

351.19 **ARTICLE 21**351.20 **CHILDREN AND FAMILIES**

351.21 Section 1. Minnesota Statutes 2014, section 119B.13, subdivision 1, is amended to read:

351.22 Subdivision 1. **Subsidy restrictions.** (a) Beginning ~~February 3, 2014~~ January 2,  
 351.23 2017, the maximum rate paid for child care assistance in any county or county price  
 351.24 cluster under the child care fund shall be the ~~greater of the 25th percentile of the 2011~~  
 351.25 ~~child care provider rate survey or the maximum rate effective November 28, 2011~~ rate  
 351.26 for like-care arrangements effective February 3, 2014, increased by seven percent. The  
 351.27 commissioner may: (1) assign a county with no reported provider prices to a similar price  
 351.28 cluster; and (2) consider county level access when determining final price clusters.

351.29 (b) A rate which includes a special needs rate paid under subdivision 3 may be in  
 351.30 excess of the maximum rate allowed under this subdivision.

351.31 (c) The department shall monitor the effect of this paragraph on provider rates. The  
 351.32 county shall pay the provider's full charges for every child in care up to the maximum  
 351.33 established. The commissioner shall determine the maximum rate for each type of care  
 351.34 on an hourly, full-day, and weekly basis, including special needs and disability care. The  
 352.1 maximum payment to a provider for one day of care must not exceed the daily rate. The  
 352.2 maximum payment to a provider for one week of care must not exceed the weekly rate.

352.3 (d) Child care providers receiving reimbursement under this chapter must not be  
 352.4 paid activity fees or an additional amount above the maximum rates for care provided  
 352.5 during nonstandard hours for families receiving assistance.

352.6 (e) When the provider charge is greater than the maximum provider rate allowed,  
 352.7 the parent is responsible for payment of the difference in the rates in addition to any  
 352.8 family co-payment fee.

352.9 (f) All maximum provider rates changes shall be implemented on the Monday  
 352.10 following the effective date of the maximum provider rate.

352.11 (g) Notwithstanding Minnesota Rules, part 3400.0130, subpart 7, maximum  
 352.12 registration fees in effect on January 1, 2013, shall remain in effect.

352.13 Sec. 2. Minnesota Statutes 2014, section 145.4716, subdivision 2, is amended to read:

352.14 Subd. 2. **Duties of director.** The director of child sex trafficking prevention is  
 352.15 responsible for the following:

78.29 **ARTICLE 6**78.30 **CHILDREN AND FAMILIES**

78.31 Section 1. Minnesota Statutes 2014, section 119B.13, subdivision 1, is amended to read:

78.32 Subdivision 1. **Subsidy restrictions.** (a) Beginning February 3, 2014, the maximum  
 78.33 rate paid for child care assistance in any county or county price cluster under the child  
 78.34 care fund shall be the greater of the 25th percentile of the 2011 child care provider rate  
 79.1 survey or the maximum rate effective November 28, 2011. For a child care provider  
 79.2 located inside the boundaries of a city located in two or more counties, the maximum rate  
 79.3 paid for child care assistance shall be equal to the maximum rate paid in the county with  
 79.4 the highest maximum reimbursement rates or the provider's charge, whichever is less. The  
 79.5 commissioner may: (1) assign a county with no reported provider prices to a similar price  
 79.6 cluster; and (2) consider county level access when determining final price clusters.

79.7 (b) A rate which includes a special needs rate paid under subdivision 3 may be in  
 79.8 excess of the maximum rate allowed under this subdivision.

79.9 (c) The department shall monitor the effect of this paragraph on provider rates. The  
 79.10 county shall pay the provider's full charges for every child in care up to the maximum  
 79.11 established. The commissioner shall determine the maximum rate for each type of care  
 79.12 on an hourly, full-day, and weekly basis, including special needs and disability care. The  
 79.13 maximum payment to a provider for one day of care must not exceed the daily rate. The  
 79.14 maximum payment to a provider for one week of care must not exceed the weekly rate.

79.15 (d) Child care providers receiving reimbursement under this chapter must not be  
 79.16 paid activity fees or an additional amount above the maximum rates for care provided  
 79.17 during nonstandard hours for families receiving assistance.

79.18 (e) When the provider charge is greater than the maximum provider rate allowed,  
 79.19 the parent is responsible for payment of the difference in the rates in addition to any  
 79.20 family co-payment fee.

79.21 (f) All maximum provider rates changes shall be implemented on the Monday  
 79.22 following the effective date of the maximum provider rate.

79.23 (g) Notwithstanding Minnesota Rules, part 3400.0130, subpart 7, maximum  
 79.24 registration fees in effect on January 1, 2013, shall remain in effect.

79.25 **EFFECTIVE DATE.** This section is effective September 11, 2017.

56.15 Sec. 14. Minnesota Statutes 2014, section 145.4716, subdivision 2, is amended to read:

56.16 Subd. 2. **Duties of director.** The director of child sex trafficking prevention is  
 56.17 responsible for the following:

352.16 (1) developing and providing comprehensive training on sexual exploitation of  
 352.17 youth for social service professionals, medical professionals, public health workers, and  
 352.18 criminal justice professionals;

352.19 (2) collecting, organizing, maintaining, and disseminating information on sexual  
 352.20 exploitation and services across the state, including maintaining a list of resources on the  
 352.21 Department of Health Web site;

352.22 (3) monitoring and applying for federal funding for antitrafficking efforts that may  
 352.23 benefit victims in the state;

352.24 (4) managing grant programs established under sections 145.4716 to 145.4718,  
 352.25 and 609.3241, paragraph (c), clause (3);

352.26 (5) managing the request for proposals for grants for comprehensive services,  
 352.27 including trauma-informed, culturally specific services;

352.28 (6) identifying best practices in serving sexually exploited youth, as defined in  
 352.29 section 260C.007, subdivision 31;

352.30 (7) providing oversight of and technical support to regional navigators pursuant to  
 352.31 section 145.4717;

352.32 (8) conducting a comprehensive evaluation of the statewide program for safe harbor  
 352.33 of sexually exploited youth; and

353.1 (9) developing a policy consistent with the requirements of chapter 13 for sharing  
 353.2 data related to sexually exploited youth, as defined in section 260C.007, subdivision 31,  
 353.3 among regional navigators and community-based advocates.

353.4 Sec. 3. Minnesota Statutes 2014, section 145.4716, is amended by adding a subdivision  
 353.5 to read:

353.6 Subd. 3. **Youth eligible for services.** Youth 24 years of age or younger shall be  
 353.7 eligible for all services, support, and programs provided under this section and section  
 353.8 145.4717, and all shelter, housing beds, and services provided by the commissioner of  
 353.9 human services to sexually exploited youth and youth at risk of sexual exploitation.

56.18 (1) developing and providing comprehensive training on sexual exploitation of  
 56.19 youth for social service professionals, medical professionals, public health workers, and  
 56.20 criminal justice professionals;

56.21 (2) collecting, organizing, maintaining, and disseminating information on sexual  
 56.22 exploitation and services across the state, including maintaining a list of resources on the  
 56.23 Department of Health Web site;

56.24 (3) monitoring and applying for federal funding for antitrafficking efforts that may  
 56.25 benefit victims in the state;

56.26 (4) managing grant programs established under sections 145.4716 to 145.4718,  
 56.27 and 609.3241, paragraph (c), clause (3);

56.28 (5) managing the request for proposals for grants for comprehensive services,  
 56.29 including trauma-informed, culturally specific services;

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 56.31 section 260C.007, subdivision 31;

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 56.33 section 145.4717;

56.34 (8) conducting a comprehensive evaluation of the statewide program for safe harbor  
 56.35 of sexually exploited youth; and

57.1 (9) developing a policy consistent with the requirements of chapter 13 for sharing  
 57.2 data related to sexually exploited youth, as defined in section 260C.007, subdivision 31,  
 57.3 among regional navigators and community-based advocates.

57.4 Sec. 15. Minnesota Statutes 2014, section 145.4716, is amended by adding a  
 57.5 subdivision to read:

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 57.8 145.4717, and all shelter, housing beds, and services provided by the commissioner of  
 57.9 human services to sexually exploited youth and youth at risk of sexual exploitation.

79.26 Sec. 2. [245A.043] ELECTRONIC APPLICATION; INFORMATION.

79.27 (a) The commissioner, in consultation with child care providers, shall conduct a  
79.28 feasibility study regarding the development of a single, easily accessible Web site that  
79.29 complies with the requirements contained in the federal reauthorization of the federal  
79.30 Child Care Development Fund. In conducting the study, the commissioner shall review  
79.31 current child care licensing processes and regulations in order to determine methods by  
79.32 which the commissioner can streamline processes for current and prospective child care  
79.33 providers including but not limited to applications for licensure, license renewals, and  
79.34 provider record keeping. As part of this review, the commissioner must evaluate the  
80.1 feasibility of developing an online system that would allow child care providers and  
80.2 prospective child care providers to:

80.3 (1) access a guide on how to start a child care business;

80.4 (2) access all applicable statutes, administrative rules, and agency policies and  
80.5 procedures, including training requirements;

80.6 (3) access up-to-date contact information for state and county agency licensing staff;

80.7 (4) access information on the availability of grant programs and other resources  
80.8 for providers;

80.9 (5) use an online reimbursement tool for payment under the child care assistance  
80.10 programs; and

80.11 (6) submit a single electronic application and license renewal, including all  
80.12 supporting documentation required by the commissioner, information related to child  
80.13 care assistance program registration, and application for rating in the quality rating and  
80.14 improvement system.

80.15 (b) Within the available appropriation for the feasibility study, the commissioner  
80.16 must evaluate each of the six issues listed in paragraph (a).

80.17 (c) The commissioner shall submit the feasibility study to the chairs and ranking  
80.18 minority members of the house of representatives and senate committees with jurisdiction  
80.19 over child care by September 30, 2016.

80.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

80.21 Sec. 3. **[245A.055] NOTIFICATION TO PROVIDER.**

353.10 Sec. 4. Minnesota Statutes 2014, section 245A.10, subdivision 2, is amended to read:

353.11 Subd. 2. **County fees for background studies and licensing inspections.** (a)

353.12 Before the implementation of NETStudy 2.0, for purposes of family and group family  
 353.13 child care licensing under this chapter, a county agency may charge a fee to an applicant  
 353.14 or license holder to recover the actual cost of background studies, but in any case not to  
 353.15 exceed \$100 annually. A county agency may also charge a license fee to an applicant or  
 353.16 license holder not to exceed \$50 for a one-year license or \$100 for a two-year license.

353.17 (b) Before the implementation of NETStudy 2.0, a county agency may charge a fee  
 353.18 to a legal nonlicensed child care provider or applicant for authorization to recover the  
 353.19 actual cost of background studies completed under section 119B.125, but in any case not  
 353.20 to exceed \$100 annually.

353.21 (c) Counties may elect to reduce or waive the fees in paragraph (a) or (b):

353.22 (1) in cases of financial hardship;

353.23 (2) if the county has a shortage of providers in the county's area;

353.24 (3) for new providers; or

353.25 (4) for providers who have attained at least 16 hours of training before seeking  
 353.26 initial licensure.

353.27 (d) Counties may allow providers to pay the applicant fees in paragraph (a) or (b) on  
 353.28 an installment basis for up to one year. If the provider is receiving child care assistance  
 353.29 payments from the state, the provider may have the fees under paragraph (a) or (b)  
 353.30 deducted from the child care assistance payments for up to one year and the state shall  
 353.31 reimburse the county for the county fees collected in this manner.

353.32 (e) For purposes of adult foster care and child foster care licensing, and licensing  
 353.33 the physical plant of a community residential setting, under this chapter, a county agency  
 354.1 may charge a fee to a corporate applicant or corporate license holder to recover the actual  
 354.2 cost of licensing inspections, not to exceed \$500 annually.

354.3 (f) Counties may elect to reduce or waive the fees in paragraph (e) under the  
 354.4 following circumstances:

80.22 (a) When the county employee responsible for family child care and group family  
 80.23 child care licensing conducts a licensing inspection or conducts a home visit, the employee  
 80.24 must provide, prior to departure from the residence or facility, a written notification to  
 80.25 the licensee of any potential licensing violations noted. The notification must include  
 80.26 the condition that constitutes the violation, the action that must be taken to correct the  
 80.27 condition, and the time allowed to correct the violation.

80.28 (b) Providing this notification to the licensee does not relieve the county employee  
 80.29 from notifying the commissioner of the violation as required by statute and administrative  
 80.30 rule.

354.5 (1) in cases of financial hardship;

354.6 (2) if the county has a shortage of providers in the county's area; or

354.7 (3) for new providers.

80.31 Sec. 4. **[245A.23] POSITIVE SUPPORT STRATEGIES.**

80.32 (a) The commissioner of human services, in conjunction with licensed programs that  
 80.33 provide group family day care and family day care under Minnesota Rules, chapter 9502,  
 80.34 and child care centers licensed under Minnesota Rules, chapter 9503, must review and  
 81.1 evaluate the applicability of Minnesota Rules, chapter 9544, the positive support strategies  
 81.2 and restrictive interventions rules, to child care programs. The commissioner must  
 81.3 consider the undue hardship, including increased cost and reduction in child care services,  
 81.4 experienced by child care providers and child care centers as a result of the application  
 81.5 of Minnesota Rules, chapter 9544. The commissioner must determine which rules must  
 81.6 apply to each type of program, to what extent each rule must apply, and consider granting  
 81.7 variances to the requirements to programs that submit a request for a variance. The  
 81.8 commissioner must complete this review and evaluation process of the applicability of  
 81.9 Minnesota Rules, chapter 9544, to child care programs no later than December 31, 2016.  
 81.10 Within available appropriations, the commissioner must submit a written plan to modify  
 81.11 application of rules for child care programs to the house of representatives and senate  
 81.12 committees with jurisdiction over child care no later than January 15, 2017.

81.13 (b) Until the commissioner has completed the review and evaluation process and  
 81.14 submitted a written plan to the legislature required under paragraph (a), programs licensed  
 81.15 as family day care and group family day care facilities under Minnesota Rules, chapter  
 81.16 9502, and programs licensed as child care centers under Minnesota Rules, chapter 9503,  
 81.17 are exempt from the following rules:

81.18 (1) Minnesota Rules, part 9544.0040, functional behavior assessment, unless the  
 81.19 child has a case manager under section 256B.092, subdivision 1a, paragraph (e); and

81.20 (2) Minnesota Rules, part 9544.0090, staff qualifications and training.

81.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

81.22 Sec. 5. **[245A.55] TRAINING FOR COUNTY LICENSING STAFF ON FAMILY**

81.23 **CHILD CARE AND GROUP FAMILY CHILD CARE REQUIREMENTS;**

81.24 **SUPERVISION.**

81.25 (a) Within the first two months of employment, county staff who license and inspect  
 81.26 family child care and group family child care programs must complete at least eight hours  
 81.27 of training on state statutes, administrative rules, and department policies related to the  
 81.28 licensing and regulation of family child care and group family child care programs. The  
 81.29 department must develop the training curriculum to ensure that all county staff who perform  
 81.30 licensing and inspection functions receive uniform training. This training must include:

81.31 (1) explicit instructions that county staff who license and perform inspections  
 81.32 must apply only state statutes, administrative rules, and Department of Human Services  
 81.33 policies in the performance of their duties. Training must reinforce that county staff are  
 81.34 prohibited from imposing standards or requirements that are not imposed by statute, rule,  
 81.35 or approved state policy;

82.1 (2) the rights of license holders, including their grievance and appeal rights. This  
 82.2 training must include information on the responsibility of the county staff to inform license  
 82.3 holders of their rights, including grievance and appeal rights; and

82.4 (3) the procedure for county staff to seek clarification from the Department of  
 82.5 Human Services prior to issuing a correction order or other notice of violation to a license  
 82.6 holder if there is a dispute between the license holder and the county licensor regarding  
 82.7 the applicability of a statute or rule to the alleged violation.

82.8 (b) To ensure consistency among all licensing staff, the commissioner must develop  
 82.9 a procedure by which the department will implement increased training and oversight of  
 82.10 county staff who perform licensing functions related to family child care licensing. This  
 82.11 procedure must ensure that the commissioner conducts at least biennial reviews of county  
 82.12 licensing performance.

82.13 (c) Each calendar year, county agency staff who license and regulate family child  
 82.14 care providers and group family child care providers and their supervisors must receive  
 82.15 notice from the commissioner on new laws enacted or adopted in the previous 12-month  
 82.16 period relating to family child care providers and group family child care providers. The  
 82.17 commissioner shall provide the notices each year to include information on new laws and  
 82.18 disseminate the notices to county agencies.

354.8 Sec. 5. Minnesota Statutes 2014, section 245C.03, is amended by adding a subdivision  
 354.9 to read:

354.10 Subd. 6a. **Nonlicensed child care programs.** Beginning October 1, 2017, the  
 354.11 commissioner shall conduct background studies on any individual required under section  
 354.12 119B.125 to have a background study completed under this chapter.

354.13 Sec. 6. Minnesota Statutes 2014, section 245C.04, subdivision 1, is amended to read:

354.14 Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a  
 354.15 background study of an individual required to be studied under section 245C.03,  
 354.16 subdivision 1, at least upon application for initial license for all license types.

354.17 (b) Effective October 1, 2017, the commissioner shall conduct a background study  
354.18 of an individual ~~required to be studied~~ specified under section 245C.03, ~~subdivision 1,~~  
354.19 ~~who is newly affiliated with the license holder. at reapplication for a license for family~~  
354.20 ~~child care.~~ From October 1, 2017, to September 30, 2019, the commissioner shall conduct  
354.21 a background study of individuals required to be studied under section 245C.03, at the  
354.22 time of reapplication for a family child care license.

354.23 (1) The individual shall provide information required under section 245C.05,  
354.24 subdivision 1, paragraphs (a), (b), and (d), to the county agency.

354.25 (2) The county agency shall provide the commissioner with the information received  
354.26 under clause (1) to complete the background study.

354.27 (3) The background study conducted by the commissioner under this paragraph must  
354.28 include a review of the information required under section 245C.08.

354.29 (c) The commissioner is not required to conduct a study of an individual at the time  
354.30 of reapplication for a license if the individual's background study was completed by the  
354.31 commissioner of human services and the following conditions are met:

354.32 (1) a study of the individual was conducted either at the time of initial licensure or  
354.33 when the individual became affiliated with the license holder;

355.1 (2) the individual has been continuously affiliated with the license holder since  
355.2 the last study was conducted; and

355.3 (3) the last study of the individual was conducted on or after October 1, 1995.

355.4 (d) The commissioner of human services shall conduct a background study of an  
355.5 individual specified under section 245C.03, subdivision 1, paragraph (a), clauses (2)  
355.6 to (6), who is newly affiliated with a child foster care license holder. The county or  
355.7 private agency shall collect and forward to the commissioner the information required  
355.8 under section 245C.05, subdivisions 1 and 5. The background study conducted by the  
355.9 commissioner of human services under this paragraph must include a review of the  
355.10 information required under section 245C.08, subdivisions 1, 3, and 4.

355.11 (e) The commissioner shall conduct a background study of an individual specified  
355.12 under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6), who is newly  
355.13 affiliated with an adult foster care or family adult day services and effective October 1,  
355.14 2017, with a family child care license holder or a legal nonlicensed child care provider  
355.15 authorized under chapter 119B: (1) the county shall collect and forward to the commissioner  
355.16 the information required under section 245C.05, subdivision 1, paragraphs (a) and (b), and  
355.17 subdivision 5, paragraphs (a) and (b), and (d), for background studies conducted by the  
355.18 commissioner for all family adult day services and for adult foster care when the adult  
355.19 foster care license holder resides in the adult foster care residence, and for family child care  
355.20 and legal nonlicensed child care authorized under chapter 119B; (2) the license holder shall  
355.21 collect and forward to the commissioner the information required under section 245C.05,  
355.22 subdivisions 1, paragraphs (a) and (b); and 5, paragraphs (a) and (b), for background  
355.23 studies conducted by the commissioner for adult foster care when the license holder does  
355.24 not reside in the adult foster care residence; and (3) the background study conducted by  
355.25 the commissioner under this paragraph must include a review of the information required  
355.26 under section 245C.08, subdivision 1, paragraph (a), and subdivisions 3 and 4.

355.27 (f) Applicants for licensure, license holders, and other entities as provided in this  
355.28 chapter must submit completed background study requests to the commissioner using the  
355.29 electronic system known as NETStudy before individuals specified in section 245C.03,  
355.30 subdivision 1, begin positions allowing direct contact in any licensed program.

355.31 (g) For an individual who is not on the entity's active roster, the entity must initiate a  
355.32 new background study through NETStudy when:

355.33 (1) an individual returns to a position requiring a background study following an  
355.34 absence of 120 or more consecutive days; or

355.35 (2) a program that discontinued providing licensed direct contact services for 120 or  
355.36 more consecutive days begins to provide direct contact licensed services again.

356.1 The license holder shall maintain a copy of the notification provided to  
356.2 the commissioner under this paragraph in the program's files. If the individual's  
356.3 disqualification was previously set aside for the license holder's program and the new  
356.4 background study results in no new information that indicates the individual may pose a  
356.5 risk of harm to persons receiving services from the license holder, the previous set-aside  
356.6 shall remain in effect.

356.7 (h) For purposes of this section, a physician licensed under chapter 147 is considered  
356.8 to be continuously affiliated upon the license holder's receipt from the commissioner of  
356.9 health or human services of the physician's background study results.

356.10 (i) For purposes of family child care, a substitute caregiver must receive repeat  
356.11 background studies at the time of each license renewal.

356.12 (j) A repeat background study at the time of license renewal is not required if the  
356.13 substitute caregiver's background study was completed by the commissioner on or after  
356.14 October 1, 2017, and the substitute caregiver is on the license holder's active roster  
356.15 in NETStudy 2.0.

356.16 Sec. 7. Minnesota Statutes 2014, section 245C.05, subdivision 2b, is amended to read:

356.17 Subd. 2b. **County agency to collect and forward information to commissioner.**

356.18 (a) For background studies related to all family adult day services and to adult foster care  
356.19 when the adult foster care license holder resides in the adult foster care residence, the  
356.20 county agency must collect the information required under subdivision 1 and forward it to  
356.21 the commissioner.

356.22 (b) Effective October 1, 2017, for background studies related to family child care  
356.23 and legal nonlicensed child care authorized under chapter 119B, the county agency must  
356.24 collect the information required under subdivision 1 and provide it to the commissioner.

356.25 Sec. 8. Minnesota Statutes 2014, section 245C.05, subdivision 4, is amended to read:

356.26 Subd. 4. **Electronic transmission.** (a) For background studies conducted by the  
356.27 Department of Human Services, the commissioner shall implement a secure system for the  
356.28 electronic transmission of:

356.29 (1) background study information to the commissioner;

356.30 (2) background study results to the license holder;

356.31 (3) background study results to county and private agencies for background studies  
356.32 conducted by the commissioner for child foster care; and

357.1 (4) background study results to county agencies for background studies conducted by  
357.2 the commissioner for adult foster care and family adult day services and, effective October  
357.3 1, 2017, family child care and legal nonlicensed child care authorized under chapter 119B.

357.4 (b) Unless the commissioner has granted a hardship variance under paragraph (c),  
357.5 a license holder or an applicant must use the electronic transmission system known  
357.6 as NETStudy or NETStudy 2.0 to submit all requests for background studies to the  
357.7 commissioner as required by this chapter.

357.8 (c) A license holder or applicant whose program is located in an area in which  
357.9 high-speed Internet is inaccessible may request the commissioner to grant a variance to  
357.10 the electronic transmission requirement.

357.11 Sec. 9. Minnesota Statutes 2014, section 245C.05, subdivision 7, is amended to read:

357.12 Subd. 7. **Probation officer and corrections agent.** (a) A probation officer or  
357.13 corrections agent shall notify the commissioner of an individual's conviction if the  
357.14 individual:

357.15 (1) has been affiliated with a program or facility regulated by the Department of  
357.16 Human Services or Department of Health, a facility serving children or youth licensed by  
357.17 the Department of Corrections, or any type of home care agency or provider of personal  
357.18 care assistance services within the preceding year; and

357.19 (2) has been convicted of a crime constituting a disqualification under section  
357.20 245C.14.

357.21 (b) For the purpose of this subdivision, "conviction" has the meaning given it  
357.22 in section 609.02, subdivision 5.

357.23 (c) The commissioner, in consultation with the commissioner of corrections, shall  
357.24 develop forms and information necessary to implement this subdivision and shall provide  
357.25 the forms and information to the commissioner of corrections for distribution to local  
357.26 probation officers and corrections agents.

357.27 (d) The commissioner shall inform individuals subject to a background study that  
357.28 criminal convictions for disqualifying crimes ~~will~~ shall be reported to the commissioner  
357.29 by the corrections system.

357.30 (e) A probation officer, corrections agent, or corrections agency is not civilly or  
357.31 criminally liable for disclosing or failing to disclose the information required by this  
357.32 subdivision.

357.33 (f) Upon receipt of disqualifying information, the commissioner shall provide the  
357.34 notice required under section 245C.17, as appropriate, to agencies on record as having  
358.1 initiated a background study or making a request for documentation of the background  
358.2 study status of the individual.

358.3 (g) This subdivision does not apply to family child care programs for individuals  
358.4 whose background study was completed in NETStudy 2.0.

358.5 Sec. 10. Minnesota Statutes 2015 Supplement, section 245C.08, subdivision 1, is  
358.6 amended to read:

358.7 Subdivision 1. **Background studies conducted by Department of Human**

358.8 **Services.** (a) For a background study conducted by the Department of Human Services,  
358.9 including background studies conducted effective October 1, 2017, on legal nonlicensed  
358.10 child care providers authorized under chapter 119B, the commissioner shall review:

358.11 (1) information related to names of substantiated perpetrators of maltreatment of  
358.12 vulnerable adults that has been received by the commissioner as required under section  
358.13 626.557, subdivision 9c, paragraph (j);

358.14 (2) the commissioner's records relating to the maltreatment of minors in licensed  
358.15 programs, and from findings of maltreatment of minors as indicated through the social  
358.16 service information system;

358.17 (3) information from juvenile courts as required in subdivision 4 for individuals  
358.18 listed in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

358.19 (4) information from the Bureau of Criminal Apprehension, including information  
358.20 regarding a background study subject's registration in Minnesota as a predatory offender  
358.21 under section 243.166;

358.22 (5) except as provided in clause (6), information from the national crime information  
358.23 system when the commissioner has reasonable cause as defined under section 245C.05,  
358.24 subdivision 5, or as required under section 144.057, subdivision 1, clause (2); and

358.25 (6) for a background study related to a child foster care application for licensure, a  
358.26 transfer of permanent legal and physical custody of a child under sections 260C.503 to  
358.27 260C.515, or adoptions, the commissioner shall also review:

358.28 (i) information from the child abuse and neglect registry for any state in which the  
358.29 background study subject has resided for the past five years; and

358.30 (ii) information from national crime information databases, when the background  
358.31 study subject is 18 years of age or older.

358.32 (b) Notwithstanding expungement by a court, the commissioner may consider  
358.33 information obtained under paragraph (a), clauses (3) and (4), unless the commissioner  
358.34 received notice of the petition for expungement and the court order for expungement is  
358.35 directed specifically to the commissioner.

359.1 (c) The commissioner shall also review criminal case information received according  
359.2 to section 245C.04, subdivision 4a, from the Minnesota court information system that  
359.3 relates to individuals who have already been studied under this chapter and who remain  
359.4 affiliated with the agency that initiated the background study.

359.5 (d) When the commissioner has reasonable cause to believe that the identity of  
359.6 a background study subject is uncertain, the commissioner may require the subject to  
359.7 provide a set of classifiable fingerprints for purposes of completing a fingerprint-based  
359.8 record check with the Bureau of Criminal Apprehension. Fingerprints collected under this  
359.9 paragraph shall not be saved by the commissioner after they have been used to verify the  
359.10 identity of the background study subject against the particular criminal record in question.

359.11 (e) The commissioner may inform the entity that initiated a background study under  
359.12 NETStudy 2.0 of the status of processing of the subject's fingerprints.

359.13 Sec. 11. Minnesota Statutes 2014, section 245C.08, subdivision 2, is amended to read:

359.14 Subd. 2. **Background studies conducted by a county agency for family child**  
359.15 **care.** (a) Prior to the implementation of NETStudy 2.0, for a background study studies  
359.16 conducted by a county agency for family child care services, including background studies  
359.17 conducted in connection with legal nonlicensed child care authorized under chapter 119B,  
359.18 the commissioner shall review:

359.19 (1) information from the county agency's record of substantiated maltreatment  
359.20 of adults and the maltreatment of minors;

359.21 (2) information from juvenile courts as required in subdivision 4 for:

359.22 (i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages  
359.23 13 through 23 living in the household where the licensed services will be provided; and

359.24 (ii) any other individual listed under section 245C.03, subdivision 1, when there  
359.25 is reasonable cause; and

359.26 (3) information from the Bureau of Criminal Apprehension.

359.27 (b) If the individual has resided in the county for less than five years, the study shall  
359.28 include the records specified under paragraph (a) for the previous county or counties of  
359.29 residence for the past five years.

359.30 (c) Notwithstanding expungement by a court, the county agency may consider  
359.31 information obtained under paragraph (a), clause (3), unless the commissioner received  
359.32 notice of the petition for expungement and the court order for expungement is directed  
359.33 specifically to the commissioner.

359.34 Sec. 12. Minnesota Statutes 2014, section 245C.08, subdivision 4, is amended to read:

360.1 Subd. 4. **Juvenile court records.** (a) For a background study conducted by the  
360.2 Department of Human Services, the commissioner shall review records from the juvenile  
360.3 courts for an individual studied under section 245C.03, subdivision 1, paragraph (a), when  
360.4 the commissioner has reasonable cause.

360.5 (b) For a background study conducted by a county agency for family child care prior  
360.6 to the implementation of NETStudy 2.0, the commissioner shall review records from the  
360.7 juvenile courts for individuals listed in section 245C.03, subdivision 1, who are ages 13  
360.8 through 23 living in the household where the licensed services will be provided. The  
360.9 commissioner shall also review records from juvenile courts for any other individual listed  
360.10 under section 245C.03, subdivision 1, when the commissioner has reasonable cause.

360.11 (c) The juvenile courts shall help with the study by giving the commissioner existing  
360.12 juvenile court records relating to delinquency proceedings held on individuals described in  
360.13 section 245C.03, subdivision 1, paragraph (a), when requested pursuant to this subdivision.

360.14 (d) For purposes of this chapter, a finding that a delinquency petition is proven in  
360.15 juvenile court shall be considered a conviction in state district court.

360.16 (e) Juvenile courts shall provide orders of involuntary and voluntary termination of  
360.17 parental rights under section 260C.301 to the commissioner upon request for purposes of  
360.18 conducting a background study under this chapter.

360.19 Sec. 13. Minnesota Statutes 2014, section 245C.11, subdivision 3, is amended to read:

360.20 Subd. 3. **Criminal history data.** County agencies shall have access to the criminal  
360.21 history data in the same manner as county licensing agencies under this chapter for  
360.22 purposes of background studies completed prior to the implementation of NETStudy 2.0  
360.23 by county agencies on legal nonlicensed child care providers to determine eligibility  
360.24 for child care funds under chapter 119B.

360.25 Sec. 14. Minnesota Statutes 2014, section 245C.17, subdivision 6, is amended to read:

360.26 Subd. 6. **Notice to county agency.** For studies on individuals related to a license to  
360.27 provide adult foster care and family adult day services and, effective October 1, 2017,  
360.28 family child care and legal nonlicensed child care authorized under chapter 119B, the  
360.29 commissioner shall also provide a notice of the background study results to the county  
360.30 agency that initiated the background study.

360.31 Sec. 15. Minnesota Statutes 2014, section 245C.23, subdivision 2, is amended to read:

360.32 Subd. 2. **Commissioner's notice of disqualification that is not set aside.** (a) The  
360.33 commissioner shall notify the license holder of the disqualification and order the license  
361.1 holder to immediately remove the individual from any position allowing direct contact  
361.2 with persons receiving services from the license holder if:

361.3 (1) the individual studied does not submit a timely request for reconsideration  
361.4 under section 245C.21;

361.5 (2) the individual submits a timely request for reconsideration, but the commissioner  
361.6 does not set aside the disqualification for that license holder under section 245C.22, unless  
361.7 the individual has a right to request a hearing under section 245C.27, 245C.28, or 256.045;

361.8 (3) an individual who has a right to request a hearing under sections 245C.27 and  
361.9 256.045, or 245C.28 and chapter 14 for a disqualification that has not been set aside, does  
361.10 not request a hearing within the specified time; or

361.11 (4) an individual submitted a timely request for a hearing under sections 245C.27  
361.12 and 256.045, or 245C.28 and chapter 14, but the commissioner does not set aside the  
361.13 disqualification under section 245A.08, subdivision 5, or 256.045.

361.14 (b) If the commissioner does not set aside the disqualification under section 245C.22,  
361.15 and the license holder was previously ordered under section 245C.17 to immediately  
361.16 remove the disqualified individual from direct contact with persons receiving services or  
361.17 to ensure that the individual is under continuous, direct supervision when providing direct  
361.18 contact services, the order remains in effect pending the outcome of a hearing under  
361.19 sections 245C.27 and 256.045, or 245C.28 and chapter 14.

361.20 (c) If the commissioner does not set aside the disqualification under section 245C.22,  
 361.21 and the license holder was not previously ordered under section 245C.17 to immediately  
 361.22 remove the disqualified individual from direct contact with persons receiving services or  
 361.23 to ensure that the individual is under continuous direct supervision when providing direct  
 361.24 contact services, the commissioner shall order the individual to remain under continuous  
 361.25 direct supervision pending the outcome of a hearing under sections 245C.27 and 256.045,  
 361.26 or 245C.28 and chapter 14.

361.27 (d) For background studies related to child foster care, the commissioner shall  
 361.28 also notify the county or private agency that initiated the study of the results of the  
 361.29 reconsideration.

361.30 (e) For background studies related to family child care, adult foster care, and family  
 361.31 adult day services, the commissioner shall also notify the county that initiated the study of  
 361.32 the results of the reconsideration.

146.20 Sec. 27. Minnesota Statutes 2014, section 256D.051, is amended to read:  
 146.21 **256D.051 FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM.**

82.19 Sec. 6. Minnesota Statutes 2014, section 256D.051, subdivision 6b, is amended to read:

**UEH2749-1 ARTICLE 6, SECTION 27, AND H3467-3, ARTICLE  
 6, SECTION 6, ARE DUBLICATED IN THE SIDE-BY-SIDE  
 COMPARISON FOR UEH2749-1 ARTICLE 6**

146.22 Subdivision 1. **Food stamp employment and training program.** The  
 146.23 commissioner shall implement a food stamp employment and training program in order to  
 146.24 meet the food stamp employment and training participation requirements of the United  
 146.25 States Department of Agriculture. ~~Unless exempt under subdivision 3a, each adult~~  
 146.26 ~~recipient in the unit must participate in the food stamp employment and training program~~  
 146.27 ~~each month that the person is eligible for food stamps. The person's participation in~~  
 146.28 ~~food stamp employment and training services must begin no later than the first day of~~  
 146.29 ~~the calendar month following the determination of eligibility for food stamps. With the~~  
 146.30 ~~county agency's consent, and~~ To the extent of available resources, the person a recipient  
 146.31 may voluntarily continue volunteer to participate in food stamp employment and training  
 146.32 services for up to three additional consecutive months immediately following termination  
 146.33 of food stamp benefits in order to complete the provisions of the person's employability  
 146.34 development plan. A recipient who volunteers for employment and training services is  
 146.35 subject to work requirements in Code of Federal Regulations, title 7, section 273.7.

147.1 Subd. 1a. ~~Notices and sanctions.~~ (a) At the time the county agency notifies the  
147.2 household that it is eligible for food stamps, the county agency must: ~~(1) inform all~~  
147.3 ~~mandatory employment and training services participants as identified in subdivision 1~~  
147.4 ~~in the household that they must comply with all food stamp employment and training~~  
147.5 ~~program requirements each month, including the requirement to attend an initial~~  
147.6 ~~orientation to the food stamp employment and training program and that food stamp~~  
147.7 ~~eligibility will end unless the participants comply with the requirements specified in the~~  
147.8 ~~notice adults of the opportunity to volunteer for and participate in SNAP employment~~  
147.9 ~~and training activities; (2) provide plain language material that explains the benefits of~~  
147.10 ~~voluntary participation; and (3) provide the name and address of the county's designated~~  
147.11 ~~employment and training service provider.~~

147.12 (b) ~~A participant who fails without good cause to comply with food stamp~~  
147.13 ~~employment and training program requirements of this section, including attendance~~  
147.14 ~~at orientation, will lose food stamp eligibility for the following periods: The county~~  
147.15 ~~must inform all recipients who are able-bodied adults without dependents that SNAP~~  
147.16 ~~benefits are time limited to three months in a 36-month period from the first full month~~  
147.17 ~~of application unless the recipient meets the work requirements in Code of Federal~~  
147.18 ~~Regulations, title 7, section 273.7.~~

147.19 ~~(1) for the first occurrence, for one month or until the person complies with the~~  
147.20 ~~requirements not previously complied with, whichever is longer;~~

147.21 ~~(2) for the second occurrence, for three months or until the person complies with the~~  
147.22 ~~requirements not previously complied with, whichever is longer; or~~

147.23 ~~(3) for the third and any subsequent occurrence, for six months or until the person~~  
147.24 ~~complies with the requirements not previously complied with, whichever is longer.~~

147.25 ~~If the participant is not the food stamp head of household, the person shall be~~  
147.26 ~~considered an ineligible household member for food stamp purposes. If the participant is~~  
147.27 ~~the food stamp head of household, the entire household is ineligible for food stamps as~~  
147.28 ~~provided in Code of Federal Regulations, title 7, section 273.7(g). "Good cause" means~~  
147.29 ~~circumstances beyond the control of the participant, such as illness or injury, illness or~~  
147.30 ~~injury of another household member requiring the participant's presence, a household~~  
147.31 ~~emergency, or the inability to obtain child care for children between the ages of six and~~  
147.32 ~~12 or to obtain transportation needed in order for the participant to meet the food stamp~~  
147.33 ~~employment and training program participation requirements.~~

147.34 (e) The county agency shall mail or hand deliver a notice to the participant not later  
147.35 than five days after determining that the participant has failed without good cause to  
147.36 comply with food stamp employment and training program requirements which specifies  
148.1 the requirements that were not complied with, the factual basis for the determination of  
148.2 noncompliance, and the right to reinstate eligibility upon a showing of good cause for  
148.3 failure to meet the requirements. The notice must ask the reason for the noncompliance  
148.4 and identify the participant's appeal rights. The notice must request that the participant  
148.5 inform the county agency if the participant believes that good cause existed for the failure  
148.6 to comply and must state that the county agency intends to terminate eligibility for food  
148.7 stamp benefits due to failure to comply with food stamp employment and training program  
148.8 requirements.

148.9 (d) If the county agency determines that the participant did not comply during the  
148.10 month with all food stamp employment and training program requirements that were in  
148.11 effect, and if the county agency determines that good cause was not present, the county  
148.12 must provide a ten-day notice of termination of food stamp benefits. The amount of  
148.13 food stamps that are withheld from the household and determination of the impact of  
148.14 the sanction on other household members is governed by Code of Federal Regulations,  
148.15 title 7, section 273.7.

148.16 (e) The participant may appeal the termination of food stamp benefits under the  
148.17 provisions of section 256.045.

148.18 Subd. 2. **County agency duties.** (a) The county agency shall provide to food stamp  
148.19 recipients a food stamp employment and training program. The program must include:

148.20 (1) orientation to the food stamp employment and training program;

148.21 (2) an individualized employability assessment and an individualized employability  
148.22 development plan that includes assessment of literacy, ability to communicate in the  
148.23 English language, educational and employment history, and that estimates the length of  
148.24 time it will take the participant to obtain employment. The employability assessment and  
148.25 development plan must be completed in consultation with the participant, must assess the  
148.26 participant's assets, barriers, and strengths, and must identify steps necessary to overcome  
148.27 barriers to employment. A copy of the employability development plan must be provided  
148.28 to the registrant;

148.29 (3) referral to available accredited remedial or skills training or career pathway  
148.30 programs designed to address participant's barriers to employment;

148.31 (4) referral to available programs that provide subsidized or unsubsidized  
148.32 employment as necessary;

148.33 (5) a job search program, including job seeking skills training; and

148.34 (6) other activities, to the extent of available resources designed by the county  
148.35 agency to prepare the participant for permanent employment.

149.1 ~~In order to allow time for job search, the county agency may not require an individual~~  
149.2 ~~to participate in the food stamp employment and training program for more than 32 hours~~  
149.3 ~~a week. The county agency shall require an individual to spend at least eight hours a week~~  
149.4 ~~in job search or other food stamp employment and training program activities.~~

149.5 (b) The county agency shall prepare an annual plan for the operation of its food  
149.6 stamp employment and training program. The plan must be submitted to and approved by  
149.7 the commissioner of employment and economic development. The plan must include:

149.8 (1) a description of the services to be offered by the county agency;

149.9 (2) a plan to coordinate the activities of all public and private nonprofit entities  
149.10 providing employment-related services in order to avoid duplication of effort and to  
149.11 provide a wide range of allowable activities and services more efficiently;

149.12 (3) a description of the factors that will be taken into account when determining a  
149.13 client's employability development plan; and

149.14 (4) provisions to ensure that the county agency's employment and training service  
149.15 ~~provider provides~~ providers provide each recipient with an orientation, employability  
149.16 assessment, and employability development plan as specified in paragraph (a), clauses (1)  
149.17 and (2), within 30 days of the recipient's eligibility for assistance request to participate in  
149.18 employment and training.

149.19 Subd. 2a. **Duties of commissioner.** In addition to any other duties imposed by law,  
149.20 the commissioner shall:

149.21 (1) based on this section and section 256D.052 and Code of Federal Regulations,  
149.22 title 7, section 273.7, supervise the administration of food stamp employment and training  
149.23 services to county agencies;

149.24 (2) disburse money appropriated for food stamp employment and training services  
149.25 to county agencies based upon the county's costs as specified in section 256D.051,  
149.26 subdivision 6c;

149.27 (3) accept and supervise the disbursement of any funds that may be provided by the  
149.28 federal government or from other sources for use in this state for ~~food stamp~~ employment  
149.29 and training services;

149.30 (4) cooperate with other agencies including any agency of the United States or of  
149.31 another state in all matters concerning the powers and duties of the commissioner under  
149.32 this section and section 256D.052; and

149.33 (5) in cooperation with the commissioner of employment and economic  
149.34 development, ensure that each component of an employment and training program carried  
149.35 out under this section is delivered through a statewide workforce development system,  
149.36 unless the component is not available locally through such a system.

150.1 Subd. 3. **Participant duties.** In order to receive food stamp assistance employment  
 150.2 and training services, a registrant participant who volunteers shall: (1) cooperate with  
 150.3 the county agency in all aspects of the food stamp employment and training program;  
 150.4 and (2) accept any suitable employment, including employment offered through the Job  
 150.5 Training Partnership Act, and other employment and training options; and (3) participate  
 150.6 in food stamp employment and training activities assigned by the county agency. The  
 150.7 county agency may terminate employment and training assistance to a registrant voluntary  
 150.8 participant who fails to cooperate in the food stamp employment and training program, as  
 150.9 provided in subdivision 1a unless good cause is provided.

150.10 Subd. 3a. **Requirement to register work.** (a) To the extent required under Code  
 150.11 of Federal Regulations, title 7, section 273.7(a), each applicant for and recipient of  
 150.12 food stamps is required to register for work as a condition of eligibility for food stamp  
 150.13 benefits. Applicants and recipients are registered by signing an application or annual  
 150.14 reapplication for food stamps, and must be informed that they are registering for work  
 150.15 by signing the form.

150.16 (b) The commissioner shall determine, within federal requirements, persons required  
 150.17 to participate in the food stamp employment and training (FSET) program.

150.18 (c) The following food stamp recipients are exempt from mandatory participation in  
 150.19 food stamp employment and training services:

150.20 (1) recipients of benefits under the Minnesota family investment program, Minnesota  
 150.21 supplemental aid program, or the general assistance program;

150.22 (2) a child;

150.23 (3) a recipient over age 55;

150.24 (4) a recipient who has a mental or physical illness, injury, or incapacity which is  
 150.25 expected to continue for at least 30 days and which impairs the recipient's ability to obtain  
 150.26 or retain employment as evidenced by professional certification or the receipt of temporary  
 150.27 or permanent disability benefits issued by a private or government source;

150.28 (5) a parent or other household member responsible for the care of either a  
 150.29 dependent child in the household who is under age six or a person in the household who is  
 150.30 professionally certified as having a physical or mental illness, injury, or incapacity. Only  
 150.31 one parent or other household member may claim exemption under this provision;

150.32 (6) a recipient receiving unemployment insurance or who has applied for  
 150.33 unemployment insurance and has been required to register for work with the Department  
 150.34 of Employment and Economic Development as part of the unemployment insurance  
 150.35 application process;

151.1 ~~(7) a recipient participating each week in a drug addiction or alcohol abuse treatment~~  
 151.2 ~~and rehabilitation program, provided the operators of the treatment and rehabilitation~~  
 151.3 ~~program, in consultation with the county agency, recommend that the recipient not~~  
 151.4 ~~participate in the food stamp employment and training program;~~

151.5 ~~(8) a recipient employed or self-employed for 30 or more hours per week at~~  
 151.6 ~~employment paying at least minimum wage, or who earns wages from employment equal~~  
 151.7 ~~to or exceeding 30 hours multiplied by the federal minimum wage; or~~

151.8 ~~(9) a student enrolled at least half time in any school, training program, or institution~~  
 151.9 ~~of higher education. When determining if a student meets this criteria, the school's,~~  
 151.10 ~~program's or institution's criteria for being enrolled half time shall be used.~~

151.11 Subd. 3b. **Orientation.** The county agency or its employment and training service  
 151.12 ~~provider~~ providers must provide an orientation to food stamp employment and training  
 151.13 services to each nonexempt food stamp recipient within 30 days of the date that food  
 151.14 stamp eligibility is determined recipient within 30 days of the date that they agree to  
 151.15 volunteer. The orientation must inform the participant of the requirement to participate  
 151.16 benefits of participating in services, the date, time, and address to report to for services,  
 151.17 the name and telephone number of the food stamp employment and training service  
 151.18 provider, the consequences for failure without good cause to comply, the services and  
 151.19 support services available through food stamp employment and training services and other  
 151.20 providers of similar services, and must encourage the participant to view the food stamp  
 151.21 program as a temporary means of supplementing the family's food needs until the family  
 151.22 achieves self-sufficiency through employment. The orientation may be provided through  
 151.23 audio-visual methods, but the participant must have the opportunity for face-to-face  
 151.24 interaction with county agency staff.

151.25 Subd. 6b. **Federal reimbursement.** Federal financial participation from the United  
 151.26 States Department of Agriculture for food stamp employment and training expenditures  
 151.27 that are eligible for reimbursement through the food stamp employment and training  
 151.28 program are dedicated funds and are annually appropriated to the commissioner of human  
 151.29 services for the operation of the food stamp employment and training program. Funds  
 151.30 appropriated under this subdivision must be used for skill attainment through employment,  
 151.31 training, and support services for food stamp participants. Up to ten percent of the funds  
 151.32 may be used for the administrative costs of capturing additional federal reimbursement  
 151.33 dollars. By February 15, 2017, the commissioner shall report to the legislative committees  
 151.34 having jurisdiction over the food stamp program on the progress of securing additional  
 151.35 federal reimbursements dollars. Federal financial participation for the nonstate portion of  
 151.36 food stamp employment and training costs must be paid to the county agency or services  
 152.1 provider that incurred the costs at a rate to be determined by the Departments of Human  
 152.2 Services and Employment and Economic Development.

82.20 Subd. 6b. **Federal reimbursement.** (a) Federal financial participation from  
 82.21 the United States Department of Agriculture for food stamp employment and training  
 82.22 expenditures that are eligible for reimbursement through the food stamp employment and  
 82.23 training program are dedicated funds and are annually appropriated to the commissioner  
 82.24 of human services for the operation of the food stamp employment and training program.

152.3 Subd. 6c. **Program funding.** Within the limits of available resources, the  
 152.4 commissioner shall reimburse the actual costs of county agencies and their employment  
 152.5 and training service providers for the provision of food stamp employment and training  
 152.6 services, including participant support services, direct program services, and program  
 152.7 administrative activities. The cost of services for each county's food stamp employment and  
 152.8 training program shall not exceed the annual allocated amount. No more than 15 percent of  
 152.9 program funds may be used for administrative activities. The county agency may expend  
 152.10 county funds in excess of the limits of this subdivision without state reimbursement.

152.11 Program funds shall be allocated based on the county's average number of food  
 152.12 stamp cases as compared to the statewide total number of such cases. The average number  
 152.13 of cases shall be based on counts of cases as of March 31, June 30, September 30, and  
 152.14 December 31 of the previous calendar year. The commissioner may reallocate unexpended  
 152.15 money appropriated under this section to those county agencies that demonstrate a need  
 152.16 for additional funds.

152.17 Subd. 7. **Registrant status.** A registrant under this section is not an employee for  
 152.18 the purposes of workers' compensation, unemployment benefits, retirement, or civil service  
 152.19 laws, and shall not perform work ordinarily performed by a regular public employee.

152.20 Subd. 8. **Voluntary quit.** A person who is required to participate in food stamp  
 152.21 employment and training services is not eligible for food stamps if, without good cause,  
 152.22 the person refuses a legitimate offer of, or quits, suitable employment within 60 days  
 152.23 before the date of application. A person who is required to participate in food stamp  
 152.24 employment and training services and, without good cause, voluntarily quits suitable  
 152.25 employment or refuses a legitimate offer of suitable employment while receiving food  
 152.26 stamps shall be terminated from the food stamp program as specified in subdivision 1a.

152.27 Subd. 9. **Subcontractors.** A county agency may, at its option, subcontract any or all  
 152.28 of the duties under this section to a public or private entity approved by the commissioner  
 152.29 of employment and economic development.

82.25 (b) The appropriation must be used for skill attainment through employment,  
 82.26 training, and support services for food stamp participants. By February 15, 2017, the  
 82.27 commissioner shall report to the chairs and ranking minority members of the legislative  
 82.28 committees having jurisdiction over the food stamp program on the progress of securing  
 82.29 additional federal reimbursement dollars under this program.

82.30 (c) Federal financial participation for the nonstate portion of food stamp employment  
 82.31 and training costs must be paid to the county agency or service provider that incurred  
 82.32 the costs.

152.30 Subd. 18. ~~Work experience~~ **Workfare placements.** (a) To the extent of available  
 152.31 resources, each county agency must establish and operate a ~~work experience~~ workfare  
 152.32 component in the food stamp employment and training program for recipients who are  
 152.33 subject to a federal limit of three months of food stamp eligibility in any 36-month period.  
 152.34 The purpose of the ~~work experience~~ workfare component is to enhance the participant's  
 152.35 employability, self-sufficiency, and to provide meaningful, productive work activities.

153.1 (b) The commissioner shall assist counties in the design and implementation of these  
 153.2 components. The commissioner must ensure that job placements under a ~~work experience~~  
 153.3 workfare component comply with section 256J.72. Written or oral concurrence with job  
 153.4 duties of persons placed under the ~~community work experience~~ workfare program shall be  
 153.5 obtained from the appropriate exclusive bargaining representative.

153.6 (c) Worksites developed under this section are limited to projects that serve a useful  
 153.7 public service such as health, social service, environmental protection, education, urban  
 153.8 and rural development and redevelopment, welfare, recreation, public facilities, public  
 153.9 safety, community service, services to aged or disabled citizens, and child care. To the  
 153.10 extent possible, the prior training, skills, and experience of a recipient must be used in  
 153.11 making appropriate ~~work experience~~ workfare assignments.

153.12 (d) Structured, supervised ~~volunteer~~ uncompensated work with an agency or  
 153.13 organization that is monitored by the county service provider may, with the approval of  
 153.14 the county agency, be used as a ~~work experience~~ workfare placement.

153.15 (e) As a condition of placing a person receiving food stamps in a program under this  
 153.16 subdivision, the county agency shall first provide the recipient the opportunity:

153.17 (1) for placement in suitable subsidized or unsubsidized employment through  
 153.18 participation in job search under section 256D.051; ~~or~~

153.19 (2) for placement in suitable employment through participation in ~~on-the-job training~~  
 153.20 a paid work experience, if such employment is available; ~~or~~

153.21 (3) for placement in an educational program designed to increase job skills and  
 153.22 employability.

153.23 (f) The county agency shall limit the maximum monthly number of hours that any  
 153.24 participant may work in a ~~work experience~~ workfare placement to a number equal to the  
 153.25 amount of the family's monthly food stamp allotment divided by the greater of the federal  
 153.26 minimum wage or the applicable state minimum wage.

153.27 After a participant has been assigned to a position for ~~nine~~ six months, the participant  
 153.28 may not continue in that assignment unless the maximum number of hours a participant  
 153.29 works is no greater than the amount of the food stamp benefit divided by the rate of pay  
 153.30 for individuals employed in the same or similar occupations by the same employer at  
 153.31 the same site.

153.32 (g) The participant's employability development plan must include the length  
153.33 of time needed in the ~~work experience~~ workfare program, the need to continue job  
153.34 seeking activities while participating in ~~work experience~~ the workfare program, and the  
153.35 participant's employment goals.

154.1 (h) After each six months of a recipient's participation in a ~~work experience job~~  
154.2 workfare placement, and at the conclusion of each ~~work experience~~ workfare assignment  
154.3 under this section, the county agency shall reassess and revise, as appropriate, the  
154.4 participant's employability development plan.

154.5 (i) A participant has good cause for failure to cooperate with a ~~work experience job~~  
154.6 workfare placement if, in the judgment of the employment and training service provider,  
154.7 the reason for failure is reasonable and justified. ~~Good cause for purposes of this section is~~  
154.8 ~~defined in subdivision 1a, paragraph (b).~~

154.9 (j) A recipient who has failed without good cause to participate in or comply with the  
154.10 ~~work experience job~~ workfare placement shall be terminated from participation in ~~work~~  
154.11 ~~experience job~~ workfare activities. ~~If the recipient is not exempt from mandatory food~~  
154.12 ~~stamp employment and training program participation under subdivision 3a, the recipient~~  
154.13 ~~will be assigned to other mandatory program activities. If the recipient is exempt from~~  
154.14 ~~mandatory participation but is participating as a volunteer, the person shall be terminated~~  
154.15 ~~from the food stamp employment and training program.~~

361.33 Sec. 16. Minnesota Statutes 2015 Supplement, section 256M.41, subdivision 3,  
361.34 is amended to read:

362.1 Subd. 3. **Payments based on performance.** (a) The commissioner shall make  
362.2 payments under this section to each county board on a calendar year basis in an amount  
362.3 determined under paragraph (b).

362.4 (b) Calendar year allocations under subdivision 1 shall be paid to counties in the  
362.5 following manner:

362.6 (1) 80 percent of the allocation as determined in subdivision 1 must be paid to  
362.7 counties on or before July 10 of each year;

362.8 (2) ten percent of the allocation shall be withheld until the commissioner determines  
362.9 if the county has met the performance outcome threshold of 90 percent based on  
362.10 face-to-face contact with alleged child victims. In order to receive the performance  
362.11 allocation, the county child protection workers must have a timely face-to-face contact  
362.12 with at least 90 percent of all alleged child victims of screened-in maltreatment reports.  
362.13 The standard requires that each initial face-to-face contact occur consistent with timelines  
362.14 defined in section 626.556, subdivision 10, paragraph (i). The commissioner shall make  
362.15 threshold determinations in ~~January~~ February of each year and payments to counties  
362.16 meeting the performance outcome threshold shall occur in ~~February~~ March of each year.  
362.17 Any withheld funds from this appropriation for counties that do not meet this requirement  
362.18 shall be reallocated by the commissioner to those counties meeting the requirement; and

362.19 (3) ten percent of the allocation shall be withheld until the commissioner determines  
 362.20 that the county has met the performance outcome threshold of 90 percent based on  
 362.21 face-to-face visits by the case manager. In order to receive the performance allocation, the  
 362.22 total number of visits made by caseworkers on a monthly basis to children in foster care  
 362.23 ~~and children receiving child protection services while residing in their home~~ must be at  
 362.24 least 90 percent of the total number of such visits that would occur if every child were  
 362.25 visited once per month. The commissioner shall make such determinations in ~~January~~  
 362.26 February of each year and payments to counties meeting the performance outcome  
 362.27 threshold shall occur in ~~February~~ March of each year. Any withheld funds from this  
 362.28 appropriation for counties that do not meet this requirement shall be reallocated by the  
 362.29 commissioner to those counties meeting the requirement. ~~For 2015, the commissioner~~  
 362.30 ~~shall only apply the standard for monthly foster care visits.~~

362.31 (c) The commissioner shall work with stakeholders and the Human Services  
 362.32 Performance Council under section 402A.16 to develop recommendations for specific  
 362.33 outcome measures that counties should meet in order to receive funds withheld under  
 362.34 paragraph (b), and include in those recommendations a determination as to whether  
 362.35 the performance measures under paragraph (b) should be modified or phased out. The  
 363.1 commissioner shall report the recommendations to the legislative committees having  
 363.2 jurisdiction over child protection issues by January 1, 2018.

363.3 **EFFECTIVE DATE.** This section is effective July 1, 2016, for allocations made in  
 363.4 fiscal year 2017 using calendar year 2016 data.

363.5 Sec. 17. Minnesota Statutes 2014, section 256N.26, subdivision 3, is amended to read:

363.6 Subd. 3. **Basic monthly rate.** From ~~January 1, 2015~~ July 1, 2016, to June 30, ~~2016~~  
 363.7 2017, the basic monthly rate must be according to the following schedule:

363.8	Ages 0-5	\$ <del>565</del> <u>\$650</u> per month
363.9	Ages 6-12	\$ <del>670</del> <u>\$770</u> per month
363.10	Ages 13 and older	\$ <del>790</del> <u>\$910</u> per month

363.11 Sec. 18. Minnesota Statutes 2015 Supplement, section 256P.06, subdivision 3, is  
 363.12 amended to read:

363.13 Subd. 3. **Income inclusions.** The following must be included in determining the  
 363.14 income of an assistance unit:

- 363.15 (1) earned income; and
- 363.16 (2) unearned income, which includes:
- 363.17 (i) interest and dividends from investments and savings;
- 363.18 (ii) capital gains as defined by the Internal Revenue Service from any sale of real  
363.19 property;
- 363.20 (iii) proceeds from rent and contract for deed payments in excess of the principal  
363.21 and interest portion owed on property;
- 363.22 (iv) income from trusts, excluding special needs and supplemental needs trusts;
- 363.23 (v) interest income from loans made by the participant or household;
- 363.24 (vi) cash prizes and winnings;
- 363.25 (vii) unemployment insurance income;
- 363.26 (viii) retirement, survivors, and disability insurance payments;
- 363.27 (ix) nonrecurring income over \$60 per quarter unless earmarked and used for the  
363.28 purpose for which it is intended. Income and use of this income is subject to verification  
363.29 requirements under section 256P.04;
- 363.30 (x) retirement benefits;
- 363.31 (xi) cash assistance benefits, as defined by each program in chapters 119B, 256D,  
363.32 256I, and 256J;
- 363.33 (xii) tribal per capita payments unless excluded by federal and state law;
- 364.1 (xiii) income and payments from service and rehabilitation programs that meet  
364.2 or exceed the state's minimum wage rate;
- 364.3 (xiv) income from members of the United States armed forces unless excluded from  
364.4 income taxes according to federal or state law;
- 364.5 (xv) all child support payments for programs under chapters 119B, 256D, and 256I;
- 364.6 (xvi) the amount of ~~current~~ child support received that exceeds \$100 for assistance  
364.7 units with one child and \$200 for assistance units with two or more children for programs  
364.8 under chapter 256J; and
- 364.9 (xvii) spousal support.
- 364.10 Sec. 19. **[260C.125] CASE TRANSFER PROCESS.**

364.11 Subdivision 1. **Purpose.** This section pertains to the transfer of responsibility for  
364.12 the placement and care of an Indian child in out-of-home placement from the responsible  
364.13 social services agency to a tribal title IV-E agency or an Indian tribe in and outside of  
364.14 Minnesota with a title IV-E agreement.

364.15 Subd. 2. **Establishment of transfer procedures.** The responsible social services  
364.16 agency shall establish and maintain procedures, in consultation with Indian tribes, for the  
364.17 transfer of responsibility for placement and care of a child to a tribal agency. Transfer of a  
364.18 child's case under this section shall not affect the child's title IV-E and Medicaid eligibility.

364.19 Subd. 3. **Title IV-E eligibility.** If a child's title IV-E eligibility has not been  
364.20 determined by the responsible social services agency by the time of transfer, it shall be  
364.21 established at the time of the transfer by the responsible social services agency.

364.22 Subd. 4. **Documentation and information.** Essential documents and information  
364.23 shall be transferred to a tribal agency, including but not limited to:

364.24 (1) district court judicial determinations to the effect that continuation in the home  
364.25 from which the child was removed would be contrary to the welfare of the child and that  
364.26 reasonable efforts were made to ensure placement prevention and family reunification  
364.27 pursuant to section 260.012;

364.28 (2) documentation related to the child's permanency proceeding under sections  
364.29 260C.503 to 260C.521;

364.30 (3) documentation from the responsible social services agency related to the child's  
364.31 title IV-E eligibility;

364.32 (4) documentation regarding the child's eligibility or potential eligibility for other  
364.33 federal benefits;

364.34 (5) the child's case plan, developed pursuant to the Social Security Act, United  
364.35 States Code, title 42, sections 675(1) and 675a, including health and education records  
365.1 of the child pursuant to the Social Security Act, United States Code, title 42, section  
365.2 675(1)(c); and section 260C.212, subdivision 1, and information; and

365.3 (6) documentation of the child's placement setting, including a copy of the most  
365.4 recent provider's license.

365.5 Sec. 20. Minnesota Statutes 2015 Supplement, section 260C.203, is amended to read:

365.6 **260C.203 ADMINISTRATIVE OR COURT REVIEW OF PLACEMENTS.**

365.7 (a) Unless the court is conducting the reviews required under section 260C.202,  
365.8 there shall be an administrative review of the out-of-home placement plan of each child  
365.9 placed in foster care no later than 180 days after the initial placement of the child in foster  
365.10 care and at least every six months thereafter if the child is not returned to the home of the  
365.11 parent or parents within that time. The out-of-home placement plan must be monitored and  
365.12 updated at each administrative review. The administrative review shall be conducted by  
365.13 the responsible social services agency using a panel of appropriate persons at least one of  
365.14 whom is not responsible for the case management of, or the delivery of services to, either  
365.15 the child or the parents who are the subject of the review. The administrative review shall  
365.16 be open to participation by the parent or guardian of the child and the child, as appropriate.

365.17 (b) As an alternative to the administrative review required in paragraph (a), the court  
365.18 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection  
365.19 Procedure, conduct a hearing to monitor and update the out-of-home placement plan  
365.20 pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph  
365.21 (d). The party requesting review of the out-of-home placement plan shall give parties to  
365.22 the proceeding notice of the request to review and update the out-of-home placement  
365.23 plan. A court review conducted pursuant to section 260C.141, subdivision 2; 260C.193;  
365.24 260C.201, subdivision 1; 260C.202; 260C.204; 260C.317; or 260D.06 shall satisfy the  
365.25 requirement for the review so long as the other requirements of this section are met.

365.26 (c) As appropriate to the stage of the proceedings and relevant court orders, the  
365.27 responsible social services agency or the court shall review:

365.28 (1) the safety, permanency needs, and well-being of the child;

365.29 (2) the continuing necessity for and appropriateness of the placement;

365.30 (3) the extent of compliance with the out-of-home placement plan;

365.31 (4) the extent of progress that has been made toward alleviating or mitigating the  
365.32 causes necessitating placement in foster care;

365.33 (5) the projected date by which the child may be returned to and safely maintained in  
365.34 the home or placed permanently away from the care of the parent or parents or guardian; and

365.35 (6) the appropriateness of the services provided to the child.

366.1 (d) When a child is age 14 or older;

366.2 (1) in addition to any administrative review conducted by the responsible social  
366.3 services agency, at the in-court review required under section 260C.317, subdivision  
366.4 3, clause (3), or 260C.515, subdivision 5 or 6, the court shall review the independent  
366.5 living plan required under section 260C.212, subdivision 1, paragraph (c), clause (12),  
366.6 and the provision of services to the child related to the well-being of the child as the  
366.7 child prepares to leave foster care. The review shall include the actual plans related to  
366.8 each item in the plan necessary to the child's future safety and well-being when the child  
366.9 is no longer in foster care; and

- 366.10 ~~(e) At the court review required under paragraph (d) for a child age 14 or older,~~  
366.11 ~~the following procedures apply:~~
- 366.12 ~~(1) six months before the child is expected to be discharged from foster care, the~~  
366.13 ~~responsible social services agency shall give the written notice required under section~~  
366.14 ~~260C.451, subdivision 1, regarding the right to continued access to services for certain~~  
366.15 ~~children in foster care past age 18 and of the right to appeal a denial of social services~~  
366.16 ~~under section 256.045. The agency shall file a copy of the notice, including the right to~~  
366.17 ~~appeal a denial of social services, with the court. If the agency does not file the notice by~~  
366.18 ~~the time the child is age 17-1/2, the court shall require the agency to give it;~~
- 366.19 (2) consistent with the requirements of the independent living plan, the court shall  
366.20 review progress toward or accomplishment of the following goals:
- 366.21 (i) the child has obtained a high school diploma or its equivalent;
- 366.22 (ii) the child has completed a driver's education course or has demonstrated the  
366.23 ability to use public transportation in the child's community;
- 366.24 (iii) the child is employed or enrolled in postsecondary education;
- 366.25 (iv) the child has applied for and obtained postsecondary education financial aid for  
366.26 which the child is eligible;
- 366.27 (v) the child has health care coverage and health care providers to meet the child's  
366.28 physical and mental health needs;
- 366.29 (vi) the child has applied for and obtained disability income assistance for which  
366.30 the child is eligible;
- 366.31 (vii) the child has obtained affordable housing with necessary supports, which does  
366.32 not include a homeless shelter;
- 366.33 (viii) the child has saved sufficient funds to pay for the first month's rent and a  
366.34 damage deposit;
- 366.35 (ix) the child has an alternative affordable housing plan, which does not include a  
366.36 homeless shelter, if the original housing plan is unworkable;
- 367.1 (x) the child, if male, has registered for the Selective Service; and
- 367.2 (xi) the child has a permanent connection to a caring adult; ~~and,~~

~~367.3 (3) the court shall ensure that the responsible agency in conjunction with the  
367.4 placement provider assists the child in obtaining the following documents prior to the  
367.5 child's leaving foster care: a Social Security card; the child's birth certificate; a state  
367.6 identification card or driver's license, tribal enrollment identification card, green card, or  
367.7 school visa; the child's school, medical, and dental records; a contact list of the child's  
367.8 medical, dental, and mental health providers; and contact information for the child's  
367.9 siblings, if the siblings are in foster care.~~

~~367.10 (f) For a child who will be discharged from foster care at age 18 or older, the  
367.11 responsible social services agency is required to develop a personalized transition plan as  
367.12 directed by the youth. The transition plan must be developed during the 90-day period  
367.13 immediately prior to the expected date of discharge. The transition plan must be as  
367.14 detailed as the child may elect and include specific options on housing, health insurance,  
367.15 education, local opportunities for mentors and continuing support services, and work force  
367.16 supports and employment services. The agency shall ensure that the youth receives, at  
367.17 no cost to the youth, a copy of the youth's consumer credit report as defined in section  
367.18 13C.001 and assistance in interpreting and resolving any inaccuracies in the report. The  
367.19 plan must include information on the importance of designating another individual to  
367.20 make health care treatment decisions on behalf of the child if the child becomes unable  
367.21 to participate in these decisions and the child does not have, or does not want, a relative  
367.22 who would otherwise be authorized to make these decisions. The plan must provide the  
367.23 child with the option to execute a health care directive as provided under chapter 145C.  
367.24 The agency shall also provide the youth with appropriate contact information if the youth  
367.25 needs more information or needs help dealing with a crisis situation through age 21.~~

~~367.26 Sec. 21. Minnesota Statutes 2015 Supplement, section 260C.212, subdivision 1,  
367.27 is amended to read:~~

~~367.28 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan  
367.29 shall be prepared within 30 days after any child is placed in foster care by court order or a  
367.30 voluntary placement agreement between the responsible social services agency and the  
367.31 child's parent pursuant to section 260C.227 or chapter 260D.~~

367.32 (b) An out-of-home placement plan means a written document which is prepared  
367.33 by the responsible social services agency jointly with the parent or parents or guardian  
367.34 of the child and in consultation with the child's guardian ad litem, the child's tribe, if the  
367.35 child is an Indian child, the child's foster parent or representative of the foster care facility,  
368.1 and, where appropriate, the child. When a child is age 14 or older, the child may include  
368.2 two other individuals on the team preparing the child's out-of-home placement plan. The  
368.3 child may select one member of the case planning team to be designated as the child's  
368.4 advisor and to advocate with respect to the application of the reasonable and prudent  
368.5 parenting standards. The responsible social services agency may reject an individual  
368.6 selected by the child if the agency has good cause to believe that the individual would  
368.7 not act in the best interest of the child. For a child in voluntary foster care for treatment  
368.8 under chapter 260D, preparation of the out-of-home placement plan shall additionally  
368.9 include the child's mental health treatment provider. For a child 18 years of age or older,  
368.10 the responsible social services agency shall involve the child and the child's parents as  
368.11 appropriate. As appropriate, the plan shall be:  
368.12 (1) submitted to the court for approval under section 260C.178, subdivision 7;  
368.13 (2) ordered by the court, either as presented or modified after hearing, under section  
368.14 260C.178, subdivision 7, or 260C.201, subdivision 6; and  
368.15 (3) signed by the parent or parents or guardian of the child, the child's guardian ad  
368.16 litem, a representative of the child's tribe, the responsible social services agency, and, if  
368.17 possible, the child.  
368.18 (c) The out-of-home placement plan shall be explained to all persons involved in its  
368.19 implementation, including the child who has signed the plan, and shall set forth:  
368.20 (1) a description of the foster care home or facility selected, including how the  
368.21 out-of-home placement plan is designed to achieve a safe placement for the child in the  
368.22 least restrictive, most family-like, setting available which is in close proximity to the home  
368.23 of the parent or parents or guardian of the child when the case plan goal is reunification,  
368.24 and how the placement is consistent with the best interests and special needs of the child  
368.25 according to the factors under subdivision 2, paragraph (b);  
368.26 (2) the specific reasons for the placement of the child in foster care, and when  
368.27 reunification is the plan, a description of the problems or conditions in the home of the  
368.28 parent or parents which necessitated removal of the child from home and the changes the  
368.29 parent or parents must make ~~in order~~ for the child to safely return home;  
368.30 (3) a description of the services offered and provided to prevent removal of the child  
368.31 from the home and to reunify the family including:  
368.32 (i) the specific actions to be taken by the parent or parents of the child to eliminate  
368.33 or correct the problems or conditions identified in clause (2), and the time period during  
368.34 which the actions are to be taken; and

368.35 (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made  
368.36 to achieve a safe and stable home for the child including social and other supportive  
369.1 services to be provided or offered to the parent or parents or guardian of the child, the  
369.2 child, and the residential facility during the period the child is in the residential facility;

369.3 (4) a description of any services or resources that were requested by the child or the  
369.4 child's parent, guardian, foster parent, or custodian since the date of the child's placement  
369.5 in the residential facility, and whether those services or resources were provided and if  
369.6 not, the basis for the denial of the services or resources;

369.7 (5) the visitation plan for the parent or parents or guardian, other relatives as defined  
369.8 in section 260C.007, subdivision 26b or 27, and siblings of the child if the siblings are not  
369.9 placed together in foster care, and whether visitation is consistent with the best interest  
369.10 of the child, during the period the child is in foster care;

369.11 (6) when a child cannot return to or be in the care of either parent, documentation  
369.12 of steps to finalize adoption as the permanency plan for the child through reasonable  
369.13 efforts to place the child for adoption. At a minimum, the documentation must include  
369.14 consideration of whether adoption is in the best interests of the child, child-specific  
369.15 recruitment efforts such as relative search and the use of state, regional, and national  
369.16 adoption exchanges to facilitate orderly and timely placements in and outside of the state.  
369.17 A copy of this documentation shall be provided to the court in the review required under  
369.18 section 260C.317, subdivision 3, paragraph (b);

369.19 (7) when a child cannot return to or be in the care of either parent, documentation  
369.20 of steps to finalize the transfer of permanent legal and physical custody to a relative as  
369.21 the permanency plan for the child. This documentation must support the requirements of  
369.22 the kinship placement agreement under section 256N.22 and must include the reasonable  
369.23 efforts used to determine that it is not appropriate for the child to return home or be  
369.24 adopted, and reasons why permanent placement with a relative through a Northstar kinship  
369.25 assistance arrangement is in the child's best interest; how the child meets the eligibility  
369.26 requirements for Northstar kinship assistance payments; agency efforts to discuss adoption  
369.27 with the child's relative foster parent and reasons why the relative foster parent chose not  
369.28 to pursue adoption, if applicable; and agency efforts to discuss with the child's parent or  
369.29 parents the permanent transfer of permanent legal and physical custody or the reasons  
369.30 why these efforts were not made;

369.31 (8) efforts to ensure the child's educational stability while in foster care, ~~including~~  
369.32 for a child who attained the minimum age for compulsory school attendance under state  
369.33 law and is enrolled full time in elementary or secondary school, or instructed in elementary  
369.34 or secondary education at home, or instructed in an independent study elementary or  
369.35 secondary program, or incapable of attending school on a full-time basis due to a medical  
370.1 condition that is documented and supported by regularly updated information in the child's  
370.2 case plan. Educational stability efforts include:

370.3 (i) efforts to ensure that the child remains in the same school in which the child was  
370.4 enrolled prior to placement or upon the child's move from one placement to another,  
370.5 including efforts to work with the local education authorities to ensure the child's  
370.6 educational stability and attendance; or

370.7 (ii) if it is not in the child's best interest to remain in the same school that the child  
370.8 was enrolled in prior to placement or move from one placement to another, efforts to  
370.9 ensure immediate and appropriate enrollment for the child in a new school;

370.10 (9) the educational records of the child including the most recent information  
370.11 available regarding:

370.12 (i) the names and addresses of the child's educational providers;

370.13 (ii) the child's grade level performance;

370.14 (iii) the child's school record;

370.15 (iv) a statement about how the child's placement in foster care takes into account  
370.16 proximity to the school in which the child is enrolled at the time of placement; and

370.17 (v) any other relevant educational information;

370.18 (10) the efforts by the ~~local~~ responsible social services agency to ensure the oversight  
370.19 and continuity of health care services for the foster child, including:

370.20 (i) the plan to schedule the child's initial health screens;

370.21 (ii) how the child's known medical problems and identified needs from the screens,  
370.22 including any known communicable diseases, as defined in section 144.4172, subdivision  
370.23 2, ~~will~~ shall be monitored and treated while the child is in foster care;

370.24 (iii) how the child's medical information ~~will~~ shall be updated and shared, including  
370.25 the child's immunizations;

370.26 (iv) who is responsible to coordinate and respond to the child's health care needs,  
370.27 including the role of the parent, the agency, and the foster parent;

370.28 (v) who is responsible for oversight of the child's prescription medications;

370.29 (vi) how physicians or other appropriate medical and nonmedical professionals ~~will~~  
370.30 shall be consulted and involved in assessing the health and well-being of the child and  
370.31 determine the appropriate medical treatment for the child; and

370.32 (vii) the responsibility to ensure that the child has access to medical care through  
370.33 either medical insurance or medical assistance;

370.34 (11) the health records of the child including information available regarding:

370.35 (i) the names and addresses of the child's health care and dental care providers;

- 370.36 (ii) a record of the child's immunizations;
- 371.1 (iii) the child's known medical problems, including any known communicable  
371.2 diseases as defined in section 144.4172, subdivision 2;
- 371.3 (iv) the child's medications; and
- 371.4 (v) any other relevant health care information such as the child's eligibility for  
371.5 medical insurance or medical assistance;
- 371.6 (12) an independent living plan for a child age 14 years of age or older, developed in  
371.7 consultation with the child. The child may select one member of the case planning team to  
371.8 be designated as the child's advisor and to advocate with respect to the application of the  
371.9 reasonable and prudent parenting standards in subdivision 14. The plan should include,  
371.10 but not be limited to, the following objectives:
- 371.11 (i) educational, vocational, or employment planning;
- 371.12 (ii) health care planning and medical coverage;
- 371.13 (iii) transportation including, where appropriate, assisting the child in obtaining a  
371.14 driver's license;
- 371.15 (iv) money management, including the responsibility of the responsible social  
371.16 services agency to ensure that the youth child annually receives, at no cost to the youth  
371.17 child, a consumer report as defined under section 13C.001 and assistance in interpreting  
371.18 and resolving any inaccuracies in the report;
- 371.19 (v) planning for housing;
- 371.20 (vi) social and recreational skills;
- 371.21 (vii) establishing and maintaining connections with the child's family and  
371.22 community; and
- 371.23 (viii) regular opportunities to engage in age-appropriate or developmentally  
371.24 appropriate activities typical for the child's age group, taking into consideration the  
371.25 capacities of the individual child; and
- 371.26 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic  
371.27 and assessment information, specific services relating to meeting the mental health care  
371.28 needs of the child, and treatment outcomes; and
- 371.29 (14) for a child 14 years of age or older, a signed acknowledgment that describes  
371.30 the child's rights regarding education, health care, visitation, safety and protection from  
371.31 exploitation, and court participation; receipt of the documents identified in section  
371.32 260C.452; and receipt of an annual credit report. The acknowledgment shall state that the  
371.33 rights were explained in an age-appropriate manner to the child.

371.34 (d) The parent or parents or guardian and the child each shall have the right to legal  
371.35 counsel in the preparation of the case plan and shall be informed of the right at the time  
371.36 of placement of the child. The child shall also have the right to a guardian ad litem.

372.1 If unable to employ counsel from their own resources, the court shall appoint counsel  
372.2 upon the request of the parent or parents or the child or the child's legal guardian. The  
372.3 parent or parents may also receive assistance from any person or social services agency  
372.4 in preparation of the case plan.

372.5 After the plan has been agreed upon by the parties involved or approved or ordered  
372.6 by the court, the foster parents shall be fully informed of the provisions of the case plan  
372.7 and shall be provided a copy of the plan.

372.8 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and  
372.9 physical custodian, as appropriate, and the child, if appropriate, must be provided with  
372.10 a current copy of the child's health and education record.

372.11 Sec. 22. Minnesota Statutes 2015 Supplement, section 260C.212, subdivision 14,  
372.12 is amended to read:

372.13 Subd. 14. **Support age-appropriate and developmentally appropriate activities**

372.14 **for foster children.** (a) Responsible social services agencies and licensed child-placing  
372.15 agencies shall support a foster child's emotional and developmental growth by permitting  
372.16 the child to participate in activities or events that are generally accepted as suitable  
372.17 for children of the same chronological age or are developmentally appropriate for the  
372.18 child. "Developmentally appropriate" means based on a child's cognitive, emotional,  
372.19 physical, and behavioral capacities that are typical for an age or age group. Foster  
372.20 parents and residential facility staff are permitted to allow foster children to participate in  
372.21 extracurricular, social, or cultural activities that are typical for the child's age by applying  
372.22 reasonable and prudent parenting standards.

372.23 (b) "Reasonable and prudent parenting" means the standards are characterized  
372.24 by careful and sensible parenting decisions that maintain the child's health and safety,  
372.25 cultural, religious, and are made in the child's tribal values, and best interest interests  
372.26 while encouraging the child's emotional and developmental growth.

372.27 (c) The commissioner shall provide guidance about the childhood activities and  
372.28 factors a foster parent and authorized residential facility staff must consider when applying  
372.29 the reasonable and prudent parenting standards. The factors must include the:

372.30 (1) child's age, maturity, and developmental level;

372.31 (2) risk of activity;

372.32 (3) best interests of the child;

372.33 (4) importance of the experience in the child's emotional and developmental growth;

372.34 (5) importance of a family-like experience;

372.35 (6) behavioral history of the child; and

373.1 (7) wishes of the child's parent or legal guardian, as appropriate.

373.2 (d) A residential facility licensed under Minnesota Rules, chapter 2960, must have

373.3 at least one onsite staff person who is trained on the standards according to section

373.4 260C.215, subdivision 4, and authorized to apply the reasonable and prudent parenting

373.5 standards to decisions involving the approval of a foster child's participation in age and

373.6 developmentally appropriate extracurricular, social, or cultural activities. The onsite staff

373.7 person referenced in this paragraph is not required to be available 24 hours per day.

373.8 (e) The foster parent or designated staff at residential facilities demonstrating

373.9 compliance with the reasonable and prudent parenting standards shall not incur civil

373.10 liability if a foster child is harmed or injured because of participating in approved

373.11 extracurricular, enrichment, cultural, and social activities.

373.12 Sec. 23. Minnesota Statutes 2015 Supplement, section 260C.215, subdivision 4,

373.13 is amended to read:

373.14 Subd. 4. **Duties of commissioner.** The commissioner of human services shall:

373.15 (1) provide practice guidance to responsible social services agencies and licensed

373.16 child-placing agencies that reflect federal and state laws and policy direction on placement

373.17 of children;

373.18 (2) develop criteria for determining whether a prospective adoptive or foster family

373.19 has the ability to understand and validate the child's cultural background;

373.20 (3) provide a standardized training curriculum for adoption and foster care workers

373.21 and administrators who work with children. Training must address the following objectives:

373.22 (i) developing and maintaining sensitivity to all cultures;

373.23 (ii) assessing values and their cultural implications;

373.24 (iii) making individualized placement decisions that advance the best interests of a

373.25 particular child under section 260C.212, subdivision 2; and

373.26 (iv) issues related to cross-cultural placement;

373.27 (4) provide a training curriculum for all prospective adoptive and foster families

373.28 that prepares them to care for the needs of adoptive and foster children taking into

373.29 consideration the needs of children outlined in section 260C.212, subdivision 2, paragraph

373.30 (b), and, as necessary, preparation is continued after placement of the child and includes

373.31 the knowledge and skills related to reasonable and prudent parenting standards for the

373.32 participation of the child in age or developmentally appropriate activities, according to

373.33 section 260C.212, subdivision 14;

373.34 (5) develop and provide to responsible social services agencies and licensed  
373.35 child-placing agencies a home study format to assess the capacities and needs of  
374.1 prospective adoptive and foster families. The format must address problem-solving skills;  
374.2 parenting skills; evaluate the degree to which the prospective family has the ability  
374.3 to understand and validate the child's cultural background, and other issues needed to  
374.4 provide sufficient information for agencies to make an individualized placement decision  
374.5 consistent with section 260C.212, subdivision 2. For a study of a prospective foster parent,  
374.6 the format must also address the capacity of the prospective foster parent to provide a  
374.7 safe, healthy, smoke-free home environment. If a prospective adoptive parent has also  
374.8 been a foster parent, any update necessary to a home study for the purpose of adoption  
374.9 may be completed by the licensing authority responsible for the foster parent's license.  
374.10 If a prospective adoptive parent with an approved adoptive home study also applies for  
374.11 a foster care license, the license application may be made with the same agency which  
374.12 provided the adoptive home study; and

374.13 (6) consult with representatives reflecting diverse populations from the councils  
374.14 established under sections 3.922 and 15.0145, and other state, local, and community  
374.15 organizations.

374.16 Sec. 24. Minnesota Statutes 2015 Supplement, section 260C.451, subdivision 6,  
374.17 is amended to read:

374.18 Subd. 6. **Reentering foster care and accessing services after age 18 years of**  
374.19 **age and up to 21 years of age.** (a) Upon request of an individual ~~between the ages of~~  
374.20 ~~18 and 21~~ who had been under the guardianship of the commissioner and who has left  
374.21 foster care without being adopted, the responsible social services agency which had  
374.22 been the commissioner's agent for purposes of the guardianship shall develop with the  
374.23 individual a plan to increase the individual's ability to live safely and independently using  
374.24 the plan requirements of section 260C.212, subdivision 1, paragraph (c), clause (12), and  
374.25 to assist the individual to meet one or more of the eligibility criteria in subdivision 4 if  
374.26 the individual wants to reenter foster care. The responsible social services agency shall  
374.27 provide foster care as required to implement the plan. The responsible social services  
374.28 agency shall enter into a voluntary placement agreement under section 260C.229 with the  
374.29 individual if the plan includes foster care.

374.30 (b) Individuals who had not been under the guardianship of the commissioner of  
374.31 human services prior to 18 years of age ~~18 and are between the ages of 18 and 21~~ may ask  
374.32 to reenter foster care after age 18 and, to the extent funds are available, the responsible  
374.33 social services agency that had responsibility for planning for the individual before  
374.34 discharge from foster care may provide foster care or other services to the individual for  
375.1 the purpose of increasing the individual's ability to live safely and independently and to  
375.2 meet the eligibility criteria in subdivision 3a, if the individual:

375.3 (1) was in foster care for the six consecutive months prior to the person's 18th  
375.4 birthday and was not discharged home, adopted, or received into a relative's home under a  
375.5 transfer of permanent legal and physical custody under section 260C.515, subdivision 4; or

375.6 (2) was discharged from foster care while on runaway status after age 15.

375.7 (c) In conjunction with a qualifying and eligible individual under paragraph (b) and  
375.8 other appropriate persons, the responsible social services agency shall develop a specific  
375.9 plan related to that individual's vocational, educational, social, or maturational needs and,  
375.10 to the extent funds are available, provide foster care as required to implement the plan.  
375.11 The responsible social services agency shall enter into a voluntary placement agreement  
375.12 with the individual if the plan includes foster care.

375.13 (d) ~~Youth~~ A child who left foster care while under guardianship of the commissioner  
375.14 of human services ~~retain~~ retains eligibility for foster care for placement at any time  
375.15 ~~between the ages of 18 and prior to 21~~ years of age.

375.16 Sec. 25. Minnesota Statutes 2014, section 260C.451, is amended by adding a  
375.17 subdivision to read:

375.18 Subd. 9. **Administrative or court review of placements.** (a) The court shall  
375.19 conduct reviews at least annually to ensure the responsible social services agency is  
375.20 making reasonable efforts to finalize the permanency plan for the child.

375.21 (b) The court shall find that the responsible social services agency is making  
375.22 reasonable efforts to finalize the permanency plan for the child when the responsible  
375.23 social services agency:

375.24 (1) provides appropriate support to the child and foster care provider to ensure  
375.25 continuing stability and success in placement;

375.26 (2) works with the child to plan for transition to adulthood and assists the child in  
375.27 demonstrating progress in achieving related goals;

375.28 (3) works with the child to plan for independent living skills and assists the child in  
375.29 demonstrating progress in achieving independent living goals; and

375.30 (4) prepares the child for independence according to sections 260C.203, paragraph  
375.31 (d), and 260C.452, subdivision 4.

375.32 (c) The responsible social services agency must ensure that an administrative review  
375.33 that meets the requirements of this section and section 260C.203 is completed at least six  
375.34 months after each of the court's annual reviews.

376.1 Sec. 26. **[260C.452] SUCCESSFUL TRANSITION TO ADULTHOOD.**

376.2 Subdivision 1. **Scope.** This section pertains to a child who is under the guardianship  
376.3 of the commissioner of human services, or who has a permanency disposition of  
376.4 permanent custody to the agency, or who will leave foster care at 18 to 21 years of age.

376.5 Subd. 2. **Independent living plan.** When the child is 14 years of age or older,  
376.6 the responsible social services agency, in consultation with the child, shall complete  
376.7 the independent living plan according to section 260C.212, subdivision 1, paragraph  
376.8 (c), clause (12).

376.9 Subd. 3. **Notification.** Six months before the child is expected to be discharged from  
376.10 foster care, the responsible social services agency shall provide written notice to the child  
376.11 regarding the right to continued access to services for certain children in foster care past  
376.12 18 years of age and of the right to appeal a denial of social services under section 256.045.

376.13 Subd. 4. **Administrative or court review of placements.** (a) When the child is 14  
376.14 years of age or older, the court, in consultation with the child, shall review the independent  
376.15 living plan according to section 260C.203, paragraph (d).

376.16 (b) The responsible social services agency shall file a copy of the notification  
376.17 required in subdivision 3 with the court. If the responsible social services agency does  
376.18 not file the notice by the time the child is 17-1/2 years of age, the court shall require the  
376.19 responsible social services agency to file the notice.

376.20 (c) The court shall ensure that the responsible social services agency assists the child  
376.21 in obtaining the following documents before the child leaves foster care: a Social Security  
376.22 card; an official or certified copy of the child's birth certificate; a state identification card  
376.23 or driver's license, tribal enrollment identification card, green card, or school visa; health  
376.24 insurance information; the child's school, medical, and dental records; a contact list of  
376.25 the child's medical, dental, and mental health providers; and contact information for the  
376.26 child's siblings, if the siblings are in foster care.

376.27 (d) For a child who will be discharged from foster care at 18 years of age or older,  
376.28 the responsible social services agency must develop a personalized transition plan as  
376.29 directed by the child during the 90-day period immediately prior to the expected date of  
376.30 discharge. The transition plan must be as detailed as the child elects and include specific  
376.31 options, including but not limited to:

376.32 (1) affordable housing with necessary supports that does not include a homeless  
376.33 shelter;

376.34 (2) health insurance, including eligibility for medical assistance as defined in section  
376.35 256B.055, subdivision 17;

376.36 (3) education, including application to the Education and Training Voucher Program;

377.1 (4) local opportunities for mentors and continuing support services, including the  
377.2 Healthy Transitions and Homeless Prevention program, if available;

377.3 (5) workforce supports and employment services;

377.4 (6) a copy of the child's consumer credit report as defined in section 13C.001 and  
377.5 assistance in interpreting and resolving any inaccuracies in the report, at no cost to the child;

377.6 (7) information on executing a health care directive under chapter 145C and on the  
377.7 importance of designating another individual to make health care decisions on behalf of  
377.8 the child if the child becomes unable to participate in decisions; and

377.9 (8) appropriate contact information through 21 years of age if the child needs  
377.10 information or help dealing with a crisis situation.

377.11 Subd. 5. **Notice of termination of foster care.** (a) When a child leaves foster care  
377.12 at 18 years of age or older, the responsible social services agency shall give the child  
377.13 written notice that foster care shall terminate 30 days from the date the notice is sent.

377.14 (b) The child or the child's guardian ad litem may file a motion asking the court to  
377.15 review the responsible social services agency's determination within 15 days of receiving  
377.16 the notice. The child shall not be discharged from foster care until the motion is heard. The  
377.17 responsible social services agency shall work with the child to transition out of foster care.

377.18 (c) The written notice of termination of benefits shall be on a form prescribed by  
377.19 the commissioner and shall give notice of the right to have the responsible social services  
377.20 agency's determination reviewed by the court under this section or sections 260C.203,  
377.21 260C.317, and 260C.515, subdivision 5 or 6. A copy of the termination notice shall  
377.22 be sent to the child and the child's attorney, if any, the foster care provider, the child's  
377.23 guardian ad litem, and the court. The responsible social services agency is not responsible  
377.24 for paying foster care benefits for any period of time after the child leaves foster care.

377.25 Sec. 27. Minnesota Statutes 2015 Supplement, section 260C.521, subdivision 1,  
377.26 is amended to read:

377.27 Subdivision 1. **Child in permanent custody of responsible social services agency.**  
377.28 (a) Court reviews of an order for permanent custody to the responsible social services  
377.29 agency for placement of the child in foster care must be conducted at least yearly at an  
377.30 in-court appearance hearing.

377.31 (b) The purpose of the review hearing is to ensure:

377.32 (1) the responsible social services agency made intensive, ongoing, and, as of the  
377.33 date of the hearing, unsuccessful efforts to return the child home or secure a placement for  
377.34 the child with a fit and willing relative, custodian, or adoptive parent, and an order for  
377.35 permanent custody to the responsible social services agency for placement of the child in  
378.1 foster care continues to be in the best interests of the child and that no other permanency  
378.2 disposition order is in the best interests of the child;

378.3 (2) that the responsible social services agency is assisting the child to build  
378.4 connections to the child's family and community; and

378.5 (3) that the responsible social services agency is appropriately planning with the  
378.6 child for development of independent living skills for the child and, as appropriate, for the  
378.7 orderly and successful transition to independent living adulthood that may occur if the  
378.8 child continues in foster care without another permanency disposition order.;

378.9 (4) the child's foster family home or child care institution is following the reasonable  
378.10 and prudent parenting standards; and

378.11 (5) the child has regular, ongoing opportunities to engage in age or developmentally  
378.12 appropriate activities by consulting with the child in an age-appropriate manner about the  
378.13 opportunities.

378.14 (c) The court must review the child's out-of-home placement plan and the reasonable  
378.15 efforts of the responsible social services agency to finalize an alternative permanent plan  
378.16 for the child including the responsible social services agency's efforts to:

378.17 (1) ensure that permanent custody to the responsible social services agency with  
378.18 placement of the child in foster care continues to be the most appropriate legal arrangement  
378.19 for meeting the child's need for permanency and stability ~~or, if not, to identify and attempt~~  
378.20 ~~to finalize another permanency disposition order under this chapter that would better serve~~  
378.21 ~~the child's needs and best interests; by reviewing the compelling reasons it continues not~~  
378.22 to be in the best interest of the child to:

378.23 (i) return home;

378.24 (ii) be placed for adoption; or

378.25 (iii) be placed with a fit and willing relative through an order for permanent legal  
378.26 and physical custody under section 260C.515, subdivision 4;

378.27 (2) identify a specific foster home for the child, if one has not already been identified;

378.28 (3) support continued placement of the child in the identified home, if one has been  
378.29 identified;

378.30 (4) ensure appropriate services are provided to address the physical health, mental  
378.31 health, and educational needs of the child during the period of foster care and also ensure  
378.32 appropriate services or assistance to maintain relationships with appropriate family  
378.33 members and the child's community; and

378.34 (5) plan for the child's independence upon the child's leaving foster care living as  
378.35 required under section 260C.212, subdivision 1.

379.1 (d) The court may find that the responsible social services agency has made  
379.2 reasonable efforts to finalize the permanent plan for the child when:

379.3 (1) the responsible social services agency has made reasonable efforts to identify a  
379.4 more legally permanent home for the child than is provided by an order for permanent  
379.5 custody to the agency for placement in foster care;

379.6 (2) the child has been asked about the child's desired permanency outcome; and

379.7 (3) the responsible social services agency's engagement of the child in planning for  
379.8 independent living a successful transition to adulthood is reasonable and appropriate.

379.9 Sec. 28. **[260D.14] SUCCESSFUL TRANSITION TO ADULthood FOR**  
 379.10 **CHILDREN IN VOLUNTARY PLACEMENT.**

379.11 Subdivision 1. **Case planning.** When the child is 14 years of age or older, the  
 379.12 responsible social services agency shall ensure a child in foster care under this chapter is  
 379.13 provided with the case plan requirements in section 260C.212, subdivisions 1 and 14.

379.14 Subd. 2. **Notification.** The responsible social services agency shall provide written  
 379.15 notice of the right to continued access to services for certain children in foster care past 18  
 379.16 years of age under section 260C.452, subdivision 3, and of the right to appeal a denial  
 379.17 of social services under section 256.045. The notice must be provided to the child six  
 379.18 months before the child's 18th birthday.

379.19 Subd. 3. **Administrative or court reviews.** When the child is 17 years of age or  
 379.20 older, the administrative review or court hearing must include a review of the responsible  
 379.21 social services agency's support for the child's successful transition to adulthood as  
 379.22 required in section 260C.452, subdivision 4.

379.23 Sec. 29. Minnesota Statutes 2014, section 518.175, subdivision 5, is amended to read:

379.24 Subd. 5. **Modification of parenting plan or order for parenting time.** (a) If a  
 379.25 parenting plan or an order granting parenting time cannot be used to determine the number  
 379.26 of overnights or overnight equivalents the child has with each parent, the court shall modify  
 379.27 the parenting plan or order granting parenting time so that the number of overnights or  
 379.28 overnight equivalents the child has with each parent can be determined. For purposes of this  
 379.29 section, "overnight equivalents" has the meaning given in section 518A.36, subdivision 1.

379.30 (b) If modification would serve the best interests of the child, the court shall modify  
 379.31 the decision-making provisions of a parenting plan or an order granting or denying  
 379.32 parenting time, if the modification would not change the child's primary residence.  
 379.33 Consideration of a child's best interest includes a child's changing developmental needs.

380.1 ~~(b)~~ (c) Except as provided in section 631.52, the court may not restrict parenting  
 380.2 time unless it finds that:

380.3 (1) parenting time is likely to endanger the child's physical or emotional health or  
 380.4 impair the child's emotional development; or

380.5 (2) the parent has chronically and unreasonably failed to comply with court-ordered  
 380.6 parenting time.

380.7 A modification of parenting time which increases a parent's percentage of parenting time  
 380.8 to an amount that is between 45.1 to 54.9 percent parenting time is not a restriction of  
 380.9 the other parent's parenting time.

82.33 Sec. 7. Minnesota Statutes 2014, section 518.175, subdivision 5, is amended to read:

83.1 Subd. 5. **Modification of parenting plan or order for parenting time.** (a) If  
 83.2 a parenting plan or an order granting parenting time cannot be used to determine the  
 83.3 number of overnights or overnight equivalents the child has with each parent, the court  
 83.4 shall modify the parenting plan or order granting parenting time so that the number of  
 83.5 overnights or overnight equivalents the child has with each parent can be determined. For  
 83.6 purposes of this section, "overnight equivalents" has the meaning provided in section  
 83.7 518A.36, subdivision 1.

83.8 (b) If modification would serve the best interests of the child, the court shall modify  
 83.9 the decision-making provisions of a parenting plan or an order granting or denying  
 83.10 parenting time, if the modification would not change the child's primary residence.  
 83.11 Consideration of a child's best interest includes a child's changing developmental needs.

83.12 ~~(b)~~ (c) Except as provided in section 631.52, the court may not restrict parenting  
 83.13 time unless it finds that:

83.14 (1) parenting time is likely to endanger the child's physical or emotional health or  
 83.15 impair the child's emotional development; or

83.16 (2) the parent has chronically and unreasonably failed to comply with court-ordered  
 83.17 parenting time.

83.18 A modification of parenting time which increases a parent's percentage of parenting time  
 83.19 to an amount that is between 45.1 to 54.9 percent parenting time is not a restriction of  
 83.20 the other parent's parenting time.

380.10 ~~(e)~~ (d) If a parent makes specific allegations that parenting time by the other  
 380.11 parent places the parent or child in danger of harm, the court shall hold a hearing at  
 380.12 the earliest possible time to determine the need to modify the order granting parenting  
 380.13 time. Consistent with subdivision 1a, the court may require a third party, including the  
 380.14 local social services agency, to supervise the parenting time or may restrict a parent's  
 380.15 parenting time if necessary to protect the other parent or child from harm. If there is an  
 380.16 existing order for protection governing the parties, the court shall consider the use of an  
 380.17 independent, neutral exchange location for parenting time.

380.18 **EFFECTIVE DATE.** This section is effective August 1, 2018.

380.19 Sec. 30. Minnesota Statutes 2015 Supplement, section 518A.26, subdivision 14,  
 380.20 is amended to read:

380.21 Subd. 14. **Obligor.** "Obligor" means a person obligated to pay maintenance or  
 380.22 support. For purposes of ordering medical support under section 518A.41, a parent who  
 380.23 has primary physical custody of a child may be an obligor subject to a payment agreement  
 380.24 under section 518A.69. If a parent has more than 55 percent court-ordered parenting  
 380.25 time, there is a rebuttable presumption that the parent has a zero dollar basic support  
 380.26 obligation. A party seeking to overcome this presumption must show, and the court must  
 380.27 consider, the following:

380.28 (1) a significant income disparity, which may include potential income determined  
 380.29 under section 518A.32;

380.30 (2) the benefit and detriment to the child and the ability of each parent to meet  
 380.31 the needs of the child; and

380.32 (3) whether the application of the presumption would have an unjust or inappropriate  
 380.33 result.

381.1 The presumption of a zero dollar basic support obligation does not eliminate a parent's  
 381.2 obligation to pay child support arrears under section 518A.60. The presumption of a  
 381.3 zero dollar basic support obligation does not apply to an action under section 256.87,  
 381.4 subdivision 1 or 1a.

381.5 **EFFECTIVE DATE.** This section is effective August 1, 2018.

381.6 Sec. 31. Minnesota Statutes 2014, section 518A.34, is amended to read:  
 381.7 **518A.34 COMPUTATION OF CHILD SUPPORT OBLIGATIONS.**

381.8 (a) To determine the presumptive child support obligation of a parent, the court shall  
 381.9 follow the procedure set forth in this section.

83.21 ~~(e)~~ (d) If a parent makes specific allegations that parenting time by the other  
 83.22 parent places the parent or child in danger of harm, the court shall hold a hearing at  
 83.23 the earliest possible time to determine the need to modify the order granting parenting  
 83.24 time. Consistent with subdivision 1a, the court may require a third party, including the  
 83.25 local social services agency, to supervise the parenting time or may restrict a parent's  
 83.26 parenting time if necessary to protect the other parent or child from harm. If there is an  
 83.27 existing order for protection governing the parties, the court shall consider the use of an  
 83.28 independent, neutral exchange location for parenting time.

83.29 **EFFECTIVE DATE.** This section is effective August 1, 2018.

83.30 Sec. 8. Minnesota Statutes 2015 Supplement, section 518A.26, subdivision 14, is  
 83.31 amended to read:

83.32 Subd. 14. **Obligor.** "Obligor" means a person obligated to pay maintenance or  
 83.33 support. For purposes of ordering medical support under section 518A.41, a parent who  
 83.34 has primary physical custody of a child may be an obligor subject to a payment agreement  
 84.1 under section 518A.69. If a parent has more than 55 percent court-ordered parenting time,  
 84.2 there is a rebuttable presumption that the parent shall have a zero-dollar basic support  
 84.3 obligation. A party seeking to overcome this presumption must show, and the court must  
 84.4 consider, the following:

84.5 (1) a significant income disparity, which may include potential income determined  
 84.6 under section 518A.32;

84.7 (2) the benefit and detriment to the child and the ability of each parent to meet  
 84.8 the needs of the child; and

84.9 (3) whether the application of the presumption would have an unjust or inappropriate  
 84.10 result.

84.11 The presumption of a zero-dollar basic support obligation does not eliminate that parent's  
 84.12 obligation to pay child support arrears pursuant to section 518A.60.

84.13 **EFFECTIVE DATE.** This section is effective August 1, 2018.

84.14 Sec. 9. Minnesota Statutes 2014, section 518A.34, is amended to read:  
 84.15 **518A.34 COMPUTATION OF CHILD SUPPORT OBLIGATIONS.**

84.16 (a) To determine the presumptive child support obligation of a parent, the court shall  
 84.17 follow the procedure set forth in this section.

381.10 (b) To determine the obligor's basic support obligation, the court shall:

381.11 (1) determine the gross income of each parent under section 518A.29;

381.12 (2) calculate the parental income for determining child support (PICS) of each

381.13 parent, by subtracting from the gross income the credit, if any, for each parent's nonjoint

381.14 children under section 518A.33;

381.15 (3) determine the percentage contribution of each parent to the combined PICS by

381.16 dividing the combined PICS into each parent's PICS;

381.17 (4) determine the combined basic support obligation by application of the guidelines

381.18 in section 518A.35;

381.19 (5) determine ~~the obligor's each parent's share of the combined basic support~~

381.20 ~~obligation by multiplying the percentage figure from clause (3) by the combined basic~~

381.21 ~~support obligation in clause (4); and~~

381.22 (6) ~~determine the parenting expense adjustment, if any, as apply the parenting~~

381.23 ~~expense adjustment formula provided in section 518A.36, and adjust the obligor's basic~~

381.24 ~~support obligation accordingly to determine the obligor's basic support obligation. If the~~

381.25 ~~parenting time of the parties is presumed equal, section 518A.36, subdivision 3, applies~~

381.26 ~~to the calculation of the basic support obligation and a determination of which parent~~

381.27 ~~is the obligor.~~

381.28 (c) If the parents have split custody of joint children, child support must be

381.29 calculated for each joint child as follows:

381.30 (1) the court shall determine each parent's basic support obligation under paragraph

381.31 (b) and include the amount of each parent's obligation in the court order. If the basic

381.32 support calculation results in each parent owing support to the other, the court shall offset

381.33 the higher basic support obligation with the lower basic support obligation to determine

381.34 the amount to be paid by the parent with the higher obligation to the parent with the

382.1 lower obligation. For the purpose of the cost-of-living adjustment required under section

382.2 518A.75, the adjustment must be based on each parent's basic support obligation prior to

382.3 offset. For the purposes of this paragraph, "split custody" means that there are two or more

382.4 joint children and each parent has at least one joint child more than 50 percent of the time;

382.5 (2) if each parent pays all child care expenses for at least one joint child, the court

382.6 shall calculate child care support for each joint child as provided in section 518A.40. The

382.7 court shall determine each parent's child care support obligation and include the amount of

382.8 each parent's obligation in the court order. If the child care support calculation results in

382.9 each parent owing support to the other, the court shall offset the higher child care support

382.10 obligation with the lower child care support obligation to determine the amount to be paid

382.11 by the parent with the higher obligation to the parent with the lower obligation; and

84.18 (b) To determine the obligor's basic support obligation, the court shall:

84.19 (1) determine the gross income of each parent under section 518A.29;

84.20 (2) calculate the parental income for determining child support (PICS) of each

84.21 parent, by subtracting from the gross income the credit, if any, for each parent's nonjoint

84.22 children under section 518A.33;

84.23 (3) determine the percentage contribution of each parent to the combined PICS by

84.24 dividing the combined PICS into each parent's PICS;

84.25 (4) determine the combined basic support obligation by application of the guidelines

84.26 in section 518A.35;

84.27 (5) determine ~~the obligor's each parent's share of the combined basic support~~

84.28 ~~obligation by multiplying the percentage figure from clause (3) by the combined basic~~

84.29 ~~support obligation in clause (4); and~~

84.30 (6) ~~determine the parenting expense adjustment, if any, as apply the parenting~~

84.31 ~~expense adjustment formula provided in section 518A.36, and adjust the obligor's basic~~

84.32 ~~support obligation accordingly to determine the obligor's basic support obligation. If the~~

84.33 ~~parenting time of the parties is presumed equal, section 518A.36, subdivision 3, applies~~

85.1 ~~to the calculation of the basic support obligation and a determination of which parent~~

85.2 ~~is the obligor.~~

85.3 (c) If the parents have split custody of the joint children, child support shall be

85.4 calculated for each joint child as follows:

85.5 (1) the court shall determine each parent's basic support obligation under paragraph

85.6 (b) and shall include the amount of each parent's obligation in the court order. If the basic

85.7 support calculation results in each parent owing support to the other, the court shall offset

85.8 the higher basic support obligation with the lower basic support obligation to determine

85.9 the amount to be paid by the parent with the higher obligation to the parent with the

85.10 lower obligation. For the purpose of the cost-of-living adjustment required under section

85.11 518A.75, the adjustment must be based on each parent's basic support obligation prior to

85.12 offset. For the purposes of this paragraph, "split custody" means that there are two or more

85.13 joint children and each parent has at least one joint child more than 50 percent of the time;

85.14 (2) if each parent pays all child care expenses for at least one joint child, the court

85.15 shall calculate child care support for each joint child as provided in section 518A.40. The

85.16 court shall determine each parent's child care support obligation and include the amount of

85.17 each parent's obligation in the court order. If the child care support calculation results in

85.18 each parent owing support to the other, the court shall offset the higher child care support

85.19 obligation with the lower child care support obligation to determine the amount to be paid

85.20 by the parent with the higher obligation to the parent with the lower obligation; and

382.12 (3) if each parent pays all medical or dental insurance expenses for at least one  
 382.13 joint child, medical support shall be calculated for each joint child as provided in section  
 382.14 518A.41. The court shall determine each parent's medical support obligation and include  
 382.15 the amount of each parent's obligation in the court order. If the medical support calculation  
 382.16 results in each parent owing support to the other, the court shall offset the higher medical  
 382.17 support obligation with the lower medical support obligation to determine the amount to  
 382.18 be paid by the parent with the higher obligation to the parent with the lower obligation.  
 382.19 Unreimbursed and uninsured medical expenses are not included in the presumptive amount  
 382.20 of support owed by a parent and are calculated and collected as provided in section 518A.41.

382.21 (d) The court shall determine the child care support obligation for the obligor  
 382.22 as provided in section 518A.40.

382.23 (d) (e) The court shall determine the medical support obligation for each parent as  
 382.24 provided in section 518A.41. Unreimbursed and uninsured medical expenses are not  
 382.25 included in the presumptive amount of support owed by a parent and are calculated and  
 382.26 collected as described in section 518A.41.

382.27 (e) (f) The court shall determine each parent's total child support obligation by  
 382.28 adding together each parent's basic support, child care support, and health care coverage  
 382.29 obligations as provided in this section.

382.30 (f) (g) If Social Security benefits or veterans' benefits are received by one parent as a  
 382.31 representative payee for a joint child based on the other parent's eligibility, the court shall  
 382.32 subtract the amount of benefits from the other parent's net child support obligation, if any.

382.33 (g) (h) The final child support order shall separately designate the amount owed for  
 382.34 basic support, child care support, and medical support. If applicable, the court shall use  
 382.35 the self-support adjustment and minimum support adjustment under section 518A.42 to  
 382.36 determine the obligor's child support obligation.

383.1 **EFFECTIVE DATE.** This section is effective August 1, 2018.

383.2 Sec. 32. Minnesota Statutes 2014, section 518A.35, subdivision 1, is amended to read:

383.3 Subdivision 1. **Determination of support obligation.** (a) The guideline in this  
 383.4 section is a rebuttable presumption and shall be used in any judicial or administrative  
 383.5 proceeding to establish or modify a support obligation under this chapter.

383.6 (b) The basic child support obligation shall be determined by referencing the  
 383.7 guideline for the appropriate number of joint children and the combined parental income  
 383.8 for determining child support of the parents.

85.21 (3) if each parent pays all medical or dental insurance expenses for at least one  
 85.22 joint child, medical support shall be calculated for each joint child as provided in section  
 85.23 518A.41. The court shall determine each parent's medical support obligation and include  
 85.24 the amount of each parent's obligation in the court order. If the medical support calculation  
 85.25 results in each parent owing support to the other, the court shall offset the higher medical  
 85.26 support obligation with the lower medical support obligation to determine the amount to  
 85.27 be paid by the parent with the higher obligation to the parent with the lower obligation.  
 85.28 Unreimbursed and uninsured medical expenses are not included in the presumptive amount  
 85.29 of support owed by a parent and are calculated and collected as provided in section 518A.41.

85.30 (d) The court shall determine the child care support obligation for the obligor  
 85.31 as provided in section 518A.40.

85.32 (d) (e) The court shall determine the medical support obligation for each parent as  
 85.33 provided in section 518A.41. Unreimbursed and uninsured medical expenses are not  
 85.34 included in the presumptive amount of support owed by a parent and are calculated and  
 85.35 collected as described in section 518A.41.

86.1 (e) (f) The court shall determine each parent's total child support obligation by  
 86.2 adding together each parent's basic support, child care support, and health care coverage  
 86.3 obligations as provided in this section.

86.4 (f) (g) If Social Security benefits or veterans' benefits are received by one parent as a  
 86.5 representative payee for a joint child based on the other parent's eligibility, the court shall  
 86.6 subtract the amount of benefits from the other parent's net child support obligation, if any.

86.7 (g) (h) The final child support order shall separately designate the amount owed for  
 86.8 basic support, child care support, and medical support. If applicable, the court shall use  
 86.9 the self-support adjustment and minimum support adjustment under section 518A.42 to  
 86.10 determine the obligor's child support obligation.

86.11 **EFFECTIVE DATE.** This section is effective August 1, 2018.

383.9 (c) If a child is not in the custody of either parent and a support order is sought against  
 383.10 one or both parents, the basic child support obligation shall be determined by referencing  
 383.11 the guideline for the appropriate number of joint children, and the parent's individual  
 383.12 parental income for determining child support, not the combined parental incomes for  
 383.13 determining child support of the parents. Unless a parent has court-ordered parenting time,  
 383.14 the parenting expense adjustment formula under section 518A.34 must not be applied.

383.15 (d) If a child is in custody of either parent and a support order is sought by the public  
 383.16 authority under section 256.87, unless the parent against whom the support order is sought  
 383.17 has court-ordered parenting time, the support obligation must be determined by referencing  
 383.18 the guideline for the appropriate number of joint children and the parent's individual income  
 383.19 without application of the parenting expense adjustment formula under section 518A.34.

383.20 (e) For combined parental incomes for determining child support exceeding \$15,000  
 383.21 per month, the presumed basic child support obligations shall be as for parents with  
 383.22 combined parental income for determining child support of \$15,000 per month. A basic  
 383.23 child support obligation in excess of this level may be demonstrated for those reasons set  
 383.24 forth in section 518A.43.

383.25 **EFFECTIVE DATE.** This section is effective August 1, 2018.

383.26 Sec. 33. Minnesota Statutes 2014, section 518A.36, is amended to read:

383.27 **518A.36 PARENTING EXPENSE ADJUSTMENT.**

383.28 Subdivision 1. **General.** (a) The parenting expense adjustment under this section  
 383.29 reflects the presumption that while exercising parenting time, a parent is responsible  
 383.30 for and incurs costs of caring for the child, including, but not limited to, food, clothing,  
 383.31 transportation, recreation, and household expenses. Every child support order shall specify  
 383.32 the percentage of parenting time granted to or presumed for each parent. For purposes  
 383.33 of this section, the percentage of parenting time means the percentage of time a child is  
 384.1 scheduled to spend with the parent during a calendar year according to a court order  
 384.2 averaged over a two-year period. Parenting time includes time with the child whether it is  
 384.3 designated as visitation, physical custody, or parenting time. The percentage of parenting  
 384.4 time may be determined by calculating the number of overnights or overnight equivalents  
 384.5 that a child parent spends with a parent, or child pursuant to a court order. For purposes of  
 384.6 this section, overnight equivalents are calculated by using a method other than overnights  
 384.7 if the parent has significant time periods on separate days where the child is in the parent's  
 384.8 physical custody and under the direct care of the parent but does not stay overnight. The  
 384.9 court may consider the age of the child in determining whether a child is with a parent  
 384.10 for a significant period of time.

86.12 Sec. 10. Minnesota Statutes 2014, section 518A.36, is amended to read:

86.13 **518A.36 PARENTING EXPENSE ADJUSTMENT.**

86.14 Subdivision 1. **General.** (a) The parenting expense adjustment under this section  
 86.15 reflects the presumption that while exercising parenting time, a parent is responsible  
 86.16 for and incurs costs of caring for the child, including, but not limited to, food, clothing,  
 86.17 transportation, recreation, and household expenses. Every child support order shall specify  
 86.18 the percentage of parenting time granted to or presumed for each parent. For purposes  
 86.19 of this section, the percentage of parenting time means the percentage of time a child is  
 86.20 scheduled to spend with the parent during a calendar year according to a court order  
 86.21 averaged over a two-year period. Parenting time includes time with the child whether it is  
 86.22 designated as visitation, physical custody, or parenting time. The percentage of parenting  
 86.23 time may be determined by calculating the number of overnights or overnight equivalents  
 86.24 that a child parent spends with a parent, or child pursuant to a court order. For purposes of  
 86.25 this section, overnight equivalents are calculated by using a method other than overnights  
 86.26 if the parent has significant time periods on separate days where the child is in the parent's  
 86.27 physical custody and under the direct care of the parent but does not stay overnight. The  
 86.28 court may consider the age of the child in determining whether a child is with a parent  
 86.29 for a significant period of time.

384.11 (b) If there is not a court order awarding parenting time, the court shall determine  
 384.12 the child support award without consideration of the parenting expense adjustment. If a  
 384.13 parenting time order is subsequently issued or is issued in the same proceeding, then the  
 384.14 child support order shall include application of the parenting expense adjustment.

384.15 Subd. 2. **Calculation of parenting expense adjustment.** (a) For the purposes of  
 384.16 this section, the following terms have the meanings given:

384.17 (1) "parent A" means the parent with whom the child or children will spend the least  
 384.18 number of overnights under the court order; and

384.19 (2) "parent B" means the parent with whom the child or children will spend the  
 384.20 greatest number of overnights under the court order.

384.21 ~~The obligor is entitled to a parenting expense adjustment calculated as provided in~~  
 384.22 ~~this subdivision.~~ (b) The court shall apply the following formula to determine which  
 384.23 parent is the obligor and calculate the basic support obligation:

384.24 (1) ~~find the adjustment percentage corresponding to the percentage of parenting~~  
 384.25 ~~time allowed to the obligor below:~~

384.26	Percentage Range of	Adjustment
384.27	Parenting Time	Percentage
384.28(i)	less than 10 percent	no adjustment
384.29(ii)	10 percent to 45 percent	12 percent
384.30(iii)	45.1 percent to 50 percent	presume parenting time is equal

384.31 (2) ~~multiply the adjustment percentage by the obligor's basic child support obligation~~  
 384.32 ~~to arrive at the parenting expense adjustment; and~~

384.33 (3) ~~subtract the parenting expense adjustment from the obligor's basic child support~~  
 384.34 ~~obligation. The result is the obligor's basic support obligation after parenting expense~~  
 384.35 ~~adjustment.~~

384.36 (1) raise to the power of three the approximate number of annual overnights the child  
 384.37 or children will likely spend with parent A;

86.30 (b) If there is not a court order awarding parenting time, the court shall determine  
 86.31 the child support award without consideration of the parenting expense adjustment. If a  
 86.32 parenting time order is subsequently issued or is issued in the same proceeding, then the  
 86.33 child support order shall include application of the parenting expense adjustment.

87.1 Subd. 2. **Calculation of parenting expense adjustment.** ~~The obligor is entitled to~~  
 87.2 ~~a parenting expense adjustment calculated as provided in this subdivision. The court shall:~~

87.15 (a) For the purposes of this section, the following terms have the meanings given:

87.16 (1) "parent A" means the parent with whom the child or children will spend the least  
 87.17 number of overnights under the court order; and

87.18 (2) "parent B" means the parent with whom the child or children will spend the  
 87.19 greatest number of overnights under the court order.

87.20 (b) The court shall apply the following formula to determine which parent is the  
 87.21 obligor and calculate the basic support obligation:

87.3 (1) ~~find the adjustment percentage corresponding to the percentage of parenting~~  
 87.4 ~~time allowed to the obligor below:~~

87.5	Percentage Range of Parenting	Adjustment Percentage
87.6	Time	
87.7 (i)	less than 10 percent	no adjustment
87.8 (ii)	10 percent to 45 percent	12 percent
87.9 (iii)	45.1 percent to 50 percent	presume parenting time is equal

87.10 (2) ~~multiply the adjustment percentage by the obligor's basic child support obligation~~  
 87.11 ~~to arrive at the parenting expense adjustment; and~~

87.12 (3) ~~subtract the parenting expense adjustment from the obligor's basic child support~~  
 87.13 ~~obligation. The result is the obligor's basic support obligation after parenting expense~~  
 87.14 ~~adjustment.~~

87.22 (1) raise to the power of three the approximate number of annual overnights the child  
 87.23 or children will likely spend with parent A;

385.1 (2) raise to the power of three the approximate number of annual overnights the child  
 385.2 or children will likely spend with parent B;

385.3 (3) multiply the result of clause (1) times parent B's share of the combined basic  
 385.4 support obligation as determined in section 518A.34, paragraph (b), clause (5);

385.5 (4) multiply the result of clause (2) times parent A's share of the combined basic  
 385.6 support obligation as determined in section 518A.34, paragraph (b), clause (5);

385.7 (5) subtract the result of clause (4) from the result of clause (3); and

385.8 (6) divide the result of clause (5) by the sum of clauses (1) and (2).

385.9 (c) If the result is a negative number, parent A is the obligor, the negative number  
 385.10 becomes its positive equivalent, and the result is the basic support obligation. If the result  
 385.11 is a positive number, parent B is the obligor and the result is the basic support obligation.

385.12 **Subd. 3. Calculation of basic support when parenting time presumed is equal.**

385.13 (a) If the parenting time is equal and the parental incomes for determining child support of  
 385.14 the parents also are equal, no basic support shall be paid unless the court determines that  
 385.15 the expenses for the child are not equally shared.

385.16 (b) If the parenting time is equal but the parents' parental incomes for determining  
 385.17 child support are not equal, the parent having the greater parental income for determining  
 385.18 child support shall be obligated for basic child support, calculated as follows:

385.19 (1) multiply the combined basic support calculated under section 518A.34 by 0.75;

385.20 (2) prorate the amount under clause (1) between the parents based on each parent's  
 385.21 proportionate share of the combined PICS; and

385.22 (3) subtract the lower amount from the higher amount.

385.23 The resulting figure is the obligation after parenting expense adjustment for the  
 385.24 parent with the greater parental income for determining child support.

385.25 **EFFECTIVE DATE.** This section is effective August 1, 2018.

385.26 Sec. 34. Minnesota Statutes 2015 Supplement, section 518A.39, subdivision 2, is  
 385.27 amended to read:

87.24 (2) raise to the power of three the approximate number of annual overnights the child  
 87.25 or children will likely spend with parent B;

87.26 (3) multiply the result of clause (1) times parent B's share of the combined basic  
 87.27 support obligation as determined in section 518A.34, paragraph (b), clause (5);

87.28 (4) multiply the result of clause (2) times parent A's share of the combined basic  
 87.29 support obligation as determined in section 518A.34, paragraph (b), clause (5);

87.30 (5) subtract the result of clause (4) from the result of clause (3); and

87.31 (6) divide the result of clause (5) by the sum of clauses (1) and (2).

87.32 (c) If the result is a negative number, parent A is the obligor, the negative number  
 87.33 becomes its positive equivalent, and the result is the basic support obligation. If the result  
 87.34 is a positive number, parent B is the obligor and the result is the basic support obligation.

87.35 **Subd. 3. Calculation of basic support when parenting time presumed is equal.**

87.36 (a) If the parenting time is equal and the parental incomes for determining child support of  
 88.1 the parents also are equal, no basic support shall be paid unless the court determines that  
 88.2 the expenses for the child are not equally shared.

88.3 (b) If the parenting time is equal but the parents' parental incomes for determining  
 88.4 child support are not equal, the parent having the greater parental income for determining  
 88.5 child support shall be obligated for basic child support, calculated as follows:

88.6 (1) multiply the combined basic support calculated under section 518A.34 by 0.75;

88.7 (2) prorate the amount under clause (1) between the parents based on each parent's  
 88.8 proportionate share of the combined PICS; and

88.9 (3) subtract the lower amount from the higher amount.

88.10 The resulting figure is the obligation after parenting expense adjustment for the  
 88.11 parent with the greater parental income for determining child support.

88.12 **EFFECTIVE DATE.** This section is effective August 1, 2018.

88.13 Sec. 11. Minnesota Statutes 2015 Supplement, section 518A.39, subdivision 2, is  
 88.14 amended to read:

385.28 Subd. 2. **Modification.** (a) The terms of an order respecting maintenance or support  
 385.29 may be modified upon a showing of one or more of the following, any of which makes  
 385.30 the terms unreasonable and unfair: (1) substantially increased or decreased gross income  
 385.31 of an obligor or obligee; (2) substantially increased or decreased need of an obligor or  
 385.32 obligee or the child or children that are the subject of these proceedings; (3) receipt of  
 385.33 assistance under the AFDC program formerly codified under sections 256.72 to 256.87  
 385.34 or 256B.01 to 256B.40, or chapter 256J or 256K; (4) a change in the cost of living for  
 385.35 either party as measured by the Federal Bureau of Labor Statistics; (5) extraordinary  
 386.1 medical expenses of the child not provided for under section 518A.41; (6) a change in  
 386.2 the availability of appropriate health care coverage or a substantial increase or decrease  
 386.3 in health care coverage costs; (7) the addition of work-related or education-related child  
 386.4 care expenses of the obligee or a substantial increase or decrease in existing work-related  
 386.5 or education-related child care expenses; or (8) upon the emancipation of the child, as  
 386.6 provided in subdivision 5.

386.7 (b) It is presumed that there has been a substantial change in circumstances under  
 386.8 paragraph (a) and the terms of a current support order shall be rebuttably presumed to be  
 386.9 unreasonable and unfair if:

386.10 (1) the application of the child support guidelines in section 518A.35, to the current  
 386.11 circumstances of the parties results in a calculated court order that is at least 20 percent  
 386.12 and at least \$75 per month higher or lower than the current support order or, if the current  
 386.13 support order is less than \$75, it results in a calculated court order that is at least 20  
 386.14 percent per month higher or lower;

386.15 (2) the medical support provisions of the order established under section 518A.41  
 386.16 are not enforceable by the public authority or the obligee;

386.17 (3) health coverage ordered under section 518A.41 is not available to the child for  
 386.18 whom the order is established by the parent ordered to provide;

386.19 (4) the existing support obligation is in the form of a statement of percentage and not  
 386.20 a specific dollar amount;

386.21 (5) the gross income of an obligor or obligee has decreased by at least 20 percent  
 386.22 through no fault or choice of the party; or

386.23 (6) a deviation was granted based on the factor in section 518A.43, subdivision 1,  
 386.24 clause (4), and the child no longer resides in a foreign country or the factor is otherwise no  
 386.25 longer applicable.

386.26 (c) A child support order is not presumptively modifiable solely because an obligor  
 386.27 or obligee becomes responsible for the support of an additional nonjoint child, which is  
 386.28 born after an existing order. Section 518A.33 shall be considered if other grounds are  
 386.29 alleged which allow a modification of support.

88.15 Subd. 2. **Modification.** (a) The terms of an order respecting maintenance or support  
 88.16 may be modified upon a showing of one or more of the following, any of which makes  
 88.17 the terms unreasonable and unfair: (1) substantially increased or decreased gross income  
 88.18 of an obligor or obligee; (2) substantially increased or decreased need of an obligor or  
 88.19 obligee or the child or children that are the subject of these proceedings; (3) receipt of  
 88.20 assistance under the AFDC program formerly codified under sections 256.72 to 256.87  
 88.21 or 256B.01 to 256B.40, or chapter 256J or 256K; (4) a change in the cost of living for  
 88.22 either party as measured by the Federal Bureau of Labor Statistics; (5) extraordinary  
 88.23 medical expenses of the child not provided for under section 518A.41; (6) a change in  
 88.24 the availability of appropriate health care coverage or a substantial increase or decrease  
 88.25 in health care coverage costs; (7) the addition of work-related or education-related child  
 88.26 care expenses of the obligee or a substantial increase or decrease in existing work-related  
 88.27 or education-related child care expenses; or (8) upon the emancipation of the child, as  
 88.28 provided in subdivision 5.

88.29 (b) It is presumed that there has been a substantial change in circumstances under  
 88.30 paragraph (a) and the terms of a current support order shall be rebuttably presumed to be  
 88.31 unreasonable and unfair if:

88.32 (1) the application of the child support guidelines in section 518A.35, to the current  
 88.33 circumstances of the parties results in a calculated court order that is at least 20 percent  
 88.34 and at least \$75 per month higher or lower than the current support order or, if the current  
 89.1 support order is less than \$75, it results in a calculated court order that is at least 20  
 89.2 percent per month higher or lower;

89.3 (2) the medical support provisions of the order established under section 518A.41  
 89.4 are not enforceable by the public authority or the obligee;

89.5 (3) health coverage ordered under section 518A.41 is not available to the child for  
 89.6 whom the order is established by the parent ordered to provide;

89.7 (4) the existing support obligation is in the form of a statement of percentage and not  
 89.8 a specific dollar amount;

89.9 (5) the gross income of an obligor or obligee has decreased by at least 20 percent  
 89.10 through no fault or choice of the party; or

89.11 (6) a deviation was granted based on the factor in section 518A.43, subdivision 1,  
 89.12 clause (4), and the child no longer resides in a foreign country or the factor is otherwise no  
 89.13 longer applicable.

89.14 (c) A child support order is not presumptively modifiable solely because an obligor  
 89.15 or obligee becomes responsible for the support of an additional nonjoint child, which is  
 89.16 born after an existing order. Section 518A.33 shall be considered if other grounds are  
 89.17 alleged which allow a modification of support.

386.30 (d) If child support was established by applying a parenting expense adjustment  
 386.31 or presumed equal parenting time calculation under previously existing child support  
 386.32 guidelines and there is no parenting plan or order from which overnights or overnight  
 386.33 equivalents can be determined, there is a rebuttable presumption that the established  
 386.34 adjustment or calculation will continue after modification so long as the modification is  
 386.35 not based on a change in parenting time. In determining an obligation under previously  
 386.36 existing child support guidelines, it is presumed that the court shall:

387.1 (1) if a 12 percent parenting expense adjustment was applied, multiply the obligor's  
 387.2 share of the combined basic support obligation calculated under section 518A.34,  
 387.3 paragraph (b), clause (5), by .88; or

387.4 (2) if the parenting time was presumed equal but the parents' parental incomes for  
 387.5 determining child support were not equal:

387.6 (i) multiply the combined basic support obligation under section 518A.34, paragraph  
 387.7 (b), clause (5), by .075;

387.8 (ii) prorate the amount under item (i) between the parents based on each parent's  
 387.9 proportionate share of the combined PICS; and

387.10 (iii) subtract the lower amount from the higher amount.

387.11 (e) On a motion for modification of maintenance, including a motion for the  
 387.12 extension of the duration of a maintenance award, the court shall apply, in addition to all  
 387.13 other relevant factors, the factors for an award of maintenance under section 518.552 that  
 387.14 exist at the time of the motion. On a motion for modification of support, the court:

387.15 (1) shall apply section 518A.35, and shall not consider the financial circumstances of  
 387.16 each party's spouse, if any; and

387.17 (2) shall not consider compensation received by a party for employment in excess of  
 387.18 a 40-hour work week, provided that the party demonstrates, and the court finds, that:

387.19 (i) the excess employment began after entry of the existing support order;

387.20 (ii) the excess employment is voluntary and not a condition of employment;

387.21 (iii) the excess employment is in the nature of additional, part-time employment, or  
 387.22 overtime employment compensable by the hour or fractions of an hour;

387.23 (iv) the party's compensation structure has not been changed for the purpose of  
 387.24 affecting a support or maintenance obligation;

387.25 (v) in the case of an obligor, current child support payments are at least equal to the  
 387.26 guidelines amount based on income not excluded under this clause; and

89.18 (d) If child support was established by applying a parenting expense adjustment  
 89.19 or presumed equal parenting time calculation under previously existing child support  
 89.20 guidelines and there is no parenting plan or order from which overnights or overnight  
 89.21 equivalents can be determined, there is a rebuttable presumption that the established  
 89.22 adjustment or calculation shall continue after modification so long as the modification is  
 89.23 not based on a change in parenting time. In determining an obligation under previously  
 89.24 existing child support guidelines, it is presumed that the court shall:

89.25 (1) if a 12 percent parenting expense adjustment was applied, multiply the obligor's  
 89.26 share of the combined basic support obligation calculated under section 518A.34,  
 89.27 paragraph (b), clause (5), by 0.88; or

89.28 (2) if the parenting time was presumed equal but the parents' parental incomes for  
 89.29 determining child support were not equal:

89.30 (i) multiply the combined basic support obligation under section 518A.34, paragraph  
 89.31 (b), clause (5), by 0.075;

89.32 (ii) prorate the amount under item (i) between the parents based on each parent's  
 89.33 proportionate share of the combined PICS; and

89.34 (iii) subtract the lower amount from the higher amount.

89.35 (e) On a motion for modification of maintenance, including a motion for the  
 89.36 extension of the duration of a maintenance award, the court shall apply, in addition to all  
 90.1 other relevant factors, the factors for an award of maintenance under section 518.552 that  
 90.2 exist at the time of the motion. On a motion for modification of support, the court:

90.3 (1) shall apply section 518A.35, and shall not consider the financial circumstances of  
 90.4 each party's spouse, if any; and

90.5 (2) shall not consider compensation received by a party for employment in excess of  
 90.6 a 40-hour work week, provided that the party demonstrates, and the court finds, that:

90.7 (i) the excess employment began after entry of the existing support order;

90.8 (ii) the excess employment is voluntary and not a condition of employment;

90.9 (iii) the excess employment is in the nature of additional, part-time employment, or  
 90.10 overtime employment compensable by the hour or fractions of an hour;

90.11 (iv) the party's compensation structure has not been changed for the purpose of  
 90.12 affecting a support or maintenance obligation;

90.13 (v) in the case of an obligor, current child support payments are at least equal to the  
 90.14 guidelines amount based on income not excluded under this clause; and

387.27 (vi) in the case of an obligor who is in arrears in child support payments to the  
 387.28 obligee, any net income from excess employment must be used to pay the arrearages  
 387.29 until the arrearages are paid in full.

387.30 ~~(e)~~ (f) A modification of support or maintenance, including interest that accrued  
 387.31 pursuant to section 548.091, may be made retroactive only with respect to any period  
 387.32 during which the petitioning party has pending a motion for modification but only from  
 387.33 the date of service of notice of the motion on the responding party and on the public  
 387.34 authority if public assistance is being furnished or the county attorney is the attorney of  
 387.35 record, unless the court adopts an alternative effective date under paragraph (l). The  
 388.1 court's adoption of an alternative effective date under paragraph (l) shall not be considered  
 388.2 a retroactive modification of maintenance or support.

388.3 ~~(f)~~ (g) Except for an award of the right of occupancy of the homestead, provided  
 388.4 in section 518.63, all divisions of real and personal property provided by section 518.58  
 388.5 shall be final, and may be revoked or modified only where the court finds the existence  
 388.6 of conditions that justify reopening a judgment under the laws of this state, including  
 388.7 motions under section 518.145, subdivision 2. The court may impose a lien or charge on  
 388.8 the divided property at any time while the property, or subsequently acquired property, is  
 388.9 owned by the parties or either of them, for the payment of maintenance or support money,  
 388.10 or may sequester the property as is provided by section 518A.71.

388.11 ~~(g)~~ (h) The court need not hold an evidentiary hearing on a motion for modification  
 388.12 of maintenance or support.

388.13 ~~(h)~~ (i) Sections 518.14 and 518A.735 shall govern the award of attorney fees for  
 388.14 motions brought under this subdivision.

388.15 ~~(i)~~ (j) Except as expressly provided, an enactment, amendment, or repeal of law does  
 388.16 not constitute a substantial change in the circumstances for purposes of modifying a  
 388.17 child support order.

388.18 ~~(j)~~ MS 2006 [Expired]

388.19 (k) On the first modification ~~under the income shares method of calculation~~  
 388.20 following implementation of amended child support guidelines, the modification of  
 388.21 basic support may be limited if the amount of the full variance would create hardship  
 388.22 for either the obligor or the obligee. Hardship includes, but is not limited to, eligibility  
 388.23 for assistance under chapter 256J.

388.24 (l) The court may select an alternative effective date for a maintenance or support  
 388.25 order if the parties enter into a binding agreement for an alternative effective date.

388.26 **EFFECTIVE DATE.** This section is effective August 1, 2018.

90.15 (vi) in the case of an obligor who is in arrears in child support payments to the  
 90.16 obligee, any net income from excess employment must be used to pay the arrearages  
 90.17 until the arrearages are paid in full.

90.18 ~~(e)~~ (f) A modification of support or maintenance, including interest that accrued  
 90.19 pursuant to section 548.091, may be made retroactive only with respect to any period  
 90.20 during which the petitioning party has pending a motion for modification but only from  
 90.21 the date of service of notice of the motion on the responding party and on the public  
 90.22 authority if public assistance is being furnished or the county attorney is the attorney of  
 90.23 record, unless the court adopts an alternative effective date under paragraph (l). The  
 90.24 court's adoption of an alternative effective date under paragraph (l) shall not be considered  
 90.25 a retroactive modification of maintenance or support.

90.26 ~~(f)~~ (g) Except for an award of the right of occupancy of the homestead, provided  
 90.27 in section 518.63, all divisions of real and personal property provided by section 518.58  
 90.28 shall be final, and may be revoked or modified only where the court finds the existence  
 90.29 of conditions that justify reopening a judgment under the laws of this state, including  
 90.30 motions under section 518.145, subdivision 2. The court may impose a lien or charge on  
 90.31 the divided property at any time while the property, or subsequently acquired property, is  
 90.32 owned by the parties or either of them, for the payment of maintenance or support money,  
 90.33 or may sequester the property as is provided by section 518A.71.

90.34 ~~(g)~~ (h) The court need not hold an evidentiary hearing on a motion for modification  
 90.35 of maintenance or support.

91.1 ~~(h)~~ (i) Sections 518.14 and 518A.735 shall govern the award of attorney fees for  
 91.2 motions brought under this subdivision.

91.3 ~~(i)~~ (j) Except as expressly provided, an enactment, amendment, or repeal of law does  
 91.4 not constitute a substantial change in the circumstances for purposes of modifying a  
 91.5 child support order.

91.6 ~~(j)~~ MS 2006 [Expired]

91.7 (k) On the first modification ~~under the income shares method of calculation~~  
 91.8 following implementation of amended child support guidelines, the modification of basic  
 91.9 support may be limited if the amount of the full variance would create hardship for either  
 91.10 the obligor or the obligee.

91.11 (l) The court may select an alternative effective date for a maintenance or support  
 91.12 order if the parties enter into a binding agreement for an alternative effective date.

91.13 **EFFECTIVE DATE.** This section is effective August 1, 2018.

91.14 Sec. 12. **[518A.79] CHILD SUPPORT TASK FORCE.**

- 91.15 Subdivision 1. **Establishment; purpose.** There is established the Child Support  
91.16 Task Force for the Department of Human Services. The purpose of the task force is to  
91.17 advise the commissioner of human services on matters relevant to maintaining effective  
91.18 and efficient child support guidelines that will best serve the children of Minnesota and  
91.19 take into account the changing dynamics of families.
- 91.20 Subd. 2. **Members.** (a) The task force must consist of:
- 91.21 (1) two members of the house of representatives, one appointed by the speaker of the  
91.22 house and one appointed by the minority leader;
- 91.23 (2) two members of the senate, one appointed by the majority leader and one  
91.24 appointed by the minority leader;
- 91.25 (3) one representative from the Minnesota County Attorneys Association;
- 91.26 (4) one staff member from the Department of Human Services Child Support  
91.27 Division;
- 91.28 (5) one representative from a tribe with an approved IV-D program appointed by  
91.29 resolution of the Minnesota Indian Affairs Council;
- 91.30 (6) one representative from the Minnesota Family Support Recovery Council;
- 91.31 (7) one child support magistrate, family court referee, or one district court judge or  
91.32 retired judge with experience in child support matters, appointed by the chief justice of  
91.33 the Supreme Court;
- 92.1 (8) four parents, at least two of whom represent diverse cultural and social  
92.2 communities, appointed by the commissioner with equal representation between custodial  
92.3 and noncustodial parents;
- 92.4 (9) one representative from the Minnesota Legal Services Coalition; and
- 92.5 (10) one representative from the Family Law Section of the Minnesota Bar  
92.6 Association.
- 92.7 (b) Section 15.059 governs the Child Support Task Force.
- 92.8 (c) Members of the task force shall be compensated as provided in section 15.059,  
92.9 subdivision 3.
- 92.10 Subd. 3. **Organization.** (a) The commissioner or the commissioner's designee shall  
92.11 convene the first meeting of the task force.
- 92.12 (b) The members of the task force shall annually elect a chair and other officers  
92.13 as the members deem necessary.
- 92.14 (c) The task force shall meet at least three times per year, with one meeting devoted  
92.15 to collecting input from the public.

- 92.16 Subd. 4. **Staff.** The commissioner shall provide support staff, office space, and  
92.17 administrative services for the task force.
- 92.18 Subd. 5. **Duties of the task force.** (a) General duties of the task force include, but  
92.19 are not limited to:
- 92.20 (1) serving in an advisory capacity to the commissioner of human services;
- 92.21 (2) reviewing the effects of implementing the parenting expense adjustment enacted  
92.22 by the 2016 legislature;
- 92.23 (3) at least every four years, preparing for and advising the commissioner on the  
92.24 development of the quadrennial review report;
- 92.25 (4) collecting and studying information and data relating to child support awards; and
- 92.26 (5) conducting a comprehensive review of child support guidelines, economic  
92.27 conditions, and other matters relevant to maintaining effective and efficient child support  
92.28 guidelines.
- 92.29 (b) The task force must review, address, and make recommendations on the  
92.30 following priority issues:
- 92.31 (1) the self-support reserve for custodial and noncustodial parents;
- 92.32 (2) simultaneous child support orders;
- 92.33 (3) obligors who are subject to child support orders in multiple counties;
- 92.34 (4) parents with multiple families;
- 92.35 (5) non-nuclear families, such as grandparents, relatives, and foster parents who  
92.36 are caretakers of children;
- 93.1 (6) standards to apply for modifications; and
- 93.2 (7) updating section 518A.35, subdivision 2, the guideline for basic support.
- 93.3 Subd. 6. **Consultation.** The chair of the task force must consult with the Cultural  
93.4 and Ethnic Communities Leadership Council at least annually on the issues under  
93.5 consideration by the task force.
- 93.6 Subd. 7. **Report and recommendations.** Beginning February 15, 2018, and  
93.7 biennially thereafter, if the task force is extended by the legislature, the commissioner  
93.8 shall prepare and submit to the chairs and ranking minority members of the committees of  
93.9 the house of representatives and the senate with jurisdiction over child support matters a  
93.10 report that summarizes the activities of the task force, issues identified by the task force,  
93.11 methods taken to address the issues, and recommendations for legislative action, if needed.
- 93.12 Subd. 8. **Expiration.** The task force expires June 30, 2019, unless extended by  
93.13 the legislature.

388.27 Sec. 35. Minnesota Statutes 2014, section 609.3241, is amended to read:

388.28 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

388.29 (a) When a court sentences an adult convicted of violating section 609.322 or 388.30 609.324, while acting other than as a prostitute, the court shall impose an assessment of 388.31 not less than \$500 and not more than \$750 for a violation of section 609.324, subdivision 388.32 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise the court shall 388.33 impose an assessment of not less than \$750 and not more than \$1,000. The assessment 389.1 shall be distributed as provided in paragraph (c) and is in addition to the surcharge 389.2 required by section 357.021, subdivision 6.

389.3 (b) The court may not waive payment of the minimum assessment required by 389.4 this section. If the defendant qualifies for the services of a public defender or the court 389.5 finds on the record that the convicted person is indigent or that immediate payment of 389.6 the assessment would create undue hardship for the convicted person or that person's 389.7 immediate family, the court may reduce the amount of the minimum assessment to not 389.8 less than \$100. The court also may authorize payment of the assessment in installments.

389.9 (c) The assessment collected under paragraph (a) must be distributed as follows:

389.10 (1) 40 percent of the assessment shall be forwarded to the political subdivision that 389.11 employs the arresting officer for use in enforcement, training, and education activities 389.12 related to combating sexual exploitation of youth, or if the arresting officer is an employee 389.13 of the state, this portion shall be forwarded to the commissioner of public safety for those 389.14 purposes identified in clause (3);

389.15 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that 389.16 handled the case for use in training and education activities relating to combating sexual 389.17 exploitation activities of youth; and

389.18 (3) 40 percent of the assessment must be forwarded to the commissioner of ~~public~~ 389.19 safety health to be deposited in the safe harbor for youth account in the special revenue 389.20 fund and are appropriated to the commissioner for distribution to crime victims services 389.21 organizations that provide services to sexually exploited youth, as defined in section 389.22 260C.007, subdivision 31.

389.23 (d) A safe harbor for youth account is established as a special account in the state 389.24 treasury.

389.25 Sec. 36. Minnesota Statutes 2015 Supplement, section 626.556, subdivision 2, is 389.26 amended to read:

389.27 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings 389.28 given them unless the specific content indicates otherwise:

93.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

64.22 Sec. 31. Minnesota Statutes 2014, section 609.3241, is amended to read:

64.23 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

64.24 (a) When a court sentences an adult convicted of violating section 609.322 or 64.25 609.324, while acting other than as a prostitute, the court shall impose an assessment of 64.26 not less than \$500 and not more than \$750 for a violation of section 609.324, subdivision 64.27 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise the court shall 64.28 impose an assessment of not less than \$750 and not more than \$1,000. The assessment 64.29 shall be distributed as provided in paragraph (c) and is in addition to the surcharge 64.30 required by section 357.021, subdivision 6.

64.31 (b) The court may not waive payment of the minimum assessment required by 64.32 this section. If the defendant qualifies for the services of a public defender or the court 64.33 finds on the record that the convicted person is indigent or that immediate payment of 64.34 the assessment would create undue hardship for the convicted person or that person's 65.1 immediate family, the court may reduce the amount of the minimum assessment to not 65.2 less than \$100. The court also may authorize payment of the assessment in installments.

65.3 (c) The assessment collected under paragraph (a) must be distributed as follows:

65.4 (1) 40 percent of the assessment shall be forwarded to the political subdivision that 65.5 employs the arresting officer for use in enforcement, training, and education activities 65.6 related to combating sexual exploitation of youth, or if the arresting officer is an employee 65.7 of the state, this portion shall be forwarded to the commissioner of public safety for those 65.8 purposes identified in clause (3);

65.9 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that 65.10 handled the case for use in training and education activities relating to combating sexual 65.11 exploitation activities of youth; and

65.12 (3) 40 percent of the assessment must be forwarded to the commissioner of ~~public~~ 65.13 safety health to be deposited in the safe harbor for youth account in the special revenue 65.14 fund and are appropriated to the commissioner for distribution to crime victims services 65.15 organizations that provide services to sexually exploited youth, as defined in section 65.16 260C.007, subdivision 31.

65.17 (d) A safe harbor for youth account is established as a special account in the state 65.18 treasury.

389.29 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected  
389.30 occurrence or event which:

389.31 (1) is not likely to occur and could not have been prevented by exercise of due  
389.32 care; and

389.33 (2) if occurring while a child is receiving services from a facility, happens when the  
389.34 facility and the employee or person providing services in the facility are in compliance  
389.35 with the laws and rules relevant to the occurrence or event.

390.1 (b) "Commissioner" means the commissioner of human services.

390.2 (c) "Facility" means:

390.3 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,  
390.4 sanitarium, or other facility or institution required to be licensed under sections 144.50 to  
390.5 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245D;

390.6 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter  
390.7 124E; or

390.8 (3) a nonlicensed personal care provider organization as defined in section  
390.9 256B.0625, subdivision 19a.

390.10 (d) "Family assessment" means a comprehensive assessment of child safety, risk of  
390.11 subsequent child maltreatment, and family strengths and needs that is applied to a child  
390.12 maltreatment report that does not allege sexual abuse or substantial child endangerment.  
390.13 Family assessment does not include a determination as to whether child maltreatment  
390.14 occurred but does determine the need for services to address the safety of family members  
390.15 and the risk of subsequent maltreatment.

390.16 (e) "Investigation" means fact gathering related to the current safety of a child  
390.17 and the risk of subsequent maltreatment that determines whether child maltreatment  
390.18 occurred and whether child protective services are needed. An investigation must be used  
390.19 when reports involve sexual abuse or substantial child endangerment, and for reports of  
390.20 maltreatment in facilities required to be licensed under chapter 245A or 245D; under  
390.21 sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,  
390.22 subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider  
390.23 association as defined in section 256B.0625, subdivision 19a.

390.24 (f) "Mental injury" means an injury to the psychological capacity or emotional  
390.25 stability of a child as evidenced by an observable or substantial impairment in the child's  
390.26 ability to function within a normal range of performance and behavior with due regard to  
390.27 the child's culture.

390.28 (g) "Neglect" means the commission or omission of any of the acts specified under  
390.29 clauses (1) to (9), other than by accidental means:

390.30 (1) failure by a person responsible for a child's care to supply a child with necessary  
390.31 food, clothing, shelter, health, medical, or other care required for the child's physical or  
390.32 mental health when reasonably able to do so;

390.33 (2) failure to protect a child from conditions or actions that seriously endanger the  
390.34 child's physical or mental health when reasonably able to do so, including a growth delay,  
390.35 which may be referred to as a failure to thrive, that has been diagnosed by a physician and  
390.36 is due to parental neglect;

391.1 (3) failure to provide for necessary supervision or child care arrangements  
391.2 appropriate for a child after considering factors as the child's age, mental ability, physical  
391.3 condition, length of absence, or environment, when the child is unable to care for the  
391.4 child's own basic needs or safety, or the basic needs or safety of another child in their care;

391.5 (4) failure to ensure that the child is educated as defined in sections 120A.22 and  
391.6 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's  
391.7 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

391.8 (5) nothing in this section shall be construed to mean that a child is neglected solely  
391.9 because the child's parent, guardian, or other person responsible for the child's care in  
391.10 good faith selects and depends upon spiritual means or prayer for treatment or care of  
391.11 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,  
391.12 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report  
391.13 if a lack of medical care may cause serious danger to the child's health. This section does  
391.14 not impose upon persons, not otherwise legally responsible for providing a child with  
391.15 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

391.16 (6) prenatal exposure to a controlled substance, as defined in section 253B.02,  
391.17 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal  
391.18 symptoms in the child at birth, results of a toxicology test performed on the mother at  
391.19 delivery or the child at birth, medical effects or developmental delays during the child's  
391.20 first year of life that medically indicate prenatal exposure to a controlled substance, or the  
391.21 presence of a fetal alcohol spectrum disorder;

391.22 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

391.23 (8) chronic and severe use of alcohol or a controlled substance by a parent or  
391.24 person responsible for the care of the child that adversely affects the child's basic needs  
391.25 and safety; or

391.26 (9) emotional harm from a pattern of behavior which contributes to impaired  
391.27 emotional functioning of the child which may be demonstrated by a substantial and  
391.28 observable effect in the child's behavior, emotional response, or cognition that is not  
391.29 within the normal range for the child's age and stage of development, with due regard to  
391.30 the child's culture.

391.31 (h) "Nonmaltreatment mistake" means:

391.32 (1) at the time of the incident, the individual was performing duties identified in the  
391.33 center's child care program plan required under Minnesota Rules, part 9503.0045;

391.34 (2) the individual has not been determined responsible for a similar incident that  
391.35 resulted in a finding of maltreatment for at least seven years;

392.1 (3) the individual has not been determined to have committed a similar  
392.2 nonmaltreatment mistake under this paragraph for at least four years;

392.3 (4) any injury to a child resulting from the incident, if treated, is treated only with  
392.4 remedies that are available over the counter, whether ordered by a medical professional or  
392.5 not; and

392.6 (5) except for the period when the incident occurred, the facility and the individual  
392.7 providing services were both in compliance with all licensing requirements relevant to the  
392.8 incident.

392.9 This definition only applies to child care centers licensed under Minnesota  
392.10 Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of  
392.11 substantiated maltreatment by the individual, the commissioner of human services shall  
392.12 determine that a nonmaltreatment mistake was made by the individual.

392.13 (i) "Operator" means an operator or agency as defined in section 245A.02.

392.14 (j) "Person responsible for the child's care" means (1) an individual functioning  
392.15 within the family unit and having responsibilities for the care of the child such as a  
392.16 parent, guardian, or other person having similar care responsibilities, or (2) an individual  
392.17 functioning outside the family unit and having responsibilities for the care of the child  
392.18 such as a teacher, school administrator, other school employees or agents, or other lawful  
392.19 custodian of a child having either full-time or short-term care responsibilities including,  
392.20 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,  
392.21 and coaching.

392.22 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,  
392.23 inflicted by a person responsible for the child's care on a child other than by accidental  
392.24 means, or any physical or mental injury that cannot reasonably be explained by the child's  
392.25 history of injuries, or any aversive or deprivation procedures, or regulated interventions,  
392.26 that have not been authorized under section 125A.0942 or 245.825.

392.27 Abuse does not include reasonable and moderate physical discipline of a child  
392.28 administered by a parent or legal guardian which does not result in an injury. Abuse does  
392.29 not include the use of reasonable force by a teacher, principal, or school employee as  
392.30 allowed by section 121A.582. Actions which are not reasonable and moderate include, but  
392.31 are not limited to, any of the following:

392.32 (1) throwing, kicking, burning, biting, or cutting a child;

392.33 (2) striking a child with a closed fist;

392.34 (3) shaking a child under age three;

392.35 (4) striking or other actions which result in any nonaccidental injury to a child

392.36 under 18 months of age;

393.1 (5) unreasonable interference with a child's breathing;

393.2 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

393.3 (7) striking a child under age one on the face or head;

393.4 (8) striking a child who is at least age one but under age four on the face or head,

393.5 which results in an injury;

393.6 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled

393.7 substances which were not prescribed for the child by a practitioner, in order to control or

393.8 punish the child; or other substances that substantially affect the child's behavior, motor

393.9 coordination, or judgment or that results in sickness or internal injury, or subjects the

393.10 child to medical procedures that would be unnecessary if the child were not exposed

393.11 to the substances;

393.12 (10) unreasonable physical confinement or restraint not permitted under section

393.13 609.379, including but not limited to tying, caging, or chaining; or

393.14 (11) in a school facility or school zone, an act by a person responsible for the child's

393.15 care that is a violation under section 121A.58.

393.16 (l) "Practice of social services," for the purposes of subdivision 3, includes but is

393.17 not limited to employee assistance counseling and the provision of guardian ad litem and

393.18 parenting time expeditor services.

393.19 (m) "Report" means any communication received by the local welfare agency,

393.20 police department, county sheriff, or agency responsible for child protection pursuant to

393.21 this section that describes neglect or physical or sexual abuse of a child and contains

393.22 sufficient content to identify the child and any person believed to be responsible for the

393.23 neglect or abuse, if known.

393.24 (n) "Sexual abuse" means the subjection of a child by a person responsible for the  
393.25 child's care, by a person who has a significant relationship to the child, as defined in section  
393.26 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision  
393.27 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in  
393.28 the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal  
393.29 sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree),  
393.30 or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any  
393.31 act which involves a minor which constitutes a violation of prostitution offenses under  
393.32 sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all  
393.33 reports of known or suspected child sex trafficking involving a child who is identified as a  
393.34 victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section  
393.35 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which  
393.36 includes the status of a parent or household member who has committed a violation which  
394.1 requires registration as an offender under section 243.166, subdivision 1b, paragraph (a)  
394.2 or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

394.3 (o) "Substantial child endangerment" means a person responsible for a child's care,  
394.4 by act or omission, commits or attempts to commit an act against a child under their  
394.5 care that constitutes any of the following:

394.6 (1) egregious harm as defined in section 260C.007, subdivision 14;

394.7 (2) abandonment under section 260C.301, subdivision 2;

394.8 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the  
394.9 child's physical or mental health, including a growth delay, which may be referred to as  
394.10 failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

394.11 (4) murder in the first, second, or third degree under section 609.185, 609.19, or  
394.12 609.195;

394.13 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

394.14 (6) assault in the first, second, or third degree under section 609.221, 609.222, or  
394.15 609.223;

394.16 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

394.17 (8) criminal sexual conduct under sections 609.342 to 609.3451;

394.18 (9) solicitation of children to engage in sexual conduct under section 609.352;

394.19 (10) malicious punishment or neglect or endangerment of a child under section  
394.20 609.377 or 609.378;

394.21 (11) use of a minor in sexual performance under section 617.246; or

394.22 (12) parental behavior, status, or condition which mandates that the county attorney  
394.23 file a termination of parental rights petition under section 260C.503, subdivision 2.

394.24 (p) "Threatened injury" means a statement, overt act, condition, or status that  
394.25 represents a substantial risk of physical or sexual abuse or mental injury. Threatened  
394.26 injury includes, but is not limited to, exposing a child to a person responsible for the  
394.27 child's care, as defined in paragraph (j), clause (1), who has:

394.28 (1) subjected a child to, or failed to protect a child from, an overt act or condition  
394.29 that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a  
394.30 similar law of another jurisdiction;

394.31 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph  
394.32 (b), clause (4), or a similar law of another jurisdiction;

394.33 (3) committed an act that has resulted in an involuntary termination of parental rights  
394.34 under section 260C.301, or a similar law of another jurisdiction; or

394.35 (4) committed an act that has resulted in the involuntary transfer of permanent  
394.36 legal and physical custody of a child to a relative under Minnesota Statutes 2010, section  
395.1 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a  
395.2 similar law of another jurisdiction.

395.3 A child is the subject of a report of threatened injury when the responsible social  
395.4 services agency receives birth match data under paragraph (q) from the Department of  
395.5 Human Services.

395.6 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a  
395.7 birth record or recognition of parentage identifying a child who is subject to threatened  
395.8 injury under paragraph (p), the Department of Human Services shall send the data to the  
395.9 responsible social services agency. The data is known as "birth match" data. Unless the  
395.10 responsible social services agency has already begun an investigation or assessment of the  
395.11 report due to the birth of the child or execution of the recognition of parentage and the  
395.12 parent's previous history with child protection, the agency shall accept the birth match  
395.13 data as a report under this section. The agency may use either a family assessment or  
395.14 investigation to determine whether the child is safe. All of the provisions of this section  
395.15 apply. If the child is determined to be safe, the agency shall consult with the county  
395.16 attorney to determine the appropriateness of filing a petition alleging the child is in need  
395.17 of protection or services under section 260C.007, subdivision 6, clause (16), in order to  
395.18 deliver needed services. If the child is determined not to be safe, the agency and the county  
395.19 attorney shall take appropriate action as required under section 260C.503, subdivision 2.

395.20 (r) Persons who conduct assessments or investigations under this section shall take  
395.21 into account accepted child-rearing practices of the culture in which a child participates  
395.22 and accepted teacher discipline practices, which are not injurious to the child's health,  
395.23 welfare, and safety.

395.24 Sec. 37. Minnesota Statutes 2015 Supplement, section 626.556, subdivision 3c,  
395.25 is amended to read:

395.26 Subd. 3c. **Local welfare agency, Department of Human Services or Department of Health responsible for assessing or investigating reports of maltreatment or death.**

395.28 (a) Except as provided in paragraph (b), the county local welfare agency is the agency  
395.29 responsible for assessing or investigating allegations of maltreatment in child foster care  
395.30 that do not involve the death of a foster child, family child care, legally unlicensed  
395.31 child care, juvenile correctional facilities licensed under section 241.021 located in the  
395.32 local welfare agency's county, and reports involving children served by an unlicensed  
395.33 personal care provider organization under section 256B.0659. Copies of findings related  
395.34 to personal care provider organizations under section 256B.0659 must be forwarded to  
395.35 the Department of Human Services provider enrollment.

396.1 (b) The Department of Human Services is the agency responsible for assessing or  
396.2 investigating allegations of maltreatment in:

396.3 (1) facilities licensed under chapters 245A and 245D, except for in child foster care  
396.4 and family child care homes that are monitored by county agencies according to section  
396.5 245A.16, subdivision 1;

396.6 (2) child foster care homes that are monitored by private agencies that have been  
396.7 licensed by the commissioner to perform licensing functions and activities according to  
396.8 section 245A.16, subdivision 1; and

396.9 (3) child foster care and family child care homes that are monitored by county  
396.10 agencies according to section 245A.16, subdivision 1, upon agreement by the county and  
396.11 Department of Human Services for a specific case.

396.12 (c) The Department of Human Services is responsible for investigating the death  
396.13 of a child placed in a foster care program.

396.14 (d) The Department of Health is the agency responsible for assessing or investigating  
396.15 allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58  
396.16 and 144A.46.

396.17 Sec. 38. Minnesota Statutes 2014, section 626.556, subdivision 3e, is amended to read:

396.18 Subd. 3e. **Agency responsible for assessing or investigating reports of sexual**  
396.19 **abuse.** The local welfare agency is the agency responsible for investigating allegations  
396.20 of sexual abuse if the alleged offender is the parent, guardian, sibling, or an individual  
396.21 functioning within the family unit as a person responsible for the child's care, or a person  
396.22 with a significant relationship to the child if that person resides in the child's household.  
396.23 Effective May 29, 2017, the local welfare agency is also responsible for investigating  
396.24 when a child is identified as a victim of sex trafficking.

396.25 Sec. 39. Minnesota Statutes 2015 Supplement, section 626.556, subdivision 10b,  
396.26 is amended to read:

396.27 Subd. 10b. **Duties of commissioner; neglect or, abuse, or death in a facility.** (a)  
396.28 This section applies to the commissioners of human services, health, and education. The  
396.29 commissioner of the agency responsible for assessing or investigating the report shall  
396.30 immediately assess or investigate if the report alleges that:

396.31 (1) a child who is in the care of a facility as defined in subdivision 2 is neglected,  
396.32 physically abused, sexually abused, or is the victim of maltreatment in a facility by an  
396.33 individual in that facility, or has been so neglected or abused, or been the victim of  
397.1 maltreatment in a facility by an individual in that facility within the three years preceding  
397.2 the report; or

397.3 (2) a child was neglected, physically abused, sexually abused, or is the victim of  
397.4 maltreatment in a facility by an individual in a facility defined in subdivision 2, while in  
397.5 the care of that facility within the three years preceding the report.

397.6 The commissioner of the agency responsible for assessing or investigating the  
397.7 report shall arrange for the transmittal to the commissioner of reports received by local  
397.8 agencies and may delegate to a local welfare agency the duty to investigate reports. In  
397.9 conducting an investigation under this section, the commissioner has the powers and  
397.10 duties specified for local welfare agencies under this section. The commissioner of the  
397.11 agency responsible for assessing or investigating the report or local welfare agency may  
397.12 interview any children who are or have been in the care of a facility under investigation  
397.13 and their parents, guardians, or legal custodians.

397.14 (b) Prior to any interview, the commissioner of the agency responsible for assessing  
397.15 or investigating the report or local welfare agency shall notify the parent, guardian, or legal  
397.16 custodian of a child who will be interviewed in the manner provided for in subdivision  
397.17 10d, paragraph (a). If reasonable efforts to reach the parent, guardian, or legal custodian  
397.18 of a child in an out-of-home placement have failed, the child may be interviewed if there  
397.19 is reason to believe the interview is necessary to protect the child or other children in the  
397.20 facility. The commissioner of the agency responsible for assessing or investigating the  
397.21 report or local agency must provide the information required in this subdivision to the  
397.22 parent, guardian, or legal custodian of a child interviewed without parental notification  
397.23 as soon as possible after the interview. When the investigation is completed, any parent,  
397.24 guardian, or legal custodian notified under this subdivision shall receive the written  
397.25 memorandum provided for in subdivision 10d, paragraph (c).

397.26 (c) In conducting investigations under this subdivision the commissioner or local  
397.27 welfare agency shall obtain access to information consistent with subdivision 10,  
397.28 paragraphs (h), (i), and (j). In conducting assessments or investigations under this  
397.29 subdivision, the commissioner of education shall obtain access to reports and investigative  
397.30 data that are relevant to a report of maltreatment and are in the possession of a school  
397.31 facility as defined in subdivision 2, paragraph (c), notwithstanding the classification of the  
397.32 data as educational or personnel data under chapter 13. This includes, but is not limited  
397.33 to, school investigative reports, information concerning the conduct of school personnel  
397.34 alleged to have committed maltreatment of students, information about witnesses, and any  
397.35 protective or corrective action taken by the school facility regarding the school personnel  
397.36 alleged to have committed maltreatment.

398.1 (d) The commissioner may request assistance from the local social services agency.

398.2 (e) The commissioner of human services shall investigate every incident involving  
398.3 the death of a child during placement in a child foster care home licensed under chapter  
398.4 245A and Minnesota Rules, chapter 2960. The investigation, notifications, and data  
398.5 classifications are governed by this section, even if abuse or neglect is not alleged or  
398.6 determined in the report.

398.7 Sec. 40. Minnesota Statutes 2014, section 626.556, subdivision 10f, is amended to read:

398.8 Subd. 10f. **Notice of determinations.** Within ten working days of the conclusion  
398.9 of a family assessment, the local welfare agency shall notify the parent or guardian of  
398.10 the child of the need for services to address child safety concerns or significant risk of  
398.11 subsequent child maltreatment. The local welfare agency and the family may also jointly  
398.12 agree that family support and family preservation services are needed. Within ten working  
398.13 days of the conclusion of an investigation, the local welfare agency or agency responsible  
398.14 for investigating the report shall notify the parent or guardian of the child, the person  
398.15 determined to be maltreating the child, and, if applicable, the director of the facility, of  
398.16 the determination and a summary of the specific reasons for the determination. When the  
398.17 investigation involves a child foster care setting that is monitored by a private licensing  
398.18 agency under section 245A.16, ~~the local welfare agency responsible for investigating the~~  
398.19 ~~report~~ Department of Human Services shall notify the private licensing agency of the  
398.20 determination and shall provide a summary of the specific reasons for the determination.  
398.21 The notice to the private licensing agency must include identifying private data, but not the  
398.22 identity of the reporter of maltreatment. The notice must also include a certification that the  
398.23 information collection procedures under subdivision 10, paragraphs (h), (i), and (j), were  
398.24 followed and a notice of the right of a data subject to obtain access to other private data  
398.25 on the subject collected, created, or maintained under this section. In addition, the notice  
398.26 shall include the length of time that the records will be kept under subdivision 11c. The  
398.27 investigating agency shall notify the parent or guardian of the child who is the subject of  
398.28 the report, and any person or facility determined to have maltreated a child, of their appeal  
398.29 or review rights under this section. The notice must also state that a finding of maltreatment  
398.30 may result in denial of a license application or background study disqualification under

398.31 chapter 245C related to employment or services that are licensed by the Department of  
 398.32 Human Services under chapter 245A, the Department of Health under chapter 144 or  
 398.33 144A, the Department of Corrections under section 241.021, and from providing services  
 398.34 related to an unlicensed personal care provider organization under chapter 256B.

399.1 Sec. 41. **CHILD CARE IS AN ALLOWABLE SERVICE FOR PURPOSES OF**

399.2 **CHILD PROTECTION.**

399.3 The commissioner shall change the brass code related to allowable child protection

399.4 services to include child care.

93.15 Sec. 13. Minnesota Statutes 2014, section 626.558, subdivision 1, is amended to read:

93.16 Subdivision 1. **Establishment of team.** A county shall establish a multidisciplinary  
 93.17 child protection team that may include, but not be limited to, the director of the local  
 93.18 welfare agency or designees, the county attorney or designees, the county sheriff or  
 93.19 designees, representatives of health and education, representatives of mental health or  
 93.20 other appropriate human service or community-based agencies, and parent groups. As  
 93.21 used in this section, a "community-based agency" may include, but is not limited to,  
 93.22 schools, social service agencies, family service and mental health collaboratives, children's  
 93.23 advocacy centers, early childhood and family education programs, Head Start, or other  
 93.24 agencies serving children and families. A member of the team must be designated as the  
 93.25 lead person of the team responsible for the planning process to develop standards for its  
 93.26 activities with battered women's and domestic abuse programs and services.

93.27 Sec. 14. Minnesota Statutes 2014, section 626.558, subdivision 2, is amended to read:

93.28 Subd. 2. **Duties of team.** A multidisciplinary child protection team may provide  
 93.29 public and professional education, develop resources for prevention, intervention, and  
 93.30 treatment, and provide case consultation to the local welfare agency or other interested  
 93.31 community-based agencies. The community-based agencies may request case consultation  
 93.32 from the multidisciplinary child protection team regarding a child or family for whom the  
 93.33 community-based agency is providing services. As used in this section, "case consultation"  
 93.34 means a case review process in which recommendations are made concerning services to  
 94.1 be provided to the identified children and family. Case consultation may be performed by  
 94.2 a committee or subcommittee of members representing human services, including mental  
 94.3 health and chemical dependency; law enforcement, including probation and parole; the  
 94.4 county attorney; a children's advocacy center; health care; education; community-based  
 94.5 agencies and other necessary agencies; and persons directly involved in an individual case  
 94.6 as designated by other members performing case consultation.

94.7 Sec. 15. Minnesota Statutes 2014, section 626.558, is amended by adding a subdivision  
 94.8 to read:

94.9 Subd. 4. **Children's advocacy center; definition.** (a) For purposes of this section,  
94.10 "children's advocacy center" means an organization, using a multidisciplinary team  
94.11 approach, whose primary purpose is to provide children who have been the victims of  
94.12 abuse and their nonoffending family members with:

94.13 (1) support and advocacy;

94.14 (2) specialized medical evaluation;

94.15 (3) trauma-focused mental health services; and

94.16 (4) forensic interviews.

94.17 (b) Children's advocacy centers provide multidisciplinary case review and the  
94.18 tracking and monitoring of case progress.

94.19 Sec. 16. Laws 2015, chapter 71, article 1, section 125, is amended to read:

94.20 Sec. 125. **LEGISLATIVE TASK FORCE; CHILD PROTECTION.**

94.21 (a) A legislative task force is created to:

94.22 (1) review the efforts being made to implement the recommendations of the  
94.23 Governor's Task Force on the Protection of Children, including a review of the roles and  
94.24 functions of the Office of Ombudsperson for Families;

94.25 (2) expand the efforts into related areas of the child welfare system;

94.26 (3) work with the commissioner of human services and community partners to  
94.27 establish and evaluate child protection grants to address disparities in child welfare  
94.28 pursuant to Minnesota Statutes, section 256E.28; and

94.29 (4) identify additional areas within the child welfare system that need to be addressed  
94.30 by the legislature;

94.31 (5) review and recommend alternatives to law enforcement responding to a  
94.32 maltreatment report by removing the child, and evaluate situations in which it may  
94.33 be appropriate for a social worker or other child protection worker to remove the child  
94.34 from the home; and

95.1 (6) clarify the definition of "substantial child endangerment," and provide language  
95.2 in bill form by January 1, 2017.

95.3 (b) Members of the legislative task force shall include:

95.4 (1) ~~the four legislators who served as members of the Governor's Task Force on~~  
95.5 ~~the Protection of Children;~~

95.6 (2) ~~two~~ four members from the house of representatives appointed by the speaker,  
95.7 ~~one~~ two from the majority party and ~~one~~ two from the minority party; and

95.8 ~~(3) two~~ (2) four members from the senate, including two members appointed by the  
95.9 senate majority leader, ~~one from the majority party and one from the minority party~~ two  
95.10 members appointed by the senate minority leader.

95.11 Members of the task force shall serve a term that expires on December 31 of the  
95.12 even-numbered year following the year they are appointed. The speaker and the majority  
95.13 leader shall each appoint a chair and vice-chair from the membership of the task force.  
95.14 ~~The gavel chair shall rotate after each meeting, and the house of representatives shall~~  
95.15 assume the leadership of the task force first. The task force must meet at least quarterly.

95.16 (c) The task force may provide oversight and monitoring of:

95.17 (1) the efforts by the Department of Human Services, counties, and tribes to  
95.18 implement laws related to child protection;

95.19 (2) efforts by the Department of Human Services, counties, and tribes to implement  
95.20 the recommendations of the Governor's Task Force on the Protection of Children;

95.21 (3) efforts by agencies, including but not limited to the Minnesota Department  
95.22 of Education, the Minnesota Housing Finance Agency, the Minnesota Department of  
95.23 Corrections, and the Minnesota Department of Public Safety, to work with the Department  
95.24 of Human Services to assure safety and well-being for children at risk of harm or children  
95.25 in the child welfare system; and

95.26 (4) efforts by the Department of Human Services, other agencies, counties, and  
95.27 tribes to implement best practices to ensure every child is protected from maltreatment  
95.28 and neglect and to ensure every child has the opportunity for healthy development.

95.29 (d) The task force, in cooperation with the commissioner of human services,  
95.30 shall issue a an annual report to the legislature and governor by February 1, 2016. The  
95.31 report must contain information on the progress toward implementation of changes to  
95.32 the child protection system, recommendations for additional legislative changes and  
95.33 procedures affecting child protection and child welfare, and funding needs to implement  
95.34 recommended changes.

95.35 ~~(e) The task force shall convene upon the effective date of this section and shall~~  
95.36 continue until the last day of the 2016 legislative session.

96.1 (e) This section expires December 31, 2020.

96.2 **EFFECTIVE DATE.** This section is effective the day following final enactment.

96.3 Sec. 17. **CHILD CARE PROVIDER LIAISON AND ADVOCATE.**

96.4 The commissioner of human services must designate a full-time employee of  
96.5 the department to serve as a child care provider liaison and advocate. The child care  
96.6 provider liaison and advocate must be responsive to requests from providers by providing  
96.7 information or assistance in obtaining or renewing licenses, meeting state regulatory  
96.8 requirements, or resolving disputes with state agencies or other political subdivisions.

96.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

96.10 Sec. 18. **LEGISLATIVE TASK FORCE ON CHILD CARE.**

96.11 **Subdivision 1. Creation.** A legislative task force on child care is created to review  
96.12 the loss of child care providers in the state, assess affordability issues for providers and  
96.13 parents, and identify areas that need to be addressed by the legislature.

96.14 **Subd. 2. Membership.** Task force members shall include:

96.15 (1) four members from the house of representatives appointed by the speaker of the  
96.16 house, two from the majority party and two from the minority party; and

96.17 (2) four members from the senate appointed by the majority leader, two from the  
96.18 majority party and two from the minority party.

96.19 **Subd. 3. Duties.** (a) The task force may:

96.20 (1) evaluate factors that contribute to child care costs for providers and families;

96.21 (2) assess the child care provider shortage in greater Minnesota;

96.22 (3) review the current preservice and in-service training requirements for family  
96.23 child care providers and child care center staff. The review shall include training required  
96.24 for licensure, including staff credentialing for child care center staff positions and the ways  
96.25 in which the training aligns with Minnesota's Career Lattice and Minnesota's Knowledge  
96.26 and Competency Framework for Early Childhood and School-Aged Care Practitioners;

96.27 (4) review the availability of training that is in place to meet the training needs of  
96.28 providers, including the content of the training, cost, and delivery methods;

96.29 (5) consider creation of a board of child care to be responsible for all matters related  
96.30 to licensing of child care providers, both in-home and center-based programs, and to  
96.31 employ an advocate for child care providers;

96.32 (6) review the process of issuing and resolving correction orders issued to child  
96.33 care providers;

97.1 (7) consider uniform training requirements for county employees and their  
97.2 supervisors who perform duties related to licensing;

97.3 (8) review progress being made by the commissioner of human services to streamline  
97.4 paperwork and reduce redundancies for child care providers;

97.5 (9) review the time it takes for the department to provide child care assistance  
97.6 program reimbursement to providers; and

97.7 (10) consider options for conducting exit interviews with providers who leave the  
97.8 child care field or choose not to be relicensed.

97.9 (b) Task force members may receive input from the commissioners of human  
97.10 services and economic development, providers, and stakeholders to review all action items.

97.11 Subd. 4. **Recommendations and report.** The task force, in cooperation with the  
97.12 commissioner of human services, shall issue a report to the legislature and governor by  
97.13 December 31, 2016. The report must contain summary information obtained during  
97.14 the task force meetings and recommendations for additional legislative changes and  
97.15 procedures affecting child care.

97.16 **EFFECTIVE DATE.** This section is effective the day following final enactment  
97.17 and sunsets on December 31, 2016.

399.5 Sec. 42. **DIRECTION TO COMMISSIONERS; INCOME AND ASSET**

399.6 **EXCLUSION.**

399.7 (a) The commissioner of human services shall not count payments made to families  
399.8 by the income and child development in the first three years of life demonstration  
399.9 project as income or assets for purposes of determining or redetermining eligibility for  
399.10 child care assistance programs under Minnesota Statutes, chapter 119B; the Minnesota  
399.11 family investment program, work benefit program, or diversionary work program under  
399.12 Minnesota Statutes, chapter 256J, during the duration of the demonstration.

399.13 (b) The commissioner of human services shall not count payments made to families  
399.14 by the income and child development in the first three years of life demonstration project  
399.15 as income for purposes of determining or redetermining eligibility for medical assistance  
399.16 under Minnesota Statutes, chapter 256B, and MinnesotaCare under Minnesota Statutes,  
399.17 chapter 256L.

399.18 (c) For the purposes of this section, "income and child development in the first  
399.19 three years of life demonstration project" means a demonstration project funded by the  
399.20 United States Department of Health and Human Services National Institutes of Health to  
399.21 evaluate whether the unconditional cash payments have a causal effect on the cognitive,  
399.22 socioemotional, and brain development of infants and toddlers.

399.23 (d) This section shall only be implemented if Minnesota is chosen as a site for the child  
399.24 development in the first three years of life demonstration site, and expires January 1, 2022.

97.18 Sec. 19. **DIRECTION TO COMMISSIONERS; INCOME AND ASSET**

97.19 **EXCLUSION.**

97.20 (a) The commissioner of human services shall not count payments made to families  
97.21 by the income and child development in the first three years of life demonstration  
97.22 project as income or assets for purposes of determining or redetermining eligibility for  
97.23 child care assistance programs under Minnesota Statutes, chapter 119B; the Minnesota  
97.24 family investment program, work benefit program, or diversionary work program under  
97.25 Minnesota Statutes, chapter 256J, during the duration of the demonstration.

97.26 (b) The commissioner of human services shall not count payments made to families  
97.27 by the income and child development in the first three years of life demonstration project  
97.28 as income for purposes of determining or redetermining eligibility for medical assistance  
97.29 under Minnesota Statutes, chapter 256B, and MinnesotaCare under Minnesota Statutes,  
97.30 chapter 256L.

97.31 (c) For the purposes of this section, "income and child development in the first  
97.32 three years of life demonstration project" means a demonstration project funded by the  
97.33 United States Department of Health and Human Services National Institutes of Health to  
97.34 evaluate whether the unconditional cash payments have a causal effect on the cognitive,  
97.35 socioemotional, and brain development of infants and toddlers.

98.1 (d) This section shall only be implemented if Minnesota is chosen as a site for  
98.2 the child development in the first three years of life demonstration project, and expires  
98.3 January 1, 2022.

399.25 (e) The commissioner of human services shall provide a report to the legislative  
 399.26 committees having jurisdiction over human services issues by January 1, 2023, informing  
 399.27 the legislature on the progress and outcomes of the demonstration under this section.

399.28 **EFFECTIVE DATE.** Paragraph (b) is effective August 16, 2016, or upon federal  
 399.29 approval, whichever is later.

399.30 Sec. 43. **REVIEW OF CHILD FOSTER CARE PRIVATE AGENCIES.**

399.31 The commissioner of human services shall convene a working group to review the  
 399.32 impact of removing the licensing responsibilities from private agencies (previously "Rule  
 399.33 4"), and replacing those duties with responsibilities to provide technical assistance for  
 399.34 prospective foster care providers, care coordination for children in foster care, and training  
 400.1 support for foster parents. The commissioner shall submit a report to the 2017 legislative  
 400.2 committees with jurisdiction over foster care issues by January 15, 2017, with language  
 400.3 and an analysis of costs associated with these changes.

400.4 Sec. 44. **CHILD CARE LIABILITY INSURANCE REPORT.**

400.5 The commissioner of human services shall conduct a survey and report on existing  
 400.6 liability insurance and the availability of coverage for family child care license holders.  
 400.7 The survey shall be conducted from a representative sample of county licensors or current  
 400.8 license holders. At a minimum, the report must address the following:

400.9 (1) the number of currently licensed family child care providers surveyed who  
 400.10 have liability insurance;

400.11 (2) the availability, accessibility, and levels and cost of coverage provided for  
 400.12 personal injury, death, or property damage resulting from the negligent acts or omissions  
 400.13 related to the provision of services under a family child care license under Minnesota  
 400.14 Rules, chapter 9502; and

400.15 (3) the regulatory or legislative actions necessary to require that insurance coverage  
 400.16 is maintained throughout the term of the license.

400.17 The report must be submitted to the chairs and ranking minority members of the  
 400.18 senate and house of representatives committees with jurisdiction over child care licensing  
 400.19 policy and finance no later than January 16, 2017.

400.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

98.4 (e) The commissioner of human services shall provide a report to the chairs and  
 98.5 ranking minority members of the legislative committees having jurisdiction over human  
 98.6 services issues by January 1, 2023, informing the legislature on the progress and outcomes  
 98.7 of the demonstration under this section.

98.8 **EFFECTIVE DATE.** Paragraph (b) is effective August 16, 2016, or upon federal  
 98.9 approval, whichever is later.

98.10 Sec. 20. **REVISOR'S INSTRUCTION.**

98.11 The revisor of statutes, in consultation with the commissioner of human services;  
98.12 the Office of Senate Counsel, Research, and Fiscal Analysis; and House Research, shall  
98.13 recodify the Maltreatment of Minors Act, Minnesota Statutes, section 626.556, and  
98.14 related statutes in order to create internal consistency, eliminate redundant language,  
98.15 separate provisions governing investigations of maltreatment in institutions, and otherwise  
98.16 reorganize the statutes to facilitate interpretation and application of the law. The  
98.17 recodification must be drafted in bill form for introduction in the 2017 session.

98.18 Sec. 21. **REPEALER; HANDS OFF CHILD CARE.**

98.19 Minnesota Statutes 2014, sections 179A.50; 179A.51; 179A.52; and 179A.53, are  
98.20 repealed.