



# TPLPC and Northstar Kinship Assistance Processes

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# Agenda

- Overview of Northstar Care for Children
- Social services (county and DHS) process
- Court process
- Ways attorneys can support permanency for children
- Common issues and possible solutions

## Northstar Care for Children

# Overview

- Effective January 1, 2015
- Benefits program with three components:
  - Northstar Foster Care
  - Northstar Adoption Assistance (only for eligible children who are adopted)
  - Northstar Kinship Assistance (only for eligible children whose relatives accept a TPLPC)

# Overview

- Goals:
  - Reduce the number of children who leave foster care without a permanent family
  - Reduce the benefit discrepancies between permanency options
  - Reduce the length of time children are placed in out-of-home care
  - Increase the percentage of children who are adopted or have a Transfer of Permanent Legal and Physical Custody (TPLPC) within 24 months of entering foster care

# Northstar Funding Streams

- Northstar benefits can be:
  - Title IV-E (federal, state, local shares)
  - Non–Title IV-E (state and local shares only)
- Agencies must determine Title IV-E eligibility before considering non–Title IV-E

# Northstar Benefits

- Basic payment
  - Determined by age of child
  - Provides for child's food, clothing, shelter and daily supervision
- Supplemental payment
  - Determined by the Minnesota Assessment of Parenting for Children and Youth (MAPCY)
  - Provides for extra care and attention needed to meet child's needs
  - Not based solely on child behaviors

MAPCY questions? Contact Jody McElroy at 651-431-4730,  
[jody.mcelroy@state.mn.us](mailto:jody.mcelroy@state.mn.us)

# Northstar Benefits

- Medical Assistance (MA)
  - Not automatic for Non-Title IV-E NKA
- Reimbursement for non-recurring expenses related to finalizing adoption/TPLPC



# Benefit Agreement

- For adoption and TPLPC
- Legal contract between caregiver/DHS/financially responsible agency
- Terms, benefits/services to be provided, provisions for modification
- Templated information, but dynamic
- **Benefit Agreement must be signed before finalization of adoption or TPLPC**

# Appeals

- Caregivers can appeal:
  - MAPCY benefit amount
  - Eligibility denial
  - Payment/agreement modification or termination
  - When extenuating circumstances exist that resulted in adoption/TPLPC finalization prior to fully executed benefit agreement

# Northstar Kinship Assistance Eligibility Criteria

## NKA Eligibility Criteria

- Child is US citizen/qualified alien
- Child is under 18 years of age
- Prospective relative custodian(s) and all required household members have approved Adam Walsh–compliant background studies
- Benefit agreement in place prior to TPLPC finalization

# NKA Eligibility Criteria

- Voluntary Placement Agreement or court order for removal
  - *Non–Title IV-E: No contrary to the welfare statement*
- Child lived with licensed prospective relative custodian for 6 consecutive months
  - *Non–Title IV-E: Not eligible for Title IV-E foster care payments, exemption granted*
- Agency has determined that:
  - Reunification and adoption are not appropriate permanency options for the child
  - The child has a strong attachment to the prospective relative custodian, and the prospective relative custodian is committed to caring permanently for the child
- Agency has consulted with the child, if age 14+, about permanency

Siblings of a Title IV-E–eligible child do not need to meet the Title IV-E eligibility criteria from the previous slide, as long as the children are placed with the same relative custodian and the agency agrees it is in the children’s best interests.

# Exemption Requests

DHS may grant exemptions to either the licensing requirement or to the requirement of living in the home for a minimum of 6 consecutive months while licensed.

- No exemptions to missing background studies or permanent barrier
- Exemption requested via Eligibility Determination
- If granted, benefits will be Non–Title IV-E; has implications for Medicaid coverage
- Exemptions are rarely granted

# Final Court Order

- Final eligibility requirement: Finalized TPLPC under 260C.515, subd. 4, with required court findings
  - The relative is fit, willing, and suitable
  - Transfer of permanent legal and physical custody and receipt of Northstar kinship assistance under chapter 256N, when requested and the child is eligible, are in the child's best interests
  - Adoption is not in the child's best interests based on the determinations in the kinship placement agreement
  - The agency made efforts to discuss adoption with the child's parent or parents, or the agency did not make efforts to discuss adoption and the reasons why efforts were not made
  - There are reasons to separate siblings during placement, if applicable

**See Sample Deferred/Finalized Court Orders for language**



# Social Services Process for Applying for NKA

# Agencies Involved

- Financially responsible agency
  - Completes forms in SSIS
- Legally responsible agency
  - Makes kinship placement
  - Provides information and documentation as needed to financially responsible agency
- Minnesota Department of Human Services
  - Reviews and confirms NKA forms

All children with TPLPC as permanency option will need Eligibility Determination completed on their behalf, even if declining benefits.

If reunification cannot be achieved,  
**adoption is preferred.** If adoption is  
not in child's best interests,  
**TPLPC is preferred.**

*Minn. Stat., section 260C.001, subd. 3 and section 260C.513 (a)*

# Relative Consideration

Counties must consider placement with a relative without delay and whenever a child must move from or be returned to foster care, in the following order:

1. An individual related to a child by blood, marriage, or adoption
2. An individual who is an important friend with whom a child has resided or had significant contact

Relatives must be considered regardless of the state in which they live.

Relative includes the legal parent, guardian, or custodian of a child's sibling.

# Making the Kinship Placement

- Only relatives can accept TPLPC
- Relatives located via required relative search
- Agency must review permanency options with relative and, if possible, with parent
  - Agency should document these conversations!

# Kinship Placement Agreement

- Agency completes KPA and signs with prospective relative custodians (and child, if age 14+)
  - Signed at time of making kinship placement
  - Licensure not required, but must have approved foster care home study and background study clearances
- Required agency determinations included in KPA
- **DHS plays no role**
- **KPA is filed with TPLPC petition**

**When fully executed, next step: Eligibility Determination**

# The Waiting Game!

# Eligibility Determination

- Agency completes and submits with required documentation in SSIS
- DHS reviews and confirms or requests corrections
- **This is DHS's first encounter with the case.**

**When child is eligible & benefits requested, next step: Benefit Agreement**



## Youth Close to 18<sup>th</sup> Birthday

If a youth is close to turning 18, let DHS know as soon as possible.

- Extension process followed at same time as eligibility determination process
- Sign extension amendment at same time as benefit agreement

## Eligibility Determination—Statement to Decline Benefits

- Caregivers may request to decline benefits
- Do not use if agency thinks child is ineligible or if TPLPC finalized too soon
- Part of Eligibility Determination

# Benefit Agreement

- Agency reviews and signs with prospective relative custodian
  - Include successor relative custodian for continued benefits post-death/incapacity
- Agency submits to DHS
- DHS reviews and signs or requests corrections

**When fully executed, next step: Finalization**

**DO NOT FINALIZE TPLPC  
UNTIL BENEFIT AGREEMENT IS  
FULLY EXECUTED.**

## Legal Process for TPLPC

# Court Timelines

- TPLPC follows general permanency timelines:
  - Permanency petition filed by 11 months into placement
  - Admit-deny hearing by 12 months into placement
  - Permanency proceeding within 60 days of admit-deny hearing
- Finalization of TPLPC can be deferred/stayed when necessary to establish eligibility for Northstar Kinship Assistance

# Who Files the TPLPC Petition

- Responsible social services agency
- Another party to the permanency proceeding (i.e., alternative permanency petition)
  - Must include facts that court can use to make determination
  - Must not be filed later than the date for the required admit-deny hearing OR
  - If agency has filed petition as a result of circumstance requiring automatic TPR, then the other party's petition must be filed no later than 30 days prior to the permanency trial

# Filing the TPLPC Petition

- Must be filed in the court conducting reviews
- Can be filed before 6-month licensure period is met
- Can transfer venue (must submit request to court)
- Child must be placed for TPLPC via fully executed KPA, and **KPA filed with petition** (names on petition should match KPA)
  - Exception: Another party to the proceeding filing their own petition
- Court accepts petition and schedules hearing
  - If competing petitions, judge will hear both and make determination



# TPLPC Hearing

- If deferring:
  - Ask court to defer order pending finalization of NKA benefits
  - Can take testimony from parent and relative custodian
  - Can request reasonable efforts towards reunification be ceased
- While TPLPC is deferred, must still hold 90-day review hearings
  - Child still considered in foster care placement

# Finalization of TPLPC

- Court may order TPLPC when:
  - Court has reviewed suitability of prospective relative custodian
  - Relative custodian understands that returning child to home of parent requires court approval and notice to agency
  - Benefit agreement is fully executed (do not file with court)
    - If originally deferred, and hearing already held, can issue order without holding another hearing
- Discharge from court jurisdiction after final order is signed
- Agency, relative custodian, or court admin sends final TPLPC order (and sometimes deferred order) to DHS

# Required Court Findings Specific to TPLPC

- The relative is fit, willing, and suitable
- TPLPC and receipt of NKA, when requested and child is eligible, are in child's best interests
- Adoption is not in the child's best interests, based on KPA determinations
- Agency made efforts to discuss adoption with parent(s); if not, why efforts were not made
- Reasons to separate siblings during placement, if applicable

**These are required to begin NKA payments.**

**If not included, child will be ineligible for NKA benefits.**

## Required Court Findings for General Permanency Dispositions

- How child's best interests are served by order
- Nature and extent of agency's reasonable efforts to reunify child with parent/guardian when such efforts are required
- Parent's ability/efforts to use services to correct conditions
- Conditions which led to OHP were not corrected so child can safely return home

## Common Issues and Possible Solutions

# Common Issues

- Did not file Kinship Placement Agreement with TPLPC Petition
- Licensing delays
- Court orders do not have necessary findings
- Court orders do not indicate that court order is in effect as of date of hearing
- Order is finalized before the Kinship Benefit Agreement is completed
- Transfer of custody to a parent or joint custody to parent/relative
- Consent to Adopt or voluntary TPR
- Placement disrupts before finalization

## Resources

# Resources

- Sample Court Orders
- Paths to Permanency

[http://www.mncourts.gov/mncourtsgov/media/scao\\_library/CJI/Paths-to-Permanency-DHS-7024A-ENG.pdf](http://www.mncourts.gov/mncourtsgov/media/scao_library/CJI/Paths-to-Permanency-DHS-7024A-ENG.pdf)

- DHS Website Northstar Kinship Assistance

<https://mn.gov/dhs/people-we-serve/children-and-families/services/adoption/programs-services/northstar-kinship-assistance.jsp>

- Transfer of Permanent Legal and Physical Custody Process Checklist for Children in County Foster Care

<https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-6978-ENG>

- Finding Permanency for Children in Foster Care: Transfer of Permanent Legal and Physical Custody to a Relative

<https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-7591-ENG>



## Contact Information

# Contacts

- For questions during eligibility establishment
  - Contact the county's program consultant at DHS with questions
- For questions after TPLPC finalization, and questions regarding payments and reimbursements
  - Relative custodians contact their DHS NKA worker
  - Email strongly encouraged
- Pre-finalization: [Northstar.Benefits@state.mn.us](mailto:Northstar.Benefits@state.mn.us)
- Post-finalization: [adoption.assistance@state.mn.us](mailto:adoption.assistance@state.mn.us)

## Specific Contacts

- Heidi Ombisa Skallet, Adoption and Kinship Policy Specialist
  - 651-431-5889, [heidi.ombisa.skallet@state.mn.us](mailto:heidi.ombisa.skallet@state.mn.us)
  - Policy questions related to adoption, children under guardianship, TPLPC, Northstar Adoption Assistance, Northstar Kinship Assistance, RCA, and Family Reunification Act
- Kathleen Hiniker, Supervisor for Records/Eligibility
  - 651-431-5890, [kathleen.a.hiniker@state.mn.us](mailto:kathleen.a.hiniker@state.mn.us)
- Mical Peterson, Supervisor for NAA/NKA Benefits and Appeals
  - 651-431-4728, [mical.peterson@state.mn.us](mailto:mical.peterson@state.mn.us)
- Jody McElroy, MAPCY Policy Specialist
  - 651-431-4730, [jody.mcelroy@state.mn.us](mailto:jody.mcelroy@state.mn.us)

# Thank you!