Overview of Foster Care Regulation in Minnesota

Approximately 400,000 children are in foster care in the U.S.¹ Each state has its own system for providing foster care services, and the structure of these systems varies not only from state to state, but often within states. Although all states must comply with federal regulations to receive federal funding, each state determines how services are provided to children in foster care. Some have state-administered systems in which the state directly provides foster care services to children. Other states have county-administered systems in which the state retains responsibility for the safety and well-being of children in foster care, while counties provide the services. To make it even more complicated, some state and county-administered programs contract some or all foster care services to private agencies.

Minnesota’s foster care system is set up differently than similar programs in most other states. The majority of states have a centralized administrative framework for child welfare services and programs (including foster care).² Minnesota’s framework, however, can best be described as state-supervised and county-administered.³ Different types of
administration determine the degree of authority and responsibility for areas such as licensing, child welfare funding, policymaking, and worker training. Under state law, Minnesota counties have considerable leeway in overseeing foster care providers, and county agencies play a significant role in the licensure process. This fact sheet is designed to provide a general overview of the foster care regulatory landscape and to answer basic questions about foster care regulation in Minnesota.

**Q: How many children are in foster care in Minnesota? Where do they come from?**

**A:** Approximately 8,000 children were placed in foster care in Minnesota in 2010. These children are typically in the child protection system because of challenging home situations. In 2011, 60 percent of the children in Minnesota out-of-home placements entered foster care due to abuse or neglect, inadequate housing, termination of parents’ rights, or parental death, illness, disability, abandonment, incarceration, substance abuse, temporary absence or inability to cope. Twenty-five percent of these foster children were placed due to their own behavior; 11 percent due to multiple reasons; 2 percent due to disabilities; and 2 percent not reported. Foster children are often traumatized and in emotional pain. Some cope well in foster care settings, while others may be depressed, anxious, fearful or angry. Also, some foster children have medical or developmental delays or social skills needs and many experience chronic medical issues.

**Q: What types of foster care facilities are available in Minnesota?**

**A:** Minnesota foster care is available in emergency shelter homes (primarily short-term emergency placements); family foster homes; special services homes (foster families that provide extraordinary care or services to children with special needs); permanency resource family homes (families that provide immediate care for children and support reunification with birth families, while committing to the possibility of adoption if reunification cannot occur); and respite care homes (families that commit to caring for children for a short time, such as a weekend, to provide children’s parents or caregivers a brief break from their daily parenting responsibilities).

Child welfare services, including foster care, are provided on a local level through county or tribal social service agencies. All of Minnesota’s county social service agencies conduct child foster care licensing and child placement. County agencies may also make referrals to private child placing agencies. Private agencies are able to serve children from different counties. More than forty private placement agencies are licensed by the Minnesota Department of Human Services (DHS) and conduct certain foster care licensing functions. Lutheran Social Service of Minnesota, for example, has approximately 100 homes licensed and operating in six regions of the state, with an average number of children in foster care on any day ranging from 90 to 115. A current list of private placement agencies is available on the DHS website at [http://www.dhs.state.mn.us/Licensing/ProgramLists/pdf/flcpa.pdf](http://www.dhs.state.mn.us/Licensing/ProgramLists/pdf/flcpa.pdf). The DHS website also includes a database of all county and private agency licensed foster homes in Minnesota. The list is updated daily at [http://licensinglookup.dhs.state.mn.us](http://licensinglookup.dhs.state.mn.us).

**Q: What is the role of the state versus the county in foster care?**

**A:** The state (i.e., the Department of Human Services, also referred to as “Commissioner”) has ultimate authority in foster care licensing. Under Minnesota law, the state delegates authority to county agencies and private agencies to perform licensing functions and activities. County agencies are delegated responsibility to —
Overview of Foster Care Regulation in Minnesota

- Accept and process license applications;
- Conduct inspections, studies and evaluations of programs;
- Recommend approval or denial of applications for licensure;
- Process variance requests;
- Monitor compliance with applicable licensing rules;
- Investigate allegations of license violations;
- Investigate unlicensed programs;
- Issue correction orders;
- Recommend forfeiture orders and negative licensing actions;
- Enforce orders of the Commissioner; and
- Represent the Commissioner in contested case proceedings.

The Commissioner authorizes private agencies to perform many of the above functions, with the exception of investigating unlicensed programs and representing the Commissioner. Instead, private agencies are authorized to assist and cooperate with the Commissioner and attorney general in contested case proceedings.

Q: What are foster care licensing requirements?

A: Minnesota requires most potential foster parents to meet licensing requirements prior to placement. County or private agencies can place a child with a relative who is not licensed at the time of placement as long as the relative promptly completes the licensing process and meets the required standards. In addition to submitting a foster care licensing application, the state requires a background study for each prospective foster parent, as well as a home study assessment. Also as part of the application process, several interviews with the applicant and family members are generally conducted by a county or private agency social worker.

Q: How is compliance with foster care licensing standards monitored?

A: Typically, social services administration personnel, such as case workers and licensing staff, conduct home visits with both foster children and foster parents on a regular basis to monitor and oversee compliance with licensing requirements. Licensed foster homes are heavily regulated and monitored, and need to be in compliance with fire, health, building and zoning codes, capacity limitations, food and safety rules, drug and alcohol strictures, physical environmental regulations, and prohibitions regarding exposure to hazardous chemicals or substances, such as paint, lead, radon and asbestos.

As part of the licensing process, prospective foster parents are provided information about foster care policies and sign contracts agreeing to comply with them. When a violation is identified or suspected, or social services personnel receive complaints about a violation, social service workers typically discuss the situation, review the policy and revisit the compliance plan with the foster caretakers.

Q: Does a local agency have the authority to set a licensing requirement that is different from the state’s licensing requirements?

A: No, the Minnesota Department of Human Services is the ultimate licensing authority for foster care providers. Local governments and agencies, however, can adopt foster care policies that are not licensing standards.
Endnotes


4 See Minn. R. 9543.0030, subpart 1.


6 Id.

7 Id.


9 Id.


12 Minn. R. 9543.0030.

13 Id.