

OPTIONS FOR CHOSEN FAMILY HOSTING ARRANGEMENTS WITH MINOR YOUTH

Minor youth who are disconnected from family often turn to caring adults in their lives for help, such as a loving grandmother, uncle, or family friend. Informally hosting a youth who would otherwise face homelessness is a powerful act of care! Yet, hosting a minor youth can come with legal issues because their parents/guardians are legally responsible for their care. Many youth think that emancipation is the solution to their problems because emancipation gives youth the same legal rights and responsibilities as an adult.

While independence is a great quality, no one can live life alone. The disconnection and conflict we have in relationships does not mean we must rely only on ourselves. We can reach out to folks who love and care for us. It also doesn't mean that relationships with parents, guardians or other primary caregivers can't be repaired.

We live in a society that values hyper-independence. Society portrays success as living alone and being financially independent. In reality, success looks different for each individual. What is true for everyone is that we need to feel connected to others for our social-emotional well-being. When we go through hardships, especially conflict or disconnection from our loved ones, it may seem easier to do things on our own. But asking for help is normal—there is no shame in it!

Sometimes, taking time away from parents/guardians can help repair the relationship. During this time, there are options to legitimize the relationship youth have with their host. Non-legal and legal options allow youth to stay connected with the caring adults in their lives. Some options also maintain the possibility of repairing the relationship the youth has with their parents/guardians.

Youth and hosts should consider the following as they explore options:

- Is the youth in contact with their parents/guardians? Would the youth or the host be comfortable contacting the parents/guardians?
- Do the youth, host, and parents/guardians want to figure out a solution on their own or pursue a legal option?
- If pursuing a legal option, the youth, host, and parents/guardians will need to decide between a non-court-involved process or a court-involved process.

Runaway Youth/Harboring A Runaway

A minor with a record is more likely to face a charge of “runaway youth,” and the host is more likely to face a charge of “[harboring a runaway](#).” Someone has to notify the police for a runaway youth charge to occur. Usually, the parents/guardians or caregiver make that call, which may be out of concern of the youth's well-being.

TIP: Youth can use the [National Runaway Safeline](#), a hotline for youth who are runaways or facing homelessness, to relay a message to their parents/guardians that they are alive and safe.

BE AWARE: If a youth receives help from a direct-service provider, like a drop-in center, then staff who are aware that a minor youth is away from home are required to notify child protection services.

For more information, check out LawHelp MN's [Runaway Fact Sheet](#) and [Youth Living Away From Home Fact Sheet](#). For more information on the impact of a record on Chosen Family hosting arrangements, reference our [Legal Systems Involved Legal Guide](#).

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Non-Legal Solutions

Doing Nothing - The youth can simply continue living with the host without communicating with their parents/guardians

PRO

- Can seem like the “easiest” option for a host and youth during a high-stress situation.
- Youth and host avoid involvement with the complex legal system.

CON

- Youth lives under the radar with no official address.
- Youth and host increase the chance of police involvement for “harboring a runaway” or being a “runaway youth.”

CONSIDER

- If a youth ran away from foster care, the host should immediately notify the foster care caseworker.
- If a youth is working with a direct-service provider, staff has to report the youth to child protection. Youth can also decide to report themselves to child protection.

Call or Text Parents/Guardians - Youth could call or text their parents/guardians to tell them where they are. Youth can state: they are okay, they need some time, and, if comfortable, where they are staying.

PRO

- Youth and host may reduce chances of police involvement for “runaway youth” and “harboring a runaway” charges because the parent/guardian has some assurance the youth is okay.

CON

- If youth tells their parents/guardians where they are staying, parents/guardians could show up to take them home.
- Youth might find it difficult to reach out to parents/guardians due to conflict.

TIP: Youth can use the [National Runaway Safeline](#), a hotline for youth who are runaways or facing homelessness, to relay a message to their parents/guardians that they are alive and safe.

Parental/Guardian Permission - Youth can ask parents/guardians to stay with the host. Parents/guardians can give verbal permission. However, written permission provides helpful evidence that the parents/guardians did, in fact, give permission.

PRO

- Youth fosters transparency with their parents/guardians.
- Youth and host have no involvement with the complex legal system.
- Youth and host reduce chances of police involvement for “runaway youth”/“harboring a runaway.”

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CON

- Youth might find it difficult to talk with parents/guardians due to conflict.
- Parents/guardians can change their mind at any time and require the youth to return to the family home.

CONSIDER

- If possible, host can establish communication with the parents/guardians.
- Obtaining [power of attorney](#) will give the host legal authority to make medical decisions for the youth.

TIP: According to [Minnesota law](#), if the host is a renter and a change in familial status is not a violation of the renter's lease, the property owner cannot evict or deny renewal to the host based on the change in familial status. In Minnesota, [familial status](#) includes minors who join the household of a host who has received *written permission* from the parent, parents, or guardian to host the youth. Host has one year to add the minor youth to the household.

Mediation - A third-party mediates a restorative decision-making process between youth, host, and youth's parents/guardians.

TIP: [Community Mediation Minnesota](#) offers restorative practices and mediation services for free.

PRO

- Youth, host, and parents/guardians lay the foundation for building stronger relationships.
- Youth and host foster transparency with parents/guardians.
- All people directly impacted by the hosting situation are involved.
- Youth, hosts, and parents/guardians create a plan of action for moving forward.
- Mediator balances everyone's wants/concerns and helps identify resources for assistance.
- Youth and host reduce chances of police involvement for "runaway youth"/"harboring a runaway."
- Youth and host have no involvement with the complex legal system.
- A quicker decision can often be reached.

CON

- Youth might find it difficult to talk with parents/guardians.
- All people involved must be willing to participate to ensure a successful process.
- Mediator's expertise and skill play a large role in the success of the process.

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Legal Solutions
Non-Court
<p>Delegation of Parental Authority (DOPA) allows a caregiver to care for a minor through written permission provided by the parents. A caregiver becomes an “attorney-in-fact” to make decisions regarding the child’s care. Learn more through LawHelpMN’s DOPA Fact Sheet.</p> <p>PRO</p> <ul style="list-style-type: none">• Youth maintains family connection.• Youth and host reduce chances of police involvement for “runaway youth”/“harboring a runaway.”• Youth and host have no involvement with the complex legal system. DOPA does not need to be filed in court. <p>CON</p> <ul style="list-style-type: none">• Automatically expires in one year. <p>CONSIDER</p> <ul style="list-style-type: none">• Both parents/guardians need to be aware that a DOPA has been enacted, but only the custodial parent needs to sign the DOPA.• Does not take away parental/guardian rights. Parents/guardians can override decisions made by the host.• Parents/guardians can stop DOPA by simply writing to the host.• If a parent is unable to renew the DOPA, then the attorney-in-fact can take the expired DOPA to court and request a custody order. However, custody can be a complex court-involved process. It’s generally easier to sign a new DOPA every six months.
Court-Involved
<p>Third-Party Custody gives legal and physical custody of a minor child to a caregiver.</p> <p>PRO</p> <ul style="list-style-type: none">• Honors arrangements in which the youth has stayed for less than a year, making de-facto guardianship (see below) not an option.• The process has no police involvement. <p>CON</p> <ul style="list-style-type: none">• Minnesota state statute lists extensive factors to determine eligibility as a third-party custodian.• Host has to prove that parents/guardians have “neglected” the child and that the host’s relationships with the child should take priority.• Depending on the relationship the youth has with the parents/guardians, this could damage the future of the relationship. <p>CONSIDER</p> <ul style="list-style-type: none">• Birth parents may be required to provide ongoing child support.• Host and youth need to hire a custody lawyer. Contact Mid-Minnesota Legal Aid to see if you qualify for free legal services.

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De-Facto Guardianship - Host who has hosted a youth for at least a year receives custody rights as a de-facto guardian.

PRO

- Honors the caregiving that a host is providing.
- The process has no police involvement.

CON

- Host has to prove they have been the primary caretaker without any parental involvement for a year.
- Court process can take a long time.

CONSIDER

- Host and youth need to hire a custody lawyer. Contact [Mid-Minnesota Legal Aid](#) to see if you qualify for free legal services.

Temporary Guardianship - A court can grant a host temporary guardianship due to immediate need. Notice will be given to parents and youth who are at least 14 years old.

PRO

- Temporary guardian has authority of unlimited guardianship.
- The process has no police involvement.

CON

- Depending on the relationship the host has with the parents/guardians, this could damage the future of the relationship.
- Depending on the relationship the youth has with the parents/guardians, this could damage the future of the relationship.
- Requires that parents/guardians rights are terminated by court order or that both parents/guardians are deceased.
 - [Termination of Parental Rights](#) takes away someone's legal rights to be a child's parent. A parent may willingly give up their rights or a court can involuntarily take away a parent's rights.
- Court grants temporary guardianship. Youth and host must interact with the complex legal system.
- Temporary guardianship lasts only up to six months.

CONSIDER

- Host and youth need to hire a custody lawyer. Contact [Mid-Minnesota Legal Aid](#) to see if you qualify for free legal services.

Guardianship - The host has the powers and responsibilities of a parent. [Courts](#) can appoint guardians due to deceased parents or terminated parental rights.

PRO

- Host has the powers and responsibilities of a parent.

CON

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- Court grants guardianship. Youth and host must interact with the complex legal system.

CONSIDER

- Host and youth need to hire a custody lawyer. Contact [Mid-Minnesota Legal Aid](#) to see if you qualify for free legal services.

Kinship Care - Youth is placed in care of a host by a licensed child-placing agency. Host is someone the youth has a relationship with who is a relative or family friend. A form of foster care.

PRO

- Youth and host stabilizes the living arrangement.
- Host receives untaxed financial assistance to care for the youth.
- Youth receives Medical Assistance to cover medical expenses.
- Depending on a youth's age, additional financial assistance is possible:
 - WIC food supplement program, free/reduced breakfast and lunch, clothing allowance, etc.
- Youth may be eligible for extended foster care through age 21. As a young adult, youth could receive financial support, health insurance, and case management services.

CON

- Youth's case plan dictates boundaries with parents/guardians.
 - Depending on the relationship the youth has with the parents/guardians, this could damage the future of the relationship.
 - Depending on the relationship the host has with the parents/guardians, this could damage the future of the relationship.
- Hosts need to be licensed through the Commissioner of Human Services to provide foster care for the youth.
 - A licensing agency conducts a "Home Study" eligibility process requiring documentation, paperwork, and a home visit
- Licensing agencies require that the host pass a background check.
- Any household member 13 years or older must also pass a background check.
- Host is required to take ongoing foster-care training.

CONSIDER

- County social workers require hosts to follow the child's case plan.
- Minnesota's [Northstar Care for Children Act](#) provides benefits and processes for children who are in foster care, kinship, and adoptive families. Caregivers receive [monthly payments](#) based on the child's age. Contact your local county office for more information.
- If foster care is the right decision for a current host and youth, please [go to the MNAdopt Foster Care licensing-process website](#) to learn the steps necessary to complete licensure.

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Adoption - Host is granted full legal custody and rights for the youth. Adoptive parents have the rights and responsibilities that birth parents had.

PRO

- Youth and host have a permanent solution to stabilize their living arrangement and relationship.

CON

- Depending on the relationship the youth has with the parents/guardians, this could damage the future of the relationship.
- Depending on the relationship the host has with the parents/guardians, this could damage the future of the relationship.
- Unless youth was in foster care, there is no financial assistance provided for the host and youth relationship.
- Adoption can be a lengthy process.
- Adopting a youth comes with a variety of adoption fees.

CONSIDER

- If youth is currently in foster care:
 - Hosts need to meet Foster Care licensing requirements through the Commissioner of Human Services to provide foster care. A licensing agency conducts a “Home Study” eligibility process requiring documentation and paperwork. Licensing requires that the host pass a background check.
 - Hosts can use Medical Assistance and primary insurance to cover youth’s medical expenses.
- Depending on the relationship the host and youth have with the parents/guardians, this could damage the future of the relationship.
- Minnesota’s [Northstar Care for Children Act](#) provides benefits and processes for children who are in foster care, kinship, and adoptive families. Caregivers receive [monthly payments](#) based on the child’s age. Contact your local county office to get more information.

Private [Child in Need of Protection or Services \(CHIPS\) Petition](#) - Sometimes, counties can start CHIPS court cases for youth who run away if they’re concerned about the youth’s health, safety, and welfare.

PRO

- Host and youth have potential access to financial benefits for the youth through age 21.
- Host can potentially gain legal and physical custody of the youth.

CON

- There is heavy court involvement in CHIPS cases. Youth and host must interact with the complex legal system.
- Social workers conduct an investigation.
- Lawyers are involved.
- Petition could result in the termination of parental rights. Youth and hosts may not have the opportunity to repair or heal their relationships with the parents/guardians.
 - Depending on the relationship the host has with the parents/guardians, non-relative or relative, this could damage the relationship.
 - Depending on the relationship the youth has with the parents/guardians, this could damage the

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relationship.

Emancipation - A minor youth becomes responsible for themselves. Parents give up their parental rights and are not required to provide financial support.

PRO

- It can be “freeing” for youth to have responsibility for themselves and make their own choices.
- Youth can access medical care that parents/guardians might not allow, such as hormone therapy to support gender confirmation for transgender youth.
- Emancipation could provide more financial assistance for youth in college.
 - See [SchoolHouse Connection](#) for information about education resources for youth facing homelessness.

CON

- Youth have a lot of responsibility.
- Youth navigate signing up for their own healthcare plan.
- Youth grows up fast. Many youth feel like “I just wanna be a kid.”
- Youth can feel lonely. Many times, emancipation means youth rent by themselves.
- Youth and attorneys find the emancipation process difficult to navigate.

CONSIDER

- The process can vary from county to county.

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