

## DHS Licensed Children's Residential Facilities and Minor Consent

*This document explains the applicability of minor consent and runaway laws to several Children's Residential Facility requirements in Minnesota Rules, chapter 2960.*

### Definitions

**Homeless youth:** A person 24 years of age or younger who is unaccompanied by a parent or guardian and is without shelter where appropriate care and supervision are available, whose parent or legal guardian is unable or unwilling to provide shelter and care, or who lacks a fixed, regular, and adequate nighttime residence.

The following are not fixed, regular, or adequate nighttime residences:

- (1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations;
- (2) an institution or a publicly or privately operated shelter designed to provide temporary living accommodations;
- (3) transitional housing;
- (4) a temporary placement with a peer, friend, or family member that has not offered permanent residence, a residential lease, or temporary lodging for more than 30 days; or
- (5) a public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings.

Homeless youth does not include persons incarcerated or otherwise detained under federal or state law ([Minnesota Statutes, section 256k.45, subd. 1a\(c\)](#)).

**Runaway:** An unmarried child under the age of 18 who is absent from the home of a parent or guardian or other lawful placement without the consent of the parent, guardian, or legal custodian.

(Minnesota Statutes, sections [260C.007, subd. 28](#) and [256K.45, subd. 1a\(e\)](#))

**Sexually exploited youth:** An individual who:

- (1) is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct;

- (2) is a victim of a crime described in sections 609.342, 609.343, 609.345, 609.3451, 609.3453, 609.3458, 609.352, 617.246, or 617.247;
- (3) is a victim of a crime described in United States Code, title 18, section 2260; 2421; 2422; 2423; 2425; 2425A; or 2256;
- (4) is a sex trafficking victim as defined in section [609.321, subdivision 7b](#); or
- (5) is a victim of commercial sexual exploitation as defined in United States Code, title 22, section 7102(11)(A) and (12).

## Legal authority for resident placement

Minnesota Rules, part 2960.0070, subpart 3, item A, requires that Children's Residential Facilities obtain and document the legal authority for placing the resident in the program within five working days of their admission. This requirement may be met by following the requirements in this document when serving minors that are able to consent to receive homeless youth services or services for sexually exploited youth as described below.

### Guidance to license holders

Minors living separately from their parent or legal guardian have the authority to consent to receive homeless youth services and services for sexually exploited youth ([Minnesota Statutes, section 256K.451](#)). For these youth, the license holder must follow this section.

The license holder must document:

- (1) that the minor is living separately from their parent or legal guardian; **and**  
that the minor meets the definition of either a homeless youth or a sexually exploited youth, and
- (2) the youth's consent to receive homeless youth services **or** sexually exploited youth services.

The license holder must also determine whether the youth is a runaway. The following screening questions could be utilized:

- Have you been reported as a runaway? Y/N
- Are you away from home or other lawful placement without the consent of your parent, guardian, or other lawful custodian? Y/N

If the youth is determined to be a runaway, the license holder must document their attempt to notify their parent/guardian within 72 hours, unless compelling reasons exist not to disclose their location. Compelling reasons may include circumstances in which the runaway is or has been exposed to domestic violence or a victim of abuse, neglect or abandonment. The license holder must document and provide the parent or legal guardian with a description of both the physical and emotional condition of the runaway as well as explain the circumstances surrounding the youth's admission to the shelter per Chapter 260C.

Mandated reporters must immediately report alleged maltreatment to the local county social services agency or local law enforcement as required by Minnesota Statutes, chapter 260E.

## Health services

Minnesota Rules, part 2960.0080, subpart 11, requires that the parent/guardian is contacted to seek permission for the facility to administer medication to the youth. If permission is denied and the parent has the legal right to deny permission, then the medication will be discontinued under the supervision of a physician unless a court order to administer the medication is obtained. If the youth can give consent, obtaining permission from the parent/guardian is no longer applicable.

### Guidance to license holders

A minor may consent to medical, mental, or health services if the minor:

- is living apart from their parent or guardian and managing their own finances;
- has been married or has had a child;
- is seeking pregnancy care, sexually transmitted disease or sexually transmitted infections, mental health and/or substance use disorder treatment; or
- is consenting to Hepatitis B vaccination.

## Other Children's Residential Facility requirements

The following Minnesota Rule parts are not applicable for minors that are authorized to consent to services, unless the program becomes aware that a parent, legal guardian, or custodian has a right to receive the information or property:

- [2960.0050, subpart 3, item B](#): The license holder must tell the resident's parent, guardian, or custodian within a reasonable time after admission to the facility that the information in item A is available.
- [2960.0070, Subpart 3, item B](#): Gathering information about the resident, including the name, address, and telephone number of parents, guardian, and advocate.
  - Note: This requirement *is applicable* if the youth is a runaway and parental notification is required.
- [2960.0080, subpart 3](#): Cooperation in treatment and basic service delivery, based on the resident's case plan.
- [2960.0080, subpart 11, item F](#): Prescription medicine belonging to a resident must be given to the resident's parent or legal guardian upon the resident's release or must be disposed of according to a pharmacy-approved plan.
- [2960.0180, subpart 2, item B](#): The license holder must make individualized written progress reports available to the resident's parent or legal guardian upon request.
- [2960.0190, subpart 1, items A and C](#): The plan must developed with input from the resident's family members and a written notice of the resident's projected discharge date to the parent, if permitted, or legal guardian.

Regardless of the requirements identified above that may be non-applicable, a youth may request that their parent/guardian be involved in their care, be communicated with, etc.