child care institutions, and preadoptive homes. A child is in foster care under this definition regardless of whether the facility is licensed and payments are made for the cost of care. Nothing in this definition creates any authority to place a child in a home or facility that is required to be licensed which is not licensed.\(^9\)

**Indian Child Welfare Act:** A federal law passed in 1978 governing jurisdiction over the removal of Native American (Indian) children from their families. The law is intended to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs. The law requires that any Indian child accepted for foster care or preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which the child’s special
needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In any foster care or preadoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with —

i  a member of the Indian child’s extended family;

ii  a foster home licensed, approved, or specified by the Indian child’s tribe;

iii  an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

iv  an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child’s needs.10

Legal custody: The right to the care, custody, and control of a child who has been taken from a parent by the court in accordance with Minnesota law.11

License: A certificate issued by the commissioner authorizing the license holder to provide a specified program for a specified period of time and in accordance with the terms of the license and the rules of the commissioner. An individual who is related to the child, other than a parent, or legal guardian, must be licensed by the commissioner except as provided by Minn. Stat. 245A.035 (Emergency Relative Placement).12

Ordinance: Term used to designate the enactment of the legislative body of a municipal corporation; an authoritative law or decree, especially a municipal regulation.13

Permanency Planning: In foster care, a plan to secure foster children a safe and stable home in a timely manner. Permanency planning simultaneously develops two plans for children: a plan for safe reunification with their parents and, if reunification is not possible, a plan for a permanent placement away from their parents. The purpose of the laws relating to permanency, termination of parental rights, and children who come under the guardianship of the commissioner of human services is to ensure that: (1) when required and appropriate, reasonable efforts have been made by the social services agency to reunite the child with the child’s parents in a home that is safe and permanent; and (2) if placement with the parents is not reasonably foreseeable, to secure for
the child a safe and permanent placement according to the requirements of section 260C.212, subdivision 2, preferably with adoptive parents or, if that is not possible or in the best interests of the child, a fit and willing relative through transfer of permanent legal and physical custody to that relative; and (3) when a child is under the guardianship of the commissioner of human services, reasonable efforts are made to finalize an adoptive home for the child in a timely manner. In proceedings involving an American Indian child, as defined in section 260.755, subdivision 8, the best interests of the child must be determined consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq.14

Private agency: An individual, corporation, partnership, voluntary association or other organization, other than a county agency, or a court with jurisdiction, that places persons who cannot remain in their own homes in residential programs, foster care, or adoptive homes.15

Individual who is related: A spouse, a parent, a natural or adopted child or stepchild, a stepparent, a stepbrother, a stepsister, a niece, a nephew, an adoptive parent, a grandparent, a sibling, an aunt, an uncle, or a legal guardian.16

Permanent resource families: Foster families who provide immediate care, love and nurturing for children. They actively work towards reunifying children with their families while committing to the possibility of adoption if reunification cannot take place.

Relative: A person related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact.17 For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child’s tribe or, in the absence of law or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903.

Rule (Administrative): A general statement adopted by an agency either to make the law it enforces or administers more specific or to govern the agency’s organization or procedure.18

Statute: State law of a general and permanent nature that applies to all citizens. Minnesota Statutes is a compilation of all state laws currently in effect, arranged by subject matter, including new laws, amendments, or repeals of old law. Laws not of a general nature (for example, laws that apply to only one unit of local government) or that are temporary, are published in a compilation of session laws in the year of enactment, but are not compiled into Minnesota Statutes.19
Endnotes

1 For additional information and related terms on Human Services Licensing, see Minn. Stat. 245A.02 (2012), available at https://www.revisor.mn.gov/statutes/?id=245A.02. See also Public Health Law Center, Smoke-free Foster Care: Policy Options and the Duty to Protect: A Policy Options Brief, 2d ed. (2013).


3 Minn. R. 9555.5105, subpart 3.

4 See Minn. Stat. § 245A.02; Minn. R. 9560.0521 (2012).

5 Mn. Dep’t of Human Servs., Concurrent Permanency Planning: Reducing Time in Foster Care (2012), available at https://edocs.dhs.state.mn.us/lfserver/Public/DHS-4926-ENG.

6 Minn. Stat. § 245A.02 (2012).


8 Minn. R. 9560.0521, subpart 9.


15 Id.

16 Id.

17 See Minn. Stat. § 260C.0007, subd. 27 (2012).

18 See Minn. R. 14.02, subd. 4.