

1.1 moves to amend H.F. No. 2127 as follows:

1.2 Page 3, after line 1, insert:

1.3 "Sec. 3. Minnesota Statutes 2020, section 245A.05, is amended to read:

1.4 **245A.05 DENIAL OF APPLICATION.**

1.5 (a) The commissioner may deny a license if an applicant or controlling individual:

1.6 (1) fails to submit a substantially complete application after receiving notice from the
1.7 commissioner under section 245A.04, subdivision 1;

1.8 (2) fails to comply with applicable laws or rules;

1.9 (3) knowingly withholds relevant information from or gives false or misleading
1.10 information to the commissioner in connection with an application for a license or during
1.11 an investigation;

1.12 (4) has a disqualification that has not been set aside under section 245C.22 and no
1.13 variance has been granted;

1.14 (5) has an individual living in the household who received a background study under
1.15 section 245C.03, subdivision 1, paragraph (a), clause (2), who has a disqualification that
1.16 has not been set aside under section 245C.22, and no variance has been granted;

1.17 (6) is associated with an individual who received a background study under section
1.18 245C.03, subdivision 1, paragraph (a), clause (6), who may have unsupervised access to
1.19 children or vulnerable adults, and who has a disqualification that has not been set aside
1.20 under section 245C.22, and no variance has been granted;

1.21 (7) fails to comply with section 245A.04, subdivision 1, paragraph (f) or (g);

1.22 (8) fails to demonstrate competent knowledge as required by section 245A.04, subdivision
1.23 6;

2.1 (9) has a history of noncompliance as a license holder or controlling individual with
 2.2 applicable laws or rules, including but not limited to this chapter and chapters 119B and
 2.3 245C; ~~or~~

2.4 (10) is prohibited from holding a license according to section 245.095; or

2.5 (11) for a family foster setting, has nondisqualifying background study information, as
 2.6 described in section 245C.05, subdivision 4, that is relevant to the individual's ability to
 2.7 safely provide care to foster children.

2.8 (b) An applicant whose application has been denied by the commissioner must be given
 2.9 notice of the denial, which must state the reasons for the denial in plain language. Notice
 2.10 must be given by certified mail or personal service. The notice must state the reasons the
 2.11 application was denied and must inform the applicant of the right to a contested case hearing
 2.12 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The applicant may
 2.13 appeal the denial by notifying the commissioner in writing by certified mail or personal
 2.14 service. If mailed, the appeal must be postmarked and sent to the commissioner within 20
 2.15 calendar days after the applicant received the notice of denial. If an appeal request is made
 2.16 by personal service, it must be received by the commissioner within 20 calendar days after
 2.17 the applicant received the notice of denial. Section 245A.08 applies to hearings held to
 2.18 appeal the commissioner's denial of an application.

2.19 **EFFECTIVE DATE.** This section is effective July 1, 2022.

2.20 Sec. 4. Minnesota Statutes 2020, section 245A.07, subdivision 1, is amended to read:

2.21 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional
 2.22 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,
 2.23 or secure an injunction against the continuing operation of the program of a license holder
 2.24 who does not comply with applicable law or rule, or who has nondisqualifying background
 2.25 study information, as described in section 245C.05, subdivision 4, that is relevant to the
 2.26 license holder's ability to safely provide care to foster children. When applying sanctions
 2.27 authorized under this section, the commissioner shall consider the nature, chronicity, or
 2.28 severity of the violation of law or rule and the effect of the violation on the health, safety,
 2.29 or rights of persons served by the program.

2.30 (b) If a license holder appeals the suspension or revocation of a license and the license
 2.31 holder continues to operate the program pending a final order on the appeal, the commissioner
 2.32 shall issue the license holder a temporary provisional license. Unless otherwise specified
 2.33 by the commissioner, variances in effect on the date of the license sanction under appeal

3.1 continue under the temporary provisional license. If a license holder fails to comply with
3.2 applicable law or rule while operating under a temporary provisional license, the
3.3 commissioner may impose additional sanctions under this section and section 245A.06, and
3.4 may terminate any prior variance. If a temporary provisional license is set to expire, a new
3.5 temporary provisional license shall be issued to the license holder upon payment of any fee
3.6 required under section 245A.10. The temporary provisional license shall expire on the date
3.7 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional
3.8 license shall be issued for the remainder of the current license period.

3.9 (c) If a license holder is under investigation and the license issued under this chapter is
3.10 due to expire before completion of the investigation, the program shall be issued a new
3.11 license upon completion of the reapplication requirements and payment of any applicable
3.12 license fee. Upon completion of the investigation, a licensing sanction may be imposed
3.13 against the new license under this section, section 245A.06, or 245A.08.

3.14 (d) Failure to reapply or closure of a license issued under this chapter by the license
3.15 holder prior to the completion of any investigation shall not preclude the commissioner
3.16 from issuing a licensing sanction under this section or section 245A.06 at the conclusion
3.17 of the investigation.

3.18 **EFFECTIVE DATE.** This section is effective July 1, 2022.

3.19 Sec. 5. Minnesota Statutes 2020, section 245A.16, is amended by adding a subdivision to
3.20 read:

3.21 **Subd. 9. Licensed family foster settings.** (a) Before recommending to grant a license,
3.22 deny a license under section 245A.05, or revoke a license under section 245A.07 for
3.23 nondisqualifying background study information received under section 245C.05, subdivision
3.24 4, paragraph (a), clause (3), for a licensed family foster setting, a county agency or private
3.25 agency that has been designated or licensed by the commissioner must review the following:

3.26 (1) the type of offenses;

3.27 (2) the number of offenses;

3.28 (3) the nature of the offenses;

3.29 (4) the age of the individual at the time of the offenses;

3.30 (5) the length of time that has elapsed since the last offense;

3.31 (6) the relationship of the offenses and the capacity to care for a child;

3.32 (7) evidence of rehabilitation;

4.1 (8) information or knowledge from community members regarding the individual's
4.2 capacity to provide foster care;

4.3 (9) any available information regarding child maltreatment reports or child in need of
4.4 protection or services petitions, or related cases, in which the individual has been involved
4.5 or implicated, and documentation that the individual has remedied the issues or conditions
4.6 identified in child protection or court records that are relevant to safely caring for a child;

4.7 (10) a statement from the study subject;

4.8 (11) a statement from the license holder; and

4.9 (12) other aggravating and mitigating factors.

4.10 (b) For purposes of this section, "evidence of rehabilitation" includes but is not limited
4.11 to the following:

4.12 (1) maintenance of a safe and stable residence;

4.13 (2) continuous, regular, or stable employment;

4.14 (3) successful participation in an education or job training program;

4.15 (4) positive involvement with the community or extended family;

4.16 (5) compliance with the terms and conditions of probation or parole following the
4.17 individual's most recent conviction;

4.18 (6) if the individual has had a substance use disorder, successful completion of a substance
4.19 use disorder assessment, substance use disorder treatment, and recommended continuing
4.20 care, if applicable, demonstrated abstinence from controlled substances, as defined in section
4.21 152.01, subdivision 4, or the establishment of a sober network;

4.22 (7) if the individual has had a mental illness or documented mental health issues,
4.23 demonstrated completion of a mental health evaluation, participation in therapy or other
4.24 recommended mental health treatment, or appropriate medication management, if applicable;

4.25 (8) if the individual's offense or conduct involved domestic violence, demonstrated
4.26 completion of a domestic violence or anger management program, and the absence of any
4.27 orders for protection or harassment restraining orders against the individual since the previous
4.28 offense or conduct;

4.29 (9) written letters of support from individuals of good repute, including but not limited
4.30 to employers, members of the clergy, probation or parole officers, volunteer supervisors,
4.31 or social services workers;

5.1 (10) demonstrated remorse for convictions or conduct, or demonstrated positive behavior
5.2 changes; and

5.3 (11) absence of convictions or arrests since the previous offense or conduct, including
5.4 any convictions that were expunged or pardoned.

5.5 (c) An applicant for a family foster setting license must sign all releases of information
5.6 requested by the county or private licensing agency.

5.7 (d) When licensing a relative for a family foster setting, the commissioner shall also
5.8 consider the importance of maintaining the child's relationship with relatives as an additional
5.9 significant factor in determining whether to deny an application.

5.10 (e) When recommending that the commissioner deny or revoke a license for a licensed
5.11 family foster setting, the county or private licensing agency must send a summary of the
5.12 review completed according to paragraph (a), on a form developed by the commissioner,
5.13 to the commissioner and include any recommendation for licensing action.

5.14 **EFFECTIVE DATE.** This section is effective July 1, 2022.

5.15 Sec. 6. Minnesota Statutes 2020, section 245C.05, subdivision 2c, is amended to read:

5.16 Subd. 2c. **Privacy notice to background study subject.** (a) Prior to initiating each
5.17 background study, the entity initiating the study must provide the commissioner's privacy
5.18 notice to the background study subject required under section 13.04, subdivision 2. The
5.19 notice must be available through the commissioner's electronic NETStudy and NETStudy
5.20 2.0 systems and shall include the information in paragraphs (b) and (c).

5.21 (b) The background study subject shall be informed that any previous background studies
5.22 that received a set-aside will be reviewed, and without further contact with the background
5.23 study subject, the commissioner may notify the agency that initiated the subsequent
5.24 background study:

5.25 (1) that the individual has a disqualification that has been set aside for the program or
5.26 agency that initiated the study;

5.27 (2) the reason for the disqualification; and

5.28 (3) that information about the decision to set aside the disqualification will be available
5.29 to the license holder upon request without the consent of the background study subject.

5.30 (c) The background study subject must also be informed that:

6.1 (1) the subject's fingerprints collected for purposes of completing the background study
6.2 under this chapter must not be retained by the Department of Public Safety, Bureau of
6.3 Criminal Apprehension, or by the commissioner. The Federal Bureau of Investigation will
6.4 ~~only retain fingerprints of subjects with a criminal history~~ not retain background study
6.5 subjects' fingerprints;

6.6 (2) effective upon implementation of NETStudy 2.0, the subject's photographic image
6.7 will be retained by the commissioner, and if the subject has provided the subject's Social
6.8 Security number for purposes of the background study, the photographic image will be
6.9 available to prospective employers and agencies initiating background studies under this
6.10 chapter to verify the identity of the subject of the background study;

6.11 (3) the commissioner's authorized fingerprint collection vendor shall, for purposes of
6.12 verifying the identity of the background study subject, be able to view the identifying
6.13 information entered into NETStudy 2.0 by the entity that initiated the background study,
6.14 but shall not retain the subject's fingerprints, photograph, or information from NETStudy
6.15 2.0. The authorized fingerprint collection vendor shall retain no more than the subject's
6.16 name and the date and time the subject's fingerprints were recorded and sent, only as
6.17 necessary for auditing and billing activities;

6.18 (4) the commissioner shall provide the subject notice, as required in section 245C.17,
6.19 subdivision 1, paragraph (a), when an entity initiates a background study on the individual;

6.20 (5) the subject may request in writing a report listing the entities that initiated a
6.21 background study on the individual as provided in section 245C.17, subdivision 1, paragraph
6.22 (b);

6.23 (6) the subject may request in writing that information used to complete the individual's
6.24 background study in NETStudy 2.0 be destroyed if the requirements of section 245C.051,
6.25 paragraph (a), are met; and

6.26 (7) notwithstanding clause (6), the commissioner shall destroy:

6.27 (i) the subject's photograph after a period of two years when the requirements of section
6.28 245C.051, paragraph (c), are met; and

6.29 (ii) any data collected on a subject under this chapter after a period of two years following
6.30 the individual's death as provided in section 245C.051, paragraph (d).

7.1 Sec. 7. Minnesota Statutes 2020, section 245C.05, subdivision 2d, is amended to read:

7.2 Subd. 2d. **Fingerprint data notification.** The commissioner of human services shall
7.3 notify all background study subjects under this chapter that the Department of Human
7.4 Services, Department of Public Safety, and the Bureau of Criminal Apprehension do not
7.5 retain fingerprint data after a background study is completed, and that the Federal Bureau
7.6 of Investigation ~~only retains the fingerprints of subjects who have a criminal history~~ does
7.7 not retain background study subjects' fingerprints.

7.8 Sec. 8. Minnesota Statutes 2020, section 245C.05, subdivision 4, is amended to read:

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

7.12 (1) background study information to the commissioner;

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

7.14 (3) background study results to counties for background studies conducted by the
7.15 commissioner for child foster care, including a summary of nondisqualifying results, except
7.16 as prohibited by law; and

7.17 (4) background study results to county agencies for background studies conducted by
7.18 the commissioner for adult foster care and family adult day services and, upon
7.19 implementation of NETStudy 2.0, family child care and legal nonlicensed child care
7.20 authorized under chapter 119B.

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

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

7.28 (d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under
7.29 this subdivision.

7.30 **EFFECTIVE DATE.** This section is effective July 1, 2022.

8.1 Sec. 9. Minnesota Statutes 2020, section 245C.08, subdivision 3, is amended to read:

8.2 Subd. 3. **Arrest and investigative information.** (a) For any background study completed
8.3 under this section, if the commissioner has reasonable cause to believe the information is
8.4 pertinent to the disqualification of an individual, the commissioner also may review arrest
8.5 and investigative information from:

8.6 (1) the Bureau of Criminal Apprehension;

8.7 (2) the commissioners of health and human services;

8.8 (3) a county attorney;

8.9 (4) a county sheriff;

8.10 (5) a county agency;

8.11 (6) a local chief of police;

8.12 (7) other states;

8.13 (8) the courts;

8.14 (9) the Federal Bureau of Investigation;

8.15 (10) the National Criminal Records Repository; and

8.16 (11) criminal records from other states.

8.17 (b) Except when specifically required by law, the commissioner is not required to conduct
8.18 more than one review of a subject's records from the Federal Bureau of Investigation if a
8.19 review of the subject's criminal history with the Federal Bureau of Investigation has already
8.20 been completed by the commissioner and there has been no break in the subject's affiliation
8.21 with the entity that initiated the background study.

8.22 (c) If the commissioner conducts a national criminal history record check when required
8.23 by law and uses the information from the national criminal history record check to make a
8.24 disqualification determination, the data obtained is private data and cannot be shared with
8.25 ~~county agencies,~~ private agencies, or prospective employers of the background study subject.

8.26 (d) If the commissioner conducts a national criminal history record check when required
8.27 by law and uses the information from the national criminal history record check to make a
8.28 disqualification determination, the license holder or entity that submitted the study is not
8.29 required to obtain a copy of the background study subject's disqualification letter under
8.30 section 245C.17, subdivision 3.

8.31 **EFFECTIVE DATE.** This section is effective July 1, 2021.

9.1 Sec. 10. Minnesota Statutes 2020, section 245C.14, subdivision 1, is amended to read:

9.2 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall
9.3 disqualify an individual who is the subject of a background study from any position allowing
9.4 direct contact with persons receiving services from the license holder or entity identified in
9.5 section 245C.03, upon receipt of information showing, or when a background study
9.6 completed under this chapter shows any of the following:

9.7 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in section
9.8 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor,
9.9 or misdemeanor level crime;

9.10 (2) a preponderance of the evidence indicates the individual has committed an act or
9.11 acts that meet the definition of any of the crimes listed in section 245C.15, regardless of
9.12 whether the preponderance of the evidence is for a felony, gross misdemeanor, or
9.13 misdemeanor level crime; or

9.14 (3) an investigation results in an administrative determination listed under section
9.15 245C.15, subdivision 4, paragraph (b).

9.16 (b) No individual who is disqualified following a background study under section
9.17 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact with
9.18 persons served by a program or entity identified in section 245C.03, unless the commissioner
9.19 has provided written notice under section 245C.17 stating that:

9.20 (1) the individual may remain in direct contact during the period in which the individual
9.21 may request reconsideration as provided in section 245C.21, subdivision 2;

9.22 (2) the commissioner has set aside the individual's disqualification for that program or
9.23 entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

9.24 (3) the license holder has been granted a variance for the disqualified individual under
9.25 section 245C.30.

9.26 (c) Notwithstanding paragraph (a), for the purposes of a background study affiliated
9.27 with a licensed family foster setting, the commissioner shall disqualify an individual who
9.28 is the subject of a background study from any position allowing direct contact with persons
9.29 receiving services from the license holder or entity identified in section 245C.03, upon
9.30 receipt of information showing or when a background study completed under this chapter
9.31 shows reason for disqualification under section 245C.15, subdivision 4a.

9.32 **EFFECTIVE DATE.** This section is effective July 1, 2022.

10.1 Sec. 11. Minnesota Statutes 2020, section 245C.15, is amended by adding a subdivision
10.2 to read:

10.3 Subd. 4a. Licensed family foster setting disqualifications. (a) Notwithstanding
10.4 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,
10.5 regardless of how much time has passed, an individual is disqualified under section 245C.14
10.6 if the individual committed an act that resulted in a felony-level conviction for sections:
10.7 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder
10.8 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in
10.9 the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first
10.10 degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);
10.11 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense
10.12 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or
10.13 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325
10.14 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245
10.15 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder
10.16 of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second
10.17 degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter
10.18 of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the
10.19 second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault
10.20 of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the
10.21 commission of a crime); 609.322, subdivision 1 (solicitation, inducement, and promotion
10.22 of prostitution; sex trafficking in the first degree); 609.324, subdivision 1 (other prohibited
10.23 acts; engaging in, hiring, or agreeing to hire minor to engage in prostitution); 609.342
10.24 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second
10.25 degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual
10.26 conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree);
10.27 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage
10.28 in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or
10.29 endangerment of a child); 609.561 (arson in the first degree); 609.582, subdivision 1 (burglary
10.30 in the first degree); 609.746 (interference with privacy); 617.23 (indecent exposure); 617.246
10.31 (use of minors in sexual performance prohibited); 617.247 (possession of pictorial
10.32 representations of minors); or 617.293 (dissemination and display of harmful materials to
10.33 minors).

11.1 (b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated
11.2 with a licensed family foster setting, an individual is disqualified under section 245C.14,
11.3 regardless of how much time has passed, if the individual:

11.4 (1) committed an action under paragraph (d) that resulted in death or involved sexual
11.5 abuse;

11.6 (2) committed an act that resulted in a gross misdemeanor-level conviction for section
11.7 609.3451 (criminal sexual conduct in the fifth degree); or

11.8 (3) committed an act against or involving a minor that resulted in a felony-level conviction
11.9 for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the
11.10 third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree).

11.11 (c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
11.12 family foster setting, an individual is disqualified under section 245C.14 if less than five
11.13 years have passed since a felony-level violation for sections: 152.021 (controlled substance
11.14 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023
11.15 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the
11.16 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing
11.17 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)
11.18 (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision
11.19 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies
11.20 prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia;
11.21 prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related
11.22 crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while
11.23 impaired); 243.166 (violation of predatory offender registration requirements); 609.2113
11.24 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn
11.25 child); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal
11.26 abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal
11.27 neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery);
11.28 609.322, subdivision 1a (solicitation, inducement, and promotion of prostitution; sex
11.29 trafficking in the second degree); 609.498, subdivision 1 (tampering with a witness in the
11.30 first degree); 609.498, subdivision 1b (aggravated first-degree witness tampering); 609.562
11.31 (arson in the second degree); 609.563 (arson in the third degree); 609.582, subdivision 2
11.32 (burglary in the second degree); 609.66 (felony dangerous weapons); 609.687 (adulteration);
11.33 609.713 (terroristic threats); 609.749, subdivision 3, 4, or 5 (felony-level harassment or
11.34 stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or
11.35 624.713 (certain people not to possess firearms).

12.1 (d) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a
12.2 background study affiliated with a licensed family child foster care license, an individual
12.3 is disqualified under section 245C.14 if less than five years have passed since:

12.4 (1) a felony-level violation for an act not against or involving a minor that constitutes:
12.5 section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third
12.6 degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the
12.7 fifth degree);

12.8 (2) a violation of an order for protection under section 518B.01, subdivision 14;

12.9 (3) a determination or disposition of the individual's failure to make required reports
12.10 under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition
12.11 under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment
12.12 was recurring or serious;

12.13 (4) a determination or disposition of the individual's substantiated serious or recurring
12.14 maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or
12.15 serious or recurring maltreatment in any other state, the elements of which are substantially
12.16 similar to the elements of maltreatment under chapter 260E or section 626.557 and meet
12.17 the definition of serious maltreatment or recurring maltreatment;

12.18 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in
12.19 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);
12.20 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
12.21 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure);

12.22 (6) committing an act against or involving a minor that resulted in a misdemeanor-level
12.23 violation of section 609.224, subdivision 1 (assault in the fifth degree); or

12.24 (7) a termination of the individual's parental rights under section 260C.301, subdivision
12.25 1, or a termination of the individual's parental rights in any other state or country, where
12.26 the conditions for the individual's termination of parental rights are substantially similar to
12.27 the conditions in section 260C.301, subdivision 1.

12.28 (e) For purposes of this subdivision, the disqualification begins on:

12.29 (1) the date of the alleged violation, if the individual was not convicted;

12.30 (2) the date of conviction or date on which the felony sentence or stay of imposition
12.31 expired or was discharged, whichever is later, if the individual was convicted but the sentence
12.32 was never executed; or

13.1 (3) the date of the expiration of the individual's sentence or final release from
13.2 confinement, if the individual was convicted and the sentence was executed.

13.3 (f) An individual's aiding and abetting, attempt, or conspiracy to commit any of the
13.4 offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota
13.5 Statutes, permanently disqualifies the individual under section 245C.14. An individual is
13.6 disqualified under section 245C.14 if less than five years have passed since the individual's
13.7 aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs
13.8 (c) and (d).

13.9 (g) An individual's offense in any other state or country, where the elements of the
13.10 offense are substantially similar to any of the offenses listed in paragraphs (a) and (b),
13.11 permanently disqualifies the individual under section 245C.14. An individual is disqualified
13.12 under section 245C.14 if less than five years has passed since an offense in any other state
13.13 or country, the elements of which are substantially similar to the elements of any offense
13.14 listed in paragraphs (c) and (d).

13.15 **EFFECTIVE DATE.** This section is effective July 1, 2022.

13.16 Sec. 12. Minnesota Statutes 2020, section 245C.24, subdivision 2, is amended to read:

13.17 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in
13.18 paragraphs (b) to (e), the commissioner may not set aside the disqualification of any
13.19 individual disqualified pursuant to this chapter, regardless of how much time has passed,
13.20 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
13.21 1.

13.22 (b) For an individual in the chemical dependency or corrections field who was disqualified
13.23 for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification
13.24 was set aside prior to July 1, 2005, the commissioner must consider granting a variance
13.25 pursuant to section 245C.30 for the license holder for a program dealing primarily with
13.26 adults. A request for reconsideration evaluated under this paragraph must include a letter
13.27 of recommendation from the license holder that was subject to the prior set-aside decision
13.28 addressing the individual's quality of care to children or vulnerable adults and the
13.29 circumstances of the individual's departure from that service.

13.30 (c) If an individual who requires a background study for nonemergency medical
13.31 transportation services under section 245C.03, subdivision 12, was disqualified for a crime
13.32 or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have
13.33 passed since the discharge of the sentence imposed, the commissioner may consider granting

14.1 a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this
14.2 paragraph must include a letter of recommendation from the employer. This paragraph does
14.3 not apply to a person disqualified based on a violation of sections 243.166; 609.185 to
14.4 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23, subdivision 2, clause (1), or 3,
14.5 clause (1); 617.246; or 617.247.

14.6 (d) When a licensed foster care provider adopts an individual who had received foster
14.7 care services from the provider for over six months, and the adopted individual is required
14.8 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause
14.9 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30
14.10 to permit the adopted individual with a permanent disqualification to remain affiliated with
14.11 the license holder under the conditions of the variance when the variance is recommended
14.12 by the county of responsibility for each of the remaining individuals in placement in the
14.13 home and the licensing agency for the home.

14.14 (e) For an individual 18 years of age or older affiliated with a licensed family foster
14.15 setting, the commissioner must not set aside or grant a variance for the disqualification of
14.16 any individual disqualified pursuant to this chapter, regardless of how much time has passed,
14.17 if the individual was disqualified for a crime or conduct in section 245C.15, subdivision
14.18 4a, paragraphs (a) and (b).

14.19 (f) For a family foster setting license, the commissioner may grant a variance for the
14.20 disqualification of an individual who is under 18 years of age at the time that the background
14.21 study is submitted.

14.22 **EFFECTIVE DATE.** This section is effective July 1, 2022.

14.23 Sec. 13. Minnesota Statutes 2020, section 245C.24, subdivision 3, is amended to read:

14.24 Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set
14.25 aside the disqualification of an individual in connection with a license to provide family
14.26 child care for children, ~~foster care for children in the provider's home~~, or foster care or day
14.27 care services for adults in the provider's home if: (1) less than ten years has passed since
14.28 the discharge of the sentence imposed, if any, for the offense; or (2) when disqualified based
14.29 on a preponderance of evidence determination under section 245C.14, subdivision 1,
14.30 paragraph (a), clause (2), or an admission under section 245C.14, subdivision 1, paragraph
14.31 (a), clause (1), and less than ten years has passed since the individual committed the act or
14.32 admitted to committing the act, whichever is later; and (3) the individual has committed a
14.33 violation of any of the following offenses: sections 609.165 (felon ineligible to possess
14.34 firearm); criminal vehicular homicide or criminal vehicular operation causing death under

15.1 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (aiding
15.2 suicide or aiding attempted suicide); felony violations under 609.223 or 609.2231 (assault
15.3 in the third or fourth degree); 609.229 (crimes committed for benefit of a gang); 609.713
15.4 (terroristic threats); 609.235 (use of drugs to injure or to facilitate crime); 609.24 (simple
15.5 robbery); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot);
15.6 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a
15.7 witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous
15.8 weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns);
15.9 609.749, subdivision 2 (gross misdemeanor harassment); 152.021 or 152.022 (controlled
15.10 substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or
15.11 subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024,
15.12 subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree);
15.13 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable
15.14 adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or
15.15 patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a
15.16 vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure
15.17 to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in
15.18 the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first,
15.19 second, or third degree); 609.268 (injury or death of an unborn child in the commission of
15.20 a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or
15.21 displaying harmful material to minors); a felony-level conviction involving alcohol or drug
15.22 use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a
15.23 gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross
15.24 misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision
15.25 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess
15.26 firearms); or Minnesota Statutes 2012, section 609.21.

15.27 (b) The commissioner may not set aside the disqualification of an individual if less than
15.28 ten years have passed since the individual's aiding and abetting, attempt, or conspiracy to
15.29 commit any of the offenses listed in paragraph (a) as each of these offenses is defined in
15.30 Minnesota Statutes.

15.31 (c) The commissioner may not set aside the disqualification of an individual if less than
15.32 ten years have passed since the discharge of the sentence imposed for an offense in any
15.33 other state or country, the elements of which are substantially similar to the elements of any
15.34 of the offenses listed in paragraph (a).

15.35 **EFFECTIVE DATE.** This section is effective July 1, 2022.

16.1 Sec. 14. Minnesota Statutes 2020, section 245C.24, subdivision 4, is amended to read:

16.2 Subd. 4. **Seven-year bar to set aside disqualification.** The commissioner may not set
 16.3 aside the disqualification of an individual in connection with a license to provide family
 16.4 child care for children, ~~foster care for children in the provider's home,~~ or foster care or day
 16.5 care services for adults in the provider's home if within seven years preceding the study:

16.6 (1) the individual committed an act that constitutes maltreatment of a child under sections
 16.7 260E.24, subdivisions 1, 2, and 3, and 260E.30, subdivisions 1, 2, and 4, and the maltreatment
 16.8 resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial
 16.9 mental or emotional harm as supported by competent psychological or psychiatric evidence;
 16.10 or

16.11 (2) the individual was determined under section 626.557 to be the perpetrator of a
 16.12 substantiated incident of maltreatment of a vulnerable adult that resulted in substantial
 16.13 bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional
 16.14 harm as supported by competent psychological or psychiatric evidence.

16.15 **EFFECTIVE DATE.** This section is effective July 1, 2022.

16.16 Sec. 15. Minnesota Statutes 2020, section 245C.24, is amended by adding a subdivision
 16.17 to read:

16.18 **Subd. 6. Five-year bar to set aside disqualification; family foster setting.** (a) The
 16.19 commissioner shall not set aside or grant a variance for the disqualification of an individual
 16.20 18 years of age or older in connection with a foster family setting license if, within five
 16.21 years preceding the study, the individual is convicted of a felony in section 245C.15,
 16.22 subdivision 4a, paragraph (c).

16.23 (b) In connection with a foster family setting license, the commissioner may set aside
 16.24 or grant a variance for the disqualification of an individual who is under 18 years of age at
 16.25 the time that the background study is submitted.

16.26 **EFFECTIVE DATE.** This section is effective July 1, 2022."

16.27 Page 8, after line 9, insert:

16.28 "Sec. 28. Minnesota Statutes 2020, section 256J.08, subdivision 15, is amended to read:

16.29 Subd. 15. **Countable income.** "Countable income" means earned and unearned income
 16.30 that is ~~not excluded under section 256J.21, subdivision 2~~ described in section 256P.06,
 16.31 subdivision 3, or disregarded under section 256J.21, subdivision 3, or section 256P.03.

17.1 **EFFECTIVE DATE.** This section is effective August 1, 2021."

17.2 Page 8, after line 21, insert:

17.3 "Sec. 31. Minnesota Statutes 2020, section 256J.10, is amended to read:

17.4 **256J.10 MFIP ELIGIBILITY REQUIREMENTS.**

17.5 To be eligible for MFIP, applicants must meet the general eligibility requirements in
17.6 sections 256J.11 to 256J.15, the property limitations in section 256P.02, and the income
17.7 limitations in ~~section~~ sections 256J.21 and 256P.06.

17.8 **EFFECTIVE DATE.** This section is effective August 1, 2021."

17.9 Page 8, delete section 17

17.10 Page 12, line 17, strike "that is not excluded under subdivision 2" and insert "as defined
17.11 in section 256P.06"

17.12 Page 13, line 4, after "effective" insert "August 1, 2021, except for the amendments in
17.13 subdivision 3, paragraph (b), which are effective"

17.14 Page 13, after line 32, insert:

17.15 "Sec. 34. Minnesota Statutes 2020, section 256J.21, subdivision 5, is amended to read:

17.16 Subd. 5. **Distribution of income.** (a) The income of all members of the assistance unit
17.17 must be counted. Income may also be deemed from ineligible persons to the assistance unit.
17.18 Income must be attributed to the person who earns it or to the assistance unit according to
17.19 paragraphs ~~(a) to~~ (b) and (c).

17.20 ~~(a) Funds distributed from a trust, whether from the principal holdings or sale of trust~~
17.21 ~~property or from the interest and other earnings of the trust holdings, must be considered~~
17.22 ~~income when the income is legally available to an applicant or participant. Trusts are~~
17.23 ~~presumed legally available unless an applicant or participant can document that the trust is~~
17.24 ~~not legally available.~~

17.25 (b) Income from jointly owned property must be divided equally among property owners
17.26 unless the terms of ownership provide for a different distribution.

17.27 (c) Deductions are not allowed from the gross income of a financially responsible
17.28 household member or by the members of an assistance unit to meet a current or prior debt.

17.29 **EFFECTIVE DATE.** This section is effective August 1, 2021.

18.1 Sec. 35. Minnesota Statutes 2020, section 256J.24, subdivision 5, is amended to read:

18.2 Subd. 5. **MFIP transitional standard.** (a) The MFIP transitional standard is based on
18.3 the number of persons in the assistance unit eligible for both food and cash assistance. The
18.4 amount of the transitional standard is published annually by the Department of Human
18.5 Services.

18.6 (b) The amount of the MFIP cash assistance portion of the transitional standard is
18.7 increased \$100 per month per household. This increase shall be reflected in the MFIP cash
18.8 assistance portion of the transitional standard published annually by the commissioner.

18.9 (c) On October 1 of each year beginning in fiscal year 2022, the commissioner of human
18.10 services shall adjust the cash assistance portion under paragraph (a) for inflation based on
18.11 the CPI-U for the prior calendar year."

18.12 Page 14, line 2, before "A" insert "(a)"

18.13 Page 14, line 7, before "A" insert "(b)"

18.14 Page 14, line 11, strike "256J.21"

18.15 Page 14, line 12, strike "and" and before the period, insert ", and 256P.06, subdivision
18.16 1"

18.17 Page 14, line 13, before "This" insert "(c)"

18.18 Page 14, line 14, after the period, insert "Countable" and strike the second "and"

18.19 Page 14, line 15, strike everything before "must"

18.20 Page 14, line 16, after the period, insert "(d)"

18.21 Page 14, delete line 18 and insert:

18.22 "EFFECTIVE DATE. Paragraph (a) is effective March 1, 2023. Paragraph (b) is
18.23 effective March 1, 2023, except the amendment striking section 256J.21 and inserting section
18.24 256P.06 is effective August 1, 2021. Paragraph (c) is effective August 1, 2021, except the
18.25 amendment striking "in a calendar month" is effective March 1, 2023. Paragraph (d) is
18.26 effective March 1, 2023."

18.27 Page 14, after line 25, insert:

18.28 "Sec. 38. Minnesota Statutes 2020, section 256J.33, subdivision 4, is amended to read:

18.29 Subd. 4. **Monthly income test.** A county agency must apply the monthly income test
18.30 retrospectively for each month of MFIP eligibility. An assistance unit is not eligible when

19.1 the countable income equals or exceeds the MFIP standard of need or the family wage level
 19.2 for the assistance unit. The income applied against the monthly income test must include:

19.3 (1) gross earned income from employment as described in chapter 256P, prior to
 19.4 mandatory payroll deductions, voluntary payroll deductions, wage authorizations, and after
 19.5 the disregards in section 256J.21, subdivision 4, and the allocations in section 256J.36;
 19.6 ~~unless the employment income is specifically excluded under section 256J.21, subdivision~~
 19.7 ~~2;~~

19.8 (2) gross earned income from self-employment less deductions for self-employment
 19.9 expenses in section 256J.37, subdivision 5, but prior to any reductions for personal or
 19.10 business state and federal income taxes, personal FICA, personal health and life insurance,
 19.11 and after the disregards in section 256J.21, subdivision 4, and the allocations in section
 19.12 256J.36;

19.13 (3) unearned income as described in section 256P.06, subdivision 3, after deductions
 19.14 for allowable expenses in section 256J.37, subdivision 9, and allocations in section 256J.36;
 19.15 ~~unless the income has been specifically excluded in section 256J.21, subdivision 2;~~

19.16 (4) gross earned income from employment as determined under clause (1) which is
 19.17 received by a member of an assistance unit who is a minor child or minor caregiver and
 19.18 less than a half-time student;

19.19 (5) child support received by an assistance unit, excluded under ~~section 256J.21,~~
 19.20 ~~subdivision 2, clause (49), or~~ section 256P.06, subdivision 3, clause (2), item (xvi);

19.21 (6) spousal support received by an assistance unit;

19.22 (7) the income of a parent when that parent is not included in the assistance unit;

19.23 (8) the income of an eligible relative and spouse who seek to be included in the assistance
 19.24 unit; and

19.25 (9) the unearned income of a minor child included in the assistance unit.

19.26 **EFFECTIVE DATE.** This section is effective August 1, 2021.

19.27 Sec. 39. Minnesota Statutes 2020, section 256J.37, subdivision 1, is amended to read:

19.28 Subdivision 1. **Deemed income from ineligible assistance unit members.** The income
 19.29 of ineligible assistance unit members, except individuals identified in section 256J.24,
 19.30 subdivision 3, paragraph (a), clause (1), must be deemed after allowing the following
 19.31 disregards:

20.1 (1) an earned income disregard as determined under section 256P.03;

20.2 (2) all payments made by the ineligible person according to a court order for spousal
20.3 support or the support of children not living in the assistance unit's household; and

20.4 (3) an amount for the unmet needs of the ineligible persons who live in the household
20.5 who, if eligible, would be assistance unit members under section 256J.24, subdivision 2 or
20.6 4, paragraph (b). This amount is equal to the difference between the MFIP transitional
20.7 standard when the ineligible persons are included in the assistance unit and the MFIP
20.8 transitional standard when the ineligible persons are not included in the assistance unit.

20.9 **EFFECTIVE DATE.** This section is effective August 1, 2021.

20.10 Sec. 40. Minnesota Statutes 2020, section 256J.37, subdivision 1b, is amended to read:

20.11 Subd. 1b. **Deemed income from parents of minor caregivers.** In households where
20.12 minor caregivers live with a parent or parents or a stepparent who do not receive MFIP for
20.13 themselves or their minor children, the income of the parents or a stepparent must be deemed
20.14 after allowing the following disregards:

20.15 (1) income of the parents equal to 200 percent of the federal poverty guideline for a
20.16 family size not including the minor parent and the minor parent's child in the household
20.17 ~~according to section 256J.21, subdivision 2, clause (43); and~~

20.18 (2) all payments made by parents according to a court order for spousal support or the
20.19 support of children not living in the parent's household.

20.20 **EFFECTIVE DATE.** This section is effective August 1, 2021."

20.21 Page 15, line 31, after the period, insert "All payments made through the MFIP
20.22 consolidated fund to support a caregiver's pursuit of greater economic stability does not
20.23 count when determining a family's available income."

20.24 Page 15, after line 32, insert:

20.25 "Sec. 44. Minnesota Statutes 2020, section 256J.95, subdivision 9, is amended to read:

20.26 Subd. 9. **Property and income limitations.** The asset limits and exclusions in section
20.27 256P.02 apply to applicants and participants of DWP. All payments, ~~unless excluded in~~
20.28 ~~section 256J.21~~ as described in section 256P.06, subdivision 3, must be counted as income
20.29 to determine eligibility for the diversionary work program. The agency shall treat income
20.30 as outlined in section 256J.37, except for subdivision 3a. The initial income test and the

21.1 disregards in section 256J.21, subdivision 3, shall be followed for determining eligibility
21.2 for the diversionary work program.

21.3 **EFFECTIVE DATE.** This section is effective August 1, 2021."

21.4 Page 20, after line 28, insert:

21.5 "Sec. 49. Minnesota Statutes 2020, section 256P.01, subdivision 3, is amended to read:

21.6 Subd. 3. **Earned income.** "Earned income" means ~~cash or in-kind~~ income earned through
21.7 the receipt of wages, salary, commissions, bonuses, tips, gratuities, profit from employment
21.8 activities, net profit from self-employment activities, payments made by an employer for
21.9 regularly accrued vacation or sick leave, severance pay based on accrued leave time,
21.10 ~~payments from training programs at a rate at or greater than the state's minimum wage,~~
21.11 royalties, honoraria, or other profit from activity that results from the client's work, ~~service,~~
21.12 effort, or labor for purposes other than student financial assistance, rehabilitation programs,
21.13 student training programs, or service programs such as AmeriCorps. The income must be
21.14 in return for, or as a result of, legal activity.

21.15 **EFFECTIVE DATE.** This section is effective August 1, 2021."

21.16 Page 21, line 16, strike "clause (7)" and insert "clauses (8) and (9)"

21.17 Page 21, line 22, before the period, insert ", except for paragraph (b), which is effective
21.18 July 1, 2021"

21.19 Page 22, after line 3, insert:

21.20 "Sec. 53. Minnesota Statutes 2020, section 256P.06, subdivision 2, is amended to read:

21.21 Subd. 2. ~~Exempted individuals~~ **Exemptions.** (a) The following members of an assistance
21.22 unit under chapters 119B and 256J are exempt from having their earned income count
21.23 ~~towards~~ toward the income of an assistance unit:

21.24 (1) children under six years old;

21.25 (2) caregivers under 20 years of age enrolled at least half-time in school; and

21.26 (3) minors enrolled in school full time.

21.27 (b) The following members of an assistance unit are exempt from having their earned
21.28 ~~and unearned income count towards~~ toward the income of an assistance unit for 12
21.29 consecutive calendar months, beginning the month following the marriage date, for benefits

22.1 under chapter 256J if the household income does not exceed 275 percent of the federal
22.2 poverty guideline:

22.3 (1) a new spouse to a caretaker in an existing assistance unit; and

22.4 (2) the spouse designated by a newly married couple, both of whom were already
22.5 members of an assistance unit under chapter 256J.

22.6 (c) If members identified in paragraph (b) also receive assistance under section 119B.05,
22.7 they are exempt from having their earned and unearned income count ~~towards~~ toward the
22.8 income of the assistance unit if the household income prior to the exemption does not exceed
22.9 67 percent of the state median income for recipients for 26 consecutive biweekly periods
22.10 beginning the second biweekly period after the marriage date.

22.11 (d) For individuals who are members of an assistance unit under chapters 256I and 256J,
22.12 the assistance standard effective in January 2020 for a household of one under chapter 256J
22.13 shall be counted as income under chapter 256I, and any subsequent increases to unearned
22.14 income under chapter 256J shall be exempt."

22.15 Page 23, line 8, strike "and"

22.16 Page 23, line 9, strike the period and insert "; and"

22.17 Page 23, after line 9, insert:

22.18 "(xvii) workers' compensation."

22.19 Page 23, line 11, before the period, insert "and subdivision 3, clause (2), item (xvii),
22.20 which is effective August 1, 2021"

22.21 Page 29, delete section 36 and insert:

22.22 "Sec. 58. Minnesota Statutes 2020, section 260.012, is amended to read:

22.23 **260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY**
22.24 **REUNIFICATION; REASONABLE EFFORTS.**

22.25 (a) Once a child alleged to be in need of protection or services is under the court's
22.26 jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate
22.27 services and actions, by the social services agency are made to prevent placement or to
22.28 eliminate the need for removal and to reunite the child with the child's family at the earliest
22.29 possible time, and the court must ensure that the responsible social services agency makes
22.30 reasonable efforts to finalize an alternative permanent plan for the child as provided in
22.31 paragraph (e). In determining reasonable efforts to be made with respect to a child and in

23.1 making those reasonable efforts, the child's best interests, health, and safety must be of
23.2 paramount concern. Reasonable efforts to prevent placement and for rehabilitation and
23.3 reunification are always required except upon a determination by the court that a petition
23.4 has been filed stating a prima facie case that:

23.5 (1) the parent has subjected a child to egregious harm as defined in section 260C.007,
23.6 subdivision 14;

23.7 (2) the parental rights of the parent to another child have been terminated involuntarily;

23.8 (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph
23.9 (a), clause (2);

23.10 (4) the parent's custodial rights to another child have been involuntarily transferred to a
23.11 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d),
23.12 clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction;

23.13 (5) the parent has committed sexual abuse as defined in section 260E.03, against the
23.14 child or another child of the parent;

23.15 (6) the parent has committed an offense that requires registration as a predatory offender
23.16 under section 243.166, subdivision 1b, paragraph (a) or (b); or

23.17 (7) the provision of services or further services for the purpose of reunification is futile
23.18 and therefore unreasonable under the circumstances.

23.19 (b) When the court makes one of the prima facie determinations under paragraph (a),
23.20 either permanency pleadings under section 260C.505, or a termination of parental rights
23.21 petition under sections 260C.141 and 260C.301 must be filed. A permanency hearing under
23.22 sections 260C.503 to 260C.521 must be held within 30 days of this determination.

23.23 (c) In the case of an Indian child, in proceedings under sections 260B.178, 260C.178,
23.24 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, the juvenile court
23.25 must make findings and conclusions consistent with the Indian Child Welfare Act of 1978,
23.26 United States Code, title 25, section 1901 et seq., as to the provision of active efforts. In
23.27 cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section
23.28 1901, the responsible social services agency must provide active efforts as required under
23.29 United States Code, title 25, section 1911(d).

23.30 (d) "Reasonable efforts to prevent placement" means:

23.31 (1) the agency has made reasonable efforts to prevent the placement of the child in foster
23.32 care by working with the family to develop and implement a safety plan that is individualized

24.1 to the needs of the child and the child's family and may include support persons from the
 24.2 child's extended family, kin network, and community; or

24.3 (2) the agency has demonstrated to the court that, given the particular circumstances of
 24.4 the child and family at the time of the child's removal, there are no services or efforts
 24.5 available which could allow the child to safely remain in the home.

24.6 (e) "Reasonable efforts to finalize a permanent plan for the child" means due diligence
 24.7 by the responsible social services agency to:

24.8 (1) reunify the child with the parent or guardian from whom the child was removed;

24.9 (2) assess a noncustodial parent's ability to provide day-to-day care for the child and,
 24.10 where appropriate, provide services necessary to enable the noncustodial parent to safely
 24.11 provide the care, as required by section 260C.219;

24.12 (3) conduct a relative search to identify and provide notice to adult relatives, and engage
 24.13 the relatives in case planning and the child's placement, as required under section 260C.221;

24.14 (4) consider placing the child with relatives and important friends in the order specified
 24.15 in section 260C.212, subdivision 2, paragraph (a);

24.16 ~~(4)~~ (5) place siblings removed from their home in the same home for foster care or
 24.17 adoption, or transfer permanent legal and physical custody to a relative. Visitation between
 24.18 siblings who are not in the same foster care, adoption, or custodial placement or facility
 24.19 shall be consistent with section 260C.212, subdivision 2; and

24.20 ~~(5)~~ (6) when the child cannot return to the parent or guardian from whom the child was
 24.21 removed, to plan for and finalize a safe and legally permanent alternative home for the child,
 24.22 and considers permanent alternative homes for the child inside or outside of the state,
 24.23 preferably with a relative or important friend in the order specified in section 260C.212,
 24.24 subdivision 2, paragraph (a), through adoption or transfer of permanent legal and physical
 24.25 custody of the child.

24.26 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible
 24.27 social services agency to use culturally appropriate and available services to meet the
 24.28 individualized needs of the child and the child's family. Services may include those provided
 24.29 by the responsible social services agency and other culturally appropriate services available
 24.30 in the community. The responsible social services agency must select services for a child
 24.31 and the child's family by collaborating with the child's family and, if appropriate, the child.
 24.32 At each stage of the proceedings ~~where~~ when the court is required to review the
 24.33 appropriateness of the responsible social services agency's reasonable efforts as described

25.1 in paragraphs (a), (d), and (e), the social services agency has the burden of demonstrating
25.2 that:

25.3 (1) ~~the agency~~ has made reasonable efforts to prevent placement of the child in foster
25.4 care, including that the agency considered or established a safety plan according to paragraph
25.5 (d), clause (1);

25.6 (2) ~~the agency~~ has made reasonable efforts to eliminate the need for removal of the
25.7 child from the child's home and to reunify the child with the child's family at the earliest
25.8 possible time;

25.9 (3) the agency has made reasonable efforts to finalize a permanent plan for the child
25.10 pursuant to paragraph (e);

25.11 ~~(3) (4)~~ the agency has made reasonable efforts to finalize an alternative permanent
25.12 home for the child, and ~~considers~~ considered permanent alternative homes for the child
25.13 ~~inside or outside~~ in or out of the state, preferably with a relative or important friend in the
25.14 order specified in section 260C.212, subdivision 2, paragraph (a); or

25.15 ~~(4)~~ (5) reasonable efforts to prevent placement and to reunify the child with the parent
25.16 or guardian are not required. The agency may meet this burden by stating facts in a sworn
25.17 petition filed under section 260C.141, by filing an affidavit summarizing the agency's
25.18 reasonable efforts or facts that the agency believes demonstrate that there is no need for
25.19 reasonable efforts to reunify the parent and child, or through testimony or a certified report
25.20 required under juvenile court rules.

25.21 (g) Once the court determines that reasonable efforts for reunification are not required
25.22 because the court has made one of the prima facie determinations under paragraph (a), the
25.23 court may only require the agency to make reasonable efforts for reunification after a hearing
25.24 according to section 260C.163, ~~where~~ if the court finds that there is not clear and convincing
25.25 evidence of the facts upon which the court based its prima facie determination. ~~In this case~~
25.26 ~~when~~ If there is clear and convincing evidence that the child is in need of protection or
25.27 services, the court may find the child in need of protection or services and order any of the
25.28 dispositions available under section 260C.201, subdivision 1. Reunification of a child with
25.29 a parent is not required if the parent has been convicted of:

25.30 (1) a violation of, or an attempt or conspiracy to commit a violation of, sections 609.185
25.31 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the parent;

25.32 (2) a violation of section 609.222, subdivision 2; or 609.223, in regard to the child;

26.1 (3) a violation of, or an attempt or conspiracy to commit a violation of, United States
26.2 Code, title 18, section 1111(a) or 1112(a), in regard to another child of the parent;

26.3 (4) committing sexual abuse as defined in section 260E.03, against the child or another
26.4 child of the parent; or

26.5 (5) an offense that requires registration as a predatory offender under section 243.166,
26.6 subdivision 1b, paragraph (a) or (b).

26.7 (h) The juvenile court, in proceedings under sections 260B.178, 260C.178, 260C.201,
26.8 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, shall make findings and
26.9 conclusions as to the provision of reasonable efforts. When determining whether reasonable
26.10 efforts have been made by the agency, the court shall consider whether services to the child
26.11 and family were:

26.12 (1) selected in collaboration with the child's family and, if appropriate, the child;

26.13 (2) tailored to the individualized needs of the child and child's family;

26.14 ~~(1)~~ (3) relevant to the safety and, protection, and well-being of the child;

26.15 ~~(2)~~ (4) adequate to meet the individualized needs of the child and family;

26.16 ~~(3)~~ (5) culturally appropriate;

26.17 ~~(4)~~ (6) available and accessible;

26.18 ~~(5)~~ (7) consistent and timely; and

26.19 ~~(6)~~ (8) realistic under the circumstances.

26.20 In the alternative, the court may determine that provision of services or further services for
26.21 the purpose of rehabilitation is futile and therefore unreasonable under the circumstances
26.22 or that reasonable efforts are not required as provided in paragraph (a).

26.23 (i) This section does not prevent out-of-home placement for treatment of a child with a
26.24 mental disability when it is determined to be medically necessary as a result of the child's
26.25 diagnostic assessment or individual treatment plan indicates that appropriate and necessary
26.26 treatment cannot be effectively provided outside of a residential or inpatient treatment
26.27 program and the level or intensity of supervision and treatment cannot be effectively and
26.28 safely provided in the child's home or community and it is determined that a residential
26.29 treatment setting is the least restrictive setting that is appropriate to the needs of the child.

26.30 (j) If continuation of reasonable efforts to prevent placement or reunify the child with
26.31 the parent or guardian from whom the child was removed is determined by the court to be

27.1 inconsistent with the permanent plan for the child or upon the court making one of the prima
27.2 facie determinations under paragraph (a), reasonable efforts must be made to place the child
27.3 in a timely manner in a safe and permanent home and to complete whatever steps are
27.4 necessary to legally finalize the permanent placement of the child.

27.5 (k) Reasonable efforts to place a child for adoption or in another permanent placement
27.6 may be made concurrently with reasonable efforts to prevent placement or to reunify the
27.7 child with the parent or guardian from whom the child was removed. When the responsible
27.8 social services agency decides to concurrently make reasonable efforts for both reunification
27.9 and permanent placement away from the parent under paragraph (a), the agency shall disclose
27.10 its decision and both plans for concurrent reasonable efforts to all parties and the court.
27.11 When the agency discloses its decision to proceed ~~on~~ with both plans for reunification and
27.12 permanent placement away from the parent, the court's review of the agency's reasonable
27.13 efforts shall include the agency's efforts under both plans.

27.14 Sec. 59. Minnesota Statutes 2020, section 260C.151, subdivision 6, is amended to read:

27.15 Subd. 6. **Immediate custody.** If the court makes individualized, explicit findings, based
27.16 on the notarized petition or sworn affidavit, that there are reasonable grounds to believe
27.17 that the child is in surroundings or conditions which that endanger the child's health, safety,
27.18 or welfare that require that responsibility for the child's care and custody be immediately
27.19 assumed by the responsible social services agency and that continuation of the child in the
27.20 custody of the parent or guardian is contrary to the child's welfare, the court may order that
27.21 the officer serving the summons take the child into immediate custody for placement of the
27.22 child in foster care, preferably with a relative or important friend. In ordering that
27.23 responsibility for the care, custody, and control of the child be assumed by the responsible
27.24 social services agency, the court is ordering emergency protective care as that term is defined
27.25 in the juvenile court rules.

27.26 Sec. 60. Minnesota Statutes 2020, section 260C.152, subdivision 5, is amended to read:

27.27 Subd. 5. **Notice to foster parents and preadoptive parents and relatives.** The foster
27.28 parents, if any, of a child and any preadoptive parent or relative providing care for the child
27.29 must be provided notice of and a right to be heard in any review or hearing to be held with
27.30 respect to the child. Any other relative may also request, and must be granted, a notice and
27.31 the opportunity right to be heard under this section. This subdivision does not require that
27.32 a foster parent, preadoptive parent, or relative providing care for the child be made a party
27.33 to a review or hearing solely on the basis of the notice and right to be heard.

28.1 Sec. 61. Minnesota Statutes 2020, section 260C.175, subdivision 2, is amended to read:

28.2 Subd. 2. **Notice to parent or custodian and child; emergency placement with relative**
28.3 **or designated caregiver.** ~~Whenever~~ (a) At the time that a peace officer takes a child into
28.4 custody for relative placement or shelter care or relative placement pursuant to subdivision
28.5 1, section 260C.151, subdivision 5, or section 260C.154, the officer shall notify the child's
28.6 parent or custodian, and the child, if appropriate, that under section 260C.181, subdivision
28.7 2, the parent or custodian, or the child, if reasonably able to express a preference, may
28.8 request that the child be placed with a relative or a designated caregiver under chapter 257A
28.9 instead of in a shelter care facility. A peace officer shall make this notification:

28.10 (1) at the time that the officer takes the child into custody; and

28.11 (2) before placing the child in a shelter facility.

28.12 If a parent or custodian is not physically present at the time that a peace officer removes a
28.13 child from a residence, the officer shall notify the child's parent or custodian as soon as
28.14 possible after the child's placement. The officer shall consider a child's placement request
28.15 prior to considering a parent or custodian's placement request. When considering a parent,
28.16 custodian, or child's placement request, the child's physical and emotional safety and
28.17 well-being shall be the officer's paramount considerations.

28.18 (b) If, at the time of notification, the parent or custodian, or child, if appropriate, requests
28.19 to place the child with a specific relative or designated caregiver under chapter 257A, the
28.20 officer shall obtain the name and physical location of the relative or designated caregiver.
28.21 If the peace officer determines that there is a safety risk to the child in the home of the
28.22 relative or designated caregiver, the officer shall take the child to the home of a different
28.23 relative or designated caregiver, if available, or to a shelter care facility.

28.24 (c) The officer also shall give the parent or custodian of the child a list of names,
28.25 addresses, and telephone numbers of social services agencies that offer child welfare services.
28.26 If the parent or custodian was not present when the child was removed from the residence,
28.27 the list shall be left with an adult on the premises or left in a conspicuous place on the
28.28 premises if no adult is present. If the officer has reason to believe the parent or custodian
28.29 is not able to read and understand English, the officer must provide a list that is written in
28.30 the language of the parent or custodian. The list shall be prepared by the commissioner of
28.31 human services. The commissioner shall prepare lists for each county and provide each
28.32 county with copies of the list without charge. The list shall be reviewed annually by the
28.33 commissioner and updated if it is no longer accurate. Neither the commissioner nor any
28.34 peace officer or the officer's employer shall be liable to any person for mistakes or omissions

29.1 in the list. The list does not constitute a promise that any agency listed will ~~in fact~~ assist the
29.2 parent or custodian.

29.3 Sec. 62. Minnesota Statutes 2020, section 260C.176, subdivision 2, is amended to read:

29.4 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision
29.5 1, the person taking the child into custody shall notify the court as soon as possible of the
29.6 detention of the child and the reasons for detention.

29.7 (b) No child taken into custody and placed in a relative's home or shelter care facility
29.8 ~~or relative's home~~ by a peace officer pursuant to section 260C.175, subdivision 1, clause
29.9 (1) or (2), item (ii), may be held in custody longer than 72 hours, excluding Saturdays,
29.10 Sundays and holidays, unless a petition has been filed and the judge or referee determines
29.11 pursuant to section 260C.178 that the child shall remain in custody or unless the court has
29.12 made a finding of domestic abuse perpetrated by a minor after a hearing under Laws 1997,
29.13 chapter 239, article 10, sections 2 to 26, in which case the court may extend the period of
29.14 detention for an additional seven days, within which time the social services agency shall
29.15 conduct an assessment and shall provide recommendations to the court regarding voluntary
29.16 services or file a child in need of protection or services petition.

29.17 Sec. 63. Minnesota Statutes 2020, section 260C.178, subdivision 1, is amended to read:

29.18 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody
29.19 under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a
29.20 hearing within 72 hours of the time that the child was taken into custody, excluding
29.21 Saturdays, Sundays, and holidays, to determine whether the child should continue to be in
29.22 custody.

29.23 (b) Unless there is reason to believe that the child would endanger self or others or not
29.24 return for a court hearing, or that the child's health or welfare would be immediately
29.25 endangered, the child shall be released to the custody of a parent, guardian, custodian, or
29.26 other suitable person, subject to reasonable conditions of release including, but not limited
29.27 to, a requirement that the child undergo a chemical use assessment as provided in section
29.28 260C.157, subdivision 1.

29.29 (c) If the court determines that there is reason to believe that the child would endanger
29.30 self or others or not return for a court hearing, or that the child's health or welfare would be
29.31 immediately endangered if returned to the care of the parent or guardian who has custody
29.32 and from whom the child was removed, the court shall order the child to be placed in the
29.33 home of the child's noncustodial parent and order the noncustodial parent to comply with

30.1 any conditions that the court determines appropriate to ensure the safety and care of the
30.2 child, including requiring the noncustodial parent to cooperate with paternity establishment
30.3 proceedings if the alleged parent has not been adjudicated the child's father, or into foster
30.4 care as defined in section 260C.007, subdivision 18, under the legal responsibility of the
30.5 responsible social services agency or responsible probation or corrections agency for the
30.6 purposes of protective care as that term is used in the juvenile court rules or into the home
30.7 of a noneustodial parent and order the noneustodial parent to comply with any conditions
30.8 the court determines to be appropriate to the safety and care of the child, including
30.9 cooperating with paternity establishment proceedings in the case of a man who has not been
30.10 adjudicated the child's father. The court shall not give the responsible social services legal
30.11 custody and order a trial home visit at any time prior to adjudication and disposition under
30.12 section 260C.201, subdivision 1, paragraph (a), clause (3), but may order the child returned
30.13 to the care of the parent or guardian who has custody and from whom the child was removed
30.14 and order the parent or guardian to comply with any conditions the court determines to be
30.15 appropriate to meet the safety, health, and welfare of the child.

30.16 (d) In determining whether the child's health or welfare would be immediately
30.17 endangered, the court shall consider whether the child would reside with a perpetrator of
30.18 domestic child abuse.

30.19 (e) The court, before determining whether a child should be placed in or continue in
30.20 foster care under the protective care of the responsible agency, shall also make a
30.21 determination, consistent with section 260.012 as to whether reasonable efforts were made
30.22 to prevent placement or whether reasonable efforts to prevent placement are not required.
30.23 In the case of an Indian child, the court shall determine whether active efforts, according
30.24 to section 260.762 and the Indian Child Welfare Act of 1978, United States Code, title 25,
30.25 section 1912(d), were made to prevent placement. The court shall enter a finding that the
30.26 responsible social services agency has made reasonable efforts to prevent placement when
30.27 the agency establishes either:

30.28 (1) that it has actually provided services or made efforts in an attempt to prevent the
30.29 child's removal but that such services or efforts have not proven sufficient to permit the
30.30 child to safely remain in the home; or

30.31 (2) that there are no services or other efforts that could be made at the time of the hearing
30.32 that could safely permit the child to remain home or to return home. The court shall not
30.33 make a reasonable efforts determination under this clause unless the court is satisfied that
30.34 the agency has sufficiently demonstrated to the court that there are no services or other
30.35 efforts that the agency could make at the time of the hearing that could safely permit the

31.1 child to remain home or to return home. When reasonable efforts to prevent placement are
31.2 required and there are services or other efforts that could be ordered which would permit
31.3 the child to safely return home, the court shall order the child returned to the care of the
31.4 parent or guardian and the services or efforts put in place to ensure the child's safety. When
31.5 the court makes a prima facie determination that one of the circumstances under paragraph
31.6 (g) exists, the court shall determine that reasonable efforts to prevent placement and to
31.7 return the child to the care of the parent or guardian are not required.

31.8 If the court finds the social services agency's preventive or reunification efforts have not
31.9 been reasonable but further preventive or reunification efforts could not permit the child to
31.10 safely remain at home, the court may nevertheless authorize or continue the removal of the
31.11 child.

31.12 (f) The court may not order or continue the foster care placement of the child unless the
31.13 court makes explicit, individualized findings that continued custody of the child by the
31.14 parent or guardian would be contrary to the welfare of the child and that placement is in the
31.15 best interest of the child.

31.16 (g) At the emergency removal hearing, or at any time during the course of the proceeding,
31.17 and upon notice and request of the county attorney, the court shall determine whether a
31.18 petition has been filed stating a prima facie case that:

31.19 (1) the parent has subjected a child to egregious harm as defined in section 260C.007,
31.20 subdivision 14;

31.21 (2) the parental rights of the parent to another child have been involuntarily terminated;

31.22 (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph
31.23 (a), clause (2);

31.24 (4) the parents' custodial rights to another child have been involuntarily transferred to a
31.25 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e),
31.26 clause (1); section 260C.515, subdivision 4; or a similar law of another jurisdiction;

31.27 (5) the parent has committed sexual abuse as defined in section 260E.03, against the
31.28 child or another child of the parent;

31.29 (6) the parent has committed an offense that requires registration as a predatory offender
31.30 under section 243.166, subdivision 1b, paragraph (a) or (b); or

31.31 (7) the provision of services or further services for the purpose of reunification is futile
31.32 and therefore unreasonable.

32.1 (h) When a petition to terminate parental rights is required under section 260C.301,
32.2 subdivision 4, or 260C.503, subdivision 2, but the county attorney has determined not to
32.3 proceed with a termination of parental rights petition, and has instead filed a petition to
32.4 transfer permanent legal and physical custody to a relative under section 260C.507, the
32.5 court shall schedule a permanency hearing within 30 days of the filing of the petition.

32.6 (i) If the county attorney has filed a petition under section 260C.307, the court shall
32.7 schedule a trial under section 260C.163 within 90 days of the filing of the petition except
32.8 when the county attorney determines that the criminal case shall proceed to trial first under
32.9 section 260C.503, subdivision 2, paragraph (c).

32.10 (j) If the court determines the child should be ordered into foster care and the child's
32.11 parent refuses to give information to the responsible social services agency regarding the
32.12 child's father or relatives of the child, the court may order the parent to disclose the names,
32.13 addresses, telephone numbers, and other identifying information to the responsible social
32.14 services agency for the purpose of complying with sections 260C.150, 260C.151, 260C.212,
32.15 260C.215, 260C.219, and 260C.221.

32.16 (k) If a child ordered into foster care has siblings, whether full, half, or step, who are
32.17 also ordered into foster care, the court shall inquire of the responsible social services agency
32.18 of the efforts to place the children together as required by section 260C.212, subdivision 2,
32.19 paragraph (d), if placement together is in each child's best interests, unless a child is in
32.20 placement for treatment or a child is placed with a previously noncustodial parent who is
32.21 not a parent to all siblings. If the children are not placed together at the time of the hearing,
32.22 the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place
32.23 the siblings together, as required under section 260.012. If any sibling is not placed with
32.24 another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing
32.25 contact among the siblings as required under section 260C.212, subdivision 1, unless it is
32.26 contrary to the safety or well-being of any of the siblings to do so.

32.27 (l) When the court has ordered the child ~~into~~ to be placed in the home of a noncustodial
32.28 parent or in foster care ~~or into the home of a noncustodial parent~~, the court may order a
32.29 chemical dependency evaluation, mental health evaluation, medical examination, and
32.30 parenting assessment for the parent as necessary to support the development of a plan for
32.31 reunification required under subdivision 7 and section 260C.212, subdivision 1, or the child
32.32 protective services plan under section 260E.26, and Minnesota Rules, part 9560.0228.

33.1 Sec. 64. Minnesota Statutes 2020, section 260C.181, subdivision 2, is amended to read:

33.2 Subd. 2. **Least restrictive setting.** Notwithstanding the provisions of subdivision 1, if
33.3 the child had been taken into custody pursuant to section 260C.175, subdivision 1, clause
33.4 (1) or (2), item (ii), and is not alleged to be delinquent, the child shall be detained in the
33.5 least restrictive setting consistent with the child's health and welfare and in closest proximity
33.6 to the child's family as possible. Placement may be with a child's relative, a designated
33.7 caregiver under chapter 257A, or if no placement is available with a relative or designated
33.8 caregiver, in a shelter care facility. The placing officer shall comply with this section and
33.9 shall document why a less restrictive setting will or will not be in the best interests of the
33.10 child for placement purposes.

33.11 Sec. 65. Minnesota Statutes 2020, section 260C.193, subdivision 3, is amended to read:

33.12 Subd. 3. **Best interests of the child.** (a) The policy of the state is to ensure that the best
33.13 interests of children in foster care, who experience transfer of permanent legal and physical
33.14 custody to a relative under section 260C.515, subdivision 4, or adoption under this chapter,
33.15 are met by:

33.16 (1) considering placement with relatives and important friends in the order specified in
33.17 section 260C.212, subdivision 2, paragraph (a); and

33.18 (2) requiring individualized determinations under section 260C.212, subdivision 2,
33.19 paragraph (b), of the needs of the child and of how the selected home will serve the needs
33.20 of the child.

33.21 (b) No later than three months after a child is ordered removed from the care of a parent
33.22 in the hearing required under section 260C.202, the court shall review and enter findings
33.23 regarding whether the responsible social services agency made:

33.24 (1) diligent efforts to identify ~~and~~, search for, notify, and engage relatives as required
33.25 under section 260C.221; and

33.26 (2) a placement consistent with section 260C.212, subdivision 2, that is based on an
33.27 individualized determination as required under section 260C.212, subdivision 2, of the
33.28 child's needs to select a home that meets the needs of the child.

33.29 (c) If the court finds that the agency has not made reasonable efforts as required under
33.30 section 260C.221, ~~and~~ the court shall order the agency to make reasonable efforts. If there
33.31 is a relative who qualifies to be licensed to provide family foster care under chapter 245A,
33.32 the court may order the child to be placed with the relative consistent with the child's best
33.33 interests.

34.1 (d) If the agency's reasonable efforts under section 260C.221 are found by the court to
34.2 be sufficient, the court shall order the agency to continue to appropriately engage relatives
34.3 who responded to the notice under section 260C.221 in placement and case planning decisions
34.4 and to appropriately engage relatives who subsequently come to the agency's attention. A
34.5 court's finding that the agency has made reasonable efforts under this paragraph does not
34.6 relieve the agency of the duty to continue searching for relatives and engaging and
34.7 considering relatives who respond to the notice under section 260C.221 in child placement
34.8 and case planning decisions.

34.9 (e) If the child's birth parent or parents explicitly request that a specific relative or
34.10 important friend not be considered for placement of the child, the court shall honor that
34.11 request if it is consistent with the best interests of the child and consistent with the
34.12 requirements of section 260C.221. The court shall not honor requests to waive relative
34.13 search, notice, and consideration requirements, unless section 260C.139 applies. If the
34.14 child's birth parent or parents express a preference for placing the child in a foster or adoptive
34.15 home of the same or a similar religious background ~~to~~ as that of the birth parent or parents,
34.16 the court shall order placement of the child with an individual who meets the birth parent's
34.17 religious preference.

34.18 (f) Placement of a child cannot be delayed or denied based on race, color, or national
34.19 origin of the foster parent or the child.

34.20 (g) Whenever possible, siblings requiring foster care placement ~~should~~ shall be placed
34.21 together unless it is determined not to be in the best interests of one or more of the siblings
34.22 after weighing the benefits of separate placement against the benefits of sibling connections
34.23 for each sibling. If siblings were not placed together according to section 260C.212,
34.24 subdivision 2, paragraph (d), the responsible social services agency shall report to the court
34.25 the efforts made to place the siblings together and why the efforts were not successful. If
34.26 the court is not satisfied that the agency has made reasonable efforts to place siblings together,
34.27 the court must order the agency to make further reasonable efforts. If siblings are not placed
34.28 together, the court shall order the responsible social services agency to implement the plan
34.29 for visitation among siblings required as part of the out-of-home placement plan under
34.30 section 260C.212.

34.31 (h) This subdivision does not affect the Indian Child Welfare Act, United States Code,
34.32 title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections
34.33 260.751 to 260.835.

35.1 Sec. 66. Minnesota Statutes 2020, section 260C.201, subdivision 1, is amended to read:

35.2 Subdivision 1. **Dispositions.** (a) If the court finds that the child is in need of protection
35.3 or services or neglected and in foster care, ~~the court~~ shall enter an order making any of
35.4 the following dispositions of the case:

35.5 (1) place the child under the protective supervision of the responsible social services
35.6 agency or child-placing agency in the home of a parent of the child under conditions
35.7 prescribed by the court directed to the correction of the child's need for protection or services:

35.8 (i) the court may order the child into the home of a parent who does not otherwise have
35.9 legal custody of the child, however, an order under this section does not confer legal custody
35.10 on that parent;

35.11 (ii) if the court orders the child into the home of a father who is not adjudicated, the
35.12 father must cooperate with paternity establishment proceedings regarding the child in the
35.13 appropriate jurisdiction as one of the conditions prescribed by the court for the child to
35.14 continue in the father's home; and

35.15 (iii) the court may order the child into the home of a noncustodial parent with conditions
35.16 and may also order both the noncustodial and the custodial parent to comply with the
35.17 requirements of a case plan under subdivision 2; or

35.18 (2) transfer legal custody to one of the following:

35.19 (i) a child-placing agency; or

35.20 (ii) the responsible social services agency. In making a foster care placement for a child
35.21 whose custody has been transferred under this subdivision, the agency shall make an
35.22 individualized determination of how the placement is in the child's best interests using the
35.23 placement consideration order for relatives, and the best interest factors in section 260C.212,
35.24 subdivision 2, ~~paragraph (b)~~, and may include a child colocated with a parent in a licensed
35.25 residential family-based substance use disorder treatment program under section 260C.190;
35.26 or

35.27 (3) order a trial home visit without modifying the transfer of legal custody to the
35.28 responsible social services agency under clause (2). Trial home visit means the child is
35.29 returned to the care of the parent or guardian from whom the child was removed for a period
35.30 not to exceed six months. During the period of the trial home visit, the responsible social
35.31 services agency:

36.1 (i) shall continue to have legal custody of the child, which means the agency may see
36.2 the child in the parent's home, at school, in a child care facility, or other setting as the agency
36.3 deems necessary and appropriate;

36.4 (ii) shall continue to have the ability to access information under section 260C.208;

36.5 (iii) shall continue to provide appropriate services to both the parent and the child during
36.6 the period of the trial home visit;

36.7 (iv) without previous court order or authorization, may terminate the trial home visit in
36.8 order to protect the child's health, safety, or welfare and may remove the child to foster care;

36.9 (v) shall advise the court and parties within three days of the termination of the trial
36.10 home visit when a visit is terminated by the responsible social services agency without a
36.11 court order; and

36.12 (vi) shall prepare a report for the court when the trial home visit is terminated whether
36.13 by the agency or court order which describes the child's circumstances during the trial home
36.14 visit and recommends appropriate orders, if any, for the court to enter to provide for the
36.15 child's safety and stability. In the event a trial home visit is terminated by the agency by
36.16 removing the child to foster care without prior court order or authorization, the court shall
36.17 conduct a hearing within ten days of receiving notice of the termination of the trial home
36.18 visit by the agency and shall order disposition under this subdivision or commence
36.19 permanency proceedings under sections 260C.503 to 260C.515. The time period for the
36.20 hearing may be extended by the court for good cause shown and if it is in the best interests
36.21 of the child as long as the total time the child spends in foster care without a permanency
36.22 hearing does not exceed 12 months;

36.23 (4) if the child has been adjudicated as a child in need of protection or services because
36.24 the child is in need of special services or care to treat or ameliorate a physical or mental
36.25 disability or emotional disturbance as defined in section 245.4871, subdivision 15, the court
36.26 may order the child's parent, guardian, or custodian to provide it. The court may order the
36.27 child's health plan company to provide mental health services to the child. Section 62Q.535
36.28 applies to an order for mental health services directed to the child's health plan company.
36.29 If the health plan, parent, guardian, or custodian fails or is unable to provide this treatment
36.30 or care, the court may order it provided. Absent specific written findings by the court that
36.31 the child's disability is the result of abuse or neglect by the child's parent or guardian, the
36.32 court shall not transfer legal custody of the child for the purpose of obtaining special
36.33 treatment or care solely because the parent is unable to provide the treatment or care. If the
36.34 court's order for mental health treatment is based on a diagnosis made by a treatment

37.1 professional, the court may order that the diagnosing professional not provide the treatment
37.2 to the child if it finds that such an order is in the child's best interests; or

37.3 (5) if the court believes that the child has sufficient maturity and judgment and that it is
37.4 in the best interests of the child, the court may order a child 16 years old or older to be
37.5 allowed to live independently, either alone or with others as approved by the court under
37.6 supervision the court considers appropriate, if the county board, after consultation with the
37.7 court, has specifically authorized this dispositional alternative for a child.

37.8 (b) If the child was adjudicated in need of protection or services because the child is a
37.9 runaway or habitual truant, the court may order any of the following dispositions in addition
37.10 to or as alternatives to the dispositions authorized under paragraph (a):

37.11 (1) counsel the child or the child's parents, guardian, or custodian;

37.12 (2) place the child under the supervision of a probation officer or other suitable person
37.13 in the child's own home under conditions prescribed by the court, including reasonable rules
37.14 for the child's conduct and the conduct of the parents, guardian, or custodian, designed for
37.15 the physical, mental, and moral well-being and behavior of the child;

37.16 (3) subject to the court's supervision, transfer legal custody of the child to one of the
37.17 following:

37.18 (i) a reputable person of good moral character. No person may receive custody of two
37.19 or more unrelated children unless licensed to operate a residential program under sections
37.20 245A.01 to 245A.16; or

37.21 (ii) a county probation officer for placement in a group foster home established under
37.22 the direction of the juvenile court and licensed pursuant to section 241.021;

37.23 (4) require the child to pay a fine of up to \$100. The court shall order payment of the
37.24 fine in a manner that will not impose undue financial hardship upon the child;

37.25 (5) require the child to participate in a community service project;

37.26 (6) order the child to undergo a chemical dependency evaluation and, if warranted by
37.27 the evaluation, order participation by the child in a drug awareness program or an inpatient
37.28 or outpatient chemical dependency treatment program;

37.29 (7) if the court believes that it is in the best interests of the child or of public safety that
37.30 the child's driver's license or instruction permit be canceled, the court may order the
37.31 commissioner of public safety to cancel the child's license or permit for any period up to
37.32 the child's 18th birthday. If the child does not have a driver's license or permit, the court

38.1 may order a denial of driving privileges for any period up to the child's 18th birthday. The
38.2 court shall forward an order issued under this clause to the commissioner, who shall cancel
38.3 the license or permit or deny driving privileges without a hearing for the period specified
38.4 by the court. At any time before the expiration of the period of cancellation or denial, the
38.5 court may, for good cause, order the commissioner of public safety to allow the child to
38.6 apply for a license or permit, and the commissioner shall so authorize;

38.7 (8) order that the child's parent or legal guardian deliver the child to school at the
38.8 beginning of each school day for a period of time specified by the court; or

38.9 (9) require the child to perform any other activities or participate in any other treatment
38.10 programs deemed appropriate by the court.

38.11 To the extent practicable, the court shall enter a disposition order the same day it makes
38.12 a finding that a child is in need of protection or services or neglected and in foster care, but
38.13 in no event more than 15 days after the finding unless the court finds that the best interests
38.14 of the child will be served by granting a delay. If the child was under eight years of age at
38.15 the time the petition was filed, the disposition order must be entered within ten days of the
38.16 finding and the court may not grant a delay unless good cause is shown and the court finds
38.17 the best interests of the child will be served by the delay.

38.18 (c) If a child who is 14 years of age or older is adjudicated in need of protection or
38.19 services because the child is a habitual truant and truancy procedures involving the child
38.20 were previously dealt with by a school attendance review board or county attorney mediation
38.21 program under section 260A.06 or 260A.07, the court shall order a cancellation or denial
38.22 of driving privileges under paragraph (b), clause (7), for any period up to the child's 18th
38.23 birthday.

38.24 (d) In the case of a child adjudicated in need of protection or services because the child
38.25 has committed domestic abuse and been ordered excluded from the child's parent's home,
38.26 the court shall dismiss jurisdiction if the court, at any time, finds the parent is able or willing
38.27 to provide an alternative safe living arrangement for the child, as defined in Laws 1997,
38.28 chapter 239, article 10, section 2.

38.29 (e) When a parent has complied with a case plan ordered under subdivision 6 and the
38.30 child is in the care of the parent, the court may order the responsible social services agency
38.31 to monitor the parent's continued ability to maintain the child safely in the home under such
38.32 terms and conditions as the court determines appropriate under the circumstances.

39.1 Sec. 67. Minnesota Statutes 2020, section 260C.201, subdivision 2, is amended to read:

39.2 Subd. 2. **Written findings.** (a) Any order for a disposition authorized under this section
39.3 shall contain written findings of fact to support the disposition and case plan ordered and
39.4 shall also set forth in writing the following information:

39.5 (1) why the best interests and safety of the child are served by the disposition and case
39.6 plan ordered;

39.7 (2) what alternative dispositions or services under the case plan were considered by the
39.8 court and why such dispositions or services were not appropriate in the instant case;

39.9 (3) when legal custody of the child is transferred, the appropriateness of the particular
39.10 placement made or to be made by the placing agency using the relative and sibling placement
39.11 considerations and best interest factors in section 260C.212, subdivision 2, ~~paragraph (b)~~,
39.12 or the appropriateness of a child colocated with a parent in a licensed residential family-based
39.13 substance use disorder treatment program under section 260C.190;

39.14 (4) whether reasonable efforts to finalize the permanent plan for the child consistent
39.15 with section 260.012 were made including reasonable efforts:

39.16 (i) to prevent the child's placement and to reunify the child with the parent or guardian
39.17 from whom the child was removed at the earliest time consistent with the child's safety.
39.18 The court's findings must include a brief description of what preventive and reunification
39.19 efforts were made and why further efforts could not have prevented or eliminated the
39.20 necessity of removal or that reasonable efforts were not required under section 260.012 or
39.21 260C.178, subdivision 1;

39.22 (ii) to identify and locate any noncustodial or nonresident parent of the child and to
39.23 assess such parent's ability to provide day-to-day care of the child, and, where appropriate,
39.24 provide services necessary to enable the noncustodial or nonresident parent to safely provide
39.25 day-to-day care of the child as required under section 260C.219, unless such services are
39.26 not required under section 260.012 or 260C.178, subdivision 1. The court's findings must
39.27 include a description of the agency's efforts to identify and locate any noncustodial or
39.28 nonresident parent of the child and to assess the parent's ability to provide day-to-day care
39.29 of the child and, if appropriate, provide services necessary to enable the noncustodial or
39.30 nonresident parent to safely provide day-to-day care of the child, including efforts to engage
39.31 the noncustodial or nonresident parent in assuming care and responsibility of the child;

39.32 (iii) to make the diligent search for relatives and provide the notices required under
39.33 section 260C.221; a finding made pursuant to a hearing under section 260C.202 that the

40.1 agency has made diligent efforts to conduct a relative search and has appropriately engaged
40.2 relatives who responded to the notice under section 260C.221 and other relatives, who came
40.3 to the attention of the agency after notice under section 260C.221 was sent, in placement
40.4 and case planning decisions fulfills the requirement of this item;

40.5 (iv) to identify and make a foster care placement of the child in the home of ~~an unlicensed~~
40.6 ~~relative, according to the requirements of section 245A.035, a licensed relative~~ a relative
40.7 or important friend in consideration of the order specified under section 260C.212,
40.8 subdivision 2, paragraph (a), or other licensed foster care provider, who will commit to
40.9 being the permanent legal parent or custodian for the child in the event reunification cannot
40.10 occur, but who will actively support the reunification plan for the child. If the court finds
40.11 that the agency has not appropriately considered relatives and important friends for placement
40.12 of the child, the court shall order the agency to comply with section 260C.212, subdivision
40.13 2, paragraph (a). The court may order the agency to continue considering relatives and
40.14 important friends for placement of the child regardless of the child's current placement
40.15 setting; and

40.16 (v) to place siblings together in the same home or to ensure visitation is occurring when
40.17 siblings are separated in foster care placement and visitation is in the siblings' best interests
40.18 under section 260C.212, subdivision 2, paragraph (d); and

40.19 (5) if the child has been adjudicated as a child in need of protection or services because
40.20 the child is in need of special services or care to treat or ameliorate a mental disability or
40.21 emotional disturbance as defined in section 245.4871, subdivision 15, the written findings
40.22 shall also set forth:

40.23 (i) whether the child has mental health needs that must be addressed by the case plan;

40.24 (ii) what consideration was given to the diagnostic and functional assessments performed
40.25 by the child's mental health professional and to health and mental health care professionals'
40.26 treatment recommendations;

40.27 (iii) what consideration was given to the requests or preferences of the child's parent or
40.28 guardian with regard to the child's interventions, services, or treatment; and

40.29 (iv) what consideration was given to the cultural appropriateness of the child's treatment
40.30 or services.

40.31 (b) If the court finds that the social services agency's preventive or reunification efforts
40.32 have not been reasonable but that further preventive or reunification efforts could not permit

41.1 the child to safely remain at home, the court may nevertheless authorize or continue the
41.2 removal of the child.

41.3 (c) If the child has been identified by the responsible social services agency as the subject
41.4 of concurrent permanency planning, the court shall review the reasonable efforts of the
41.5 agency to develop a permanency plan for the child that includes a primary plan which is
41.6 for reunification with the child's parent or guardian and a secondary plan which is for an
41.7 alternative, legally permanent home for the child in the event reunification cannot be achieved
41.8 in a timely manner.

41.9 Sec. 68. Minnesota Statutes 2020, section 260C.202, is amended to read:

41.10 **260C.202 COURT REVIEW OF FOSTER CARE.**

41.11 (a) If the court orders a child placed in foster care, the court shall review the out-of-home
41.12 placement plan and the child's placement at least every 90 days as required in juvenile court
41.13 rules to determine whether continued out-of-home placement is necessary and appropriate
41.14 or whether the child should be returned home. This review is not required if the court has
41.15 returned the child home, ordered the child permanently placed away from the parent under
41.16 sections 260C.503 to 260C.521, or terminated rights under section 260C.301. Court review
41.17 for a child permanently placed away from a parent, including where the child is under
41.18 guardianship of the commissioner, shall be governed by section 260C.607. When a child
41.19 is placed in a qualified residential treatment program setting as defined in section 260C.007,
41.20 subdivision 26d, the responsible social services agency must submit evidence to the court
41.21 as specified in section 260C.712.

41.22 (b) No later than three months after the child's placement in foster care, the court shall
41.23 review agency efforts to search for and notify relatives pursuant to section 260C.221, and
41.24 order that the agency's efforts begin immediately, or continue, if the agency has failed to
41.25 perform, or has not adequately performed, the duties under that section. The court must
41.26 order the agency to continue to appropriately engage relatives who responded to the notice
41.27 under section 260C.221 in placement and case planning decisions, and to continue to consider
41.28 relatives for foster care placement unless the court has ruled out a specific relative from
41.29 foster care placement. Notwithstanding a court's finding that the agency has made reasonable
41.30 efforts to search for and notify relatives under section 260C.221, the court may order the
41.31 agency to continue making reasonable efforts to search for, notify, engage other, and consider
41.32 relatives who came to the agency's attention after sending the initial notice under section
41.33 260C.221 was sent.

42.1 (c) The court shall review the out-of-home placement plan and may modify the plan as
42.2 provided under section 260C.201, subdivisions 6 and 7.

42.3 (d) When the court ~~orders transfer of~~ transfers custody of a child to a responsible social
42.4 services agency resulting in foster care or protective supervision with a noncustodial parent
42.5 under subdivision 1, the court shall notify the parents of the provisions of sections 260C.204
42.6 and 260C.503 to 260C.521, as required under juvenile court rules.

42.7 (e) When a child remains in or returns to foster care pursuant to section 260C.451 and
42.8 the court has jurisdiction pursuant to section 260C.193, subdivision 6, paragraph (c), the
42.9 court shall at least annually conduct the review required under section 260C.203.

42.10 Sec. 69. Minnesota Statutes 2020, section 260C.203, is amended to read:

42.11 **260C.203 ADMINISTRATIVE OR COURT REVIEW OF PLACEMENTS.**

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

42.23 (b) As an alternative to the administrative review required in paragraph (a), the court
42.24 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection
42.25 Procedure, conduct a hearing to monitor and update the out-of-home placement plan pursuant
42.26 to the procedure and standard in section 260C.201, subdivision 6, paragraph (d). The party
42.27 requesting review of the out-of-home placement plan shall give parties to the proceeding
42.28 notice of the request to review and update the out-of-home placement plan. A court review
42.29 conducted pursuant to section 260C.141, subdivision 2; 260C.193; 260C.201, subdivision
42.30 1; 260C.202; 260C.204; 260C.317; or 260D.06 shall satisfy the requirement for the review
42.31 so long as the other requirements of this section are met.

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

- 43.1 (1) the safety, permanency needs, and well-being of the child;
- 43.2 (2) the continuing necessity for and appropriateness of the placement, including whether
- 43.3 the placement is consistent with the child's best interests and relative and sibling placement
- 43.4 considerations under section 260C.212, subdivision 2;
- 43.5 (3) the extent of compliance with the out-of-home placement plan, including services
- 43.6 and resources that the agency has provided to the child and child's parents, services and
- 43.7 resources that other agencies and individuals have provided to the child and child's parents,
- 43.8 and whether the out-of-home placement plan is individualized to the needs of the child and
- 43.9 child's parents;
- 43.10 (4) the extent of progress that has been made toward alleviating or mitigating the causes
- 43.11 necessitating placement in foster care;
- 43.12 (5) the projected date by which the child may be returned to and safely maintained in
- 43.13 the home or placed permanently away from the care of the parent or parents or guardian;
- 43.14 and
- 43.15 (6) the appropriateness of the services provided to the child.
- 43.16 (d) When a child is age 14 or older:
- 43.17 (1) in addition to any administrative review conducted by the responsible social services
- 43.18 agency, at the in-court review required under section 260C.317, subdivision 3, clause (3),
- 43.19 or 260C.515, subdivision 5 or 6, the court shall review the independent living plan required
- 43.20 under section 260C.212, subdivision 1, paragraph (c), clause (12), and the provision of
- 43.21 services to the child related to the well-being of the child as the child prepares to leave foster
- 43.22 care. The review shall include the actual plans related to each item in the plan necessary to
- 43.23 the child's future safety and well-being when the child is no longer in foster care; and
- 43.24 (2) consistent with the requirements of the independent living plan, the court shall review
- 43.25 progress toward or accomplishment of the following goals:
- 43.26 (i) the child has obtained a high school diploma or its equivalent;
- 43.27 (ii) the child has completed a driver's education course or has demonstrated the ability
- 43.28 to use public transportation in the child's community;
- 43.29 (iii) the child is employed or enrolled in postsecondary education;
- 43.30 (iv) the child has applied for and obtained postsecondary education financial aid for
- 43.31 which the child is eligible;

44.1 (v) the child has health care coverage and health care providers to meet the child's
44.2 physical and mental health needs;

44.3 (vi) the child has applied for and obtained disability income assistance for which the
44.4 child is eligible;

44.5 (vii) the child has obtained affordable housing with necessary supports, which does not
44.6 include a homeless shelter;

44.7 (viii) the child has saved sufficient funds to pay for the first month's rent and a damage
44.8 deposit;

44.9 (ix) the child has an alternative affordable housing plan, which does not include a
44.10 homeless shelter, if the original housing plan is unworkable;

44.11 (x) the child, if male, has registered for the Selective Service; and

44.12 (xi) the child has a permanent connection to a caring adult.

44.13 Sec. 70. Minnesota Statutes 2020, section 260C.204, is amended to read:

44.14 **260C.204 PERMANENCY PROGRESS REVIEW FOR CHILDREN IN FOSTER**
44.15 **CARE FOR SIX MONTHS.**

44.16 (a) When a child continues in placement out of the home of the parent or guardian from
44.17 whom the child was removed, no later than six months after the child's placement the court
44.18 shall conduct a permanency progress hearing to review:

44.19 (1) the progress of the case, the parent's progress on the case plan or out-of-home
44.20 placement plan, whichever is applicable;

44.21 (2) the agency's reasonable, or in the case of an Indian child, active efforts for
44.22 reunification and its provision of services;

44.23 (3) the agency's reasonable efforts to finalize the permanent plan for the child under
44.24 section 260.012, paragraph (e), and to make a placement as required under section 260C.212,
44.25 subdivision 2, in a home that will commit to being the legally permanent family for the
44.26 child in the event the child cannot return home according to the timelines in this section;
44.27 and

44.28 (4) in the case of an Indian child, active efforts to prevent the breakup of the Indian
44.29 family and to make a placement according to the placement preferences under United States
44.30 Code, title 25, chapter 21, section 1915.

45.1 (b) When a child is placed in a qualified residential treatment program setting as defined
45.2 in section 260C.007, subdivision 26d, the responsible social services agency must submit
45.3 evidence to the court as specified in section 260C.712.

45.4 (c) The court shall ensure that notice of the hearing is sent to any relative who:

45.5 (1) responded to the agency's notice provided under section 260C.221, indicating an
45.6 interest in participating in planning for the child or being a permanency resource for the
45.7 child and who has kept the court apprised of the relative's address; or

45.8 (2) asked to be notified of court proceedings regarding the child as is permitted in section
45.9 260C.152, subdivision 5.

45.10 (d)(1) If the parent or guardian has maintained contact with the child and is complying
45.11 with the court-ordered out-of-home placement plan, and if the child would benefit from
45.12 reunification with the parent, the court may either:

45.13 (i) return the child home, if the conditions which led to the out-of-home placement have
45.14 been sufficiently mitigated that it is safe and in the child's best interests to return home; or

45.15 (ii) continue the matter up to a total of six additional months. If the child has not returned
45.16 home by the end of the additional six months, the court must conduct a hearing according
45.17 to sections 260C.503 to 260C.521.

45.18 (2) If the court determines that the parent or guardian is not ~~complying~~ making progress
45.19 on or engaging with services in the out-of-home placement plan, or is not maintaining
45.20 regular contact with the child as outlined in the visitation plan required as part of the
45.21 out-of-home placement plan under section 260C.212, the court may order the responsible
45.22 social services agency:

45.23 (i) to develop a plan for legally permanent placement of the child away from the parent;

45.24 (ii) to consider, identify, recruit, and support one or more permanency resources from
45.25 the child's relatives and foster parent, consistent with section 260C.212, subdivision 2,
45.26 paragraph (a), to be the legally permanent home in the event the child cannot be returned
45.27 to the parent. Any relative or the child's foster parent may ask the court to order the agency
45.28 to consider them for permanent placement of the child in the event the child cannot be
45.29 returned to the parent. A relative or foster parent who wants to be considered under this
45.30 item shall cooperate with the background study required under section 245C.08, if the
45.31 individual has not already done so, and with the home study process required under chapter
45.32 245A for providing child foster care and for adoption under section 259.41. The home study
45.33 referred to in this item shall be a single-home study in the form required by the commissioner

46.1 of human services or similar study required by the individual's state of residence when the
 46.2 subject of the study is not a resident of Minnesota. The court may order the responsible
 46.3 social services agency to make a referral under the Interstate Compact on the Placement of
 46.4 Children when necessary to obtain a home study for an individual who wants to be considered
 46.5 for transfer of permanent legal and physical custody or adoption of the child; and

46.6 (iii) to file a petition to support an order for the legally permanent placement plan.

46.7 (e) Following the review under this section:

46.8 (1) if the court has either returned the child home or continued the matter up to a total
 46.9 of six additional months, the agency shall continue to provide services to support the child's
 46.10 return home or to make reasonable efforts to achieve reunification of the child and the parent
 46.11 as ordered by the court under an approved case plan;

46.12 (2) if the court orders the agency to develop a plan for the transfer of permanent legal
 46.13 and physical custody of the child to a relative, a petition supporting the plan shall be filed
 46.14 in juvenile court within 30 days of the hearing required under this section and a trial on the
 46.15 petition held within 60 days of the filing of the pleadings; or

46.16 (3) if the court orders the agency to file a termination of parental rights, unless the county
 46.17 attorney can show cause why a termination of parental rights petition should not be filed,
 46.18 a petition for termination of parental rights shall be filed in juvenile court within 30 days
 46.19 of the hearing required under this section and a trial on the petition held within 60 days of
 46.20 the filing of the petition.

46.21 Sec. 71. Minnesota Statutes 2020, section 260C.212, subdivision 1, is amended to read:

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

46.26 (b) An out-of-home placement plan means a written document ~~which~~ individualized to
 46.27 the needs of the child and the child's parents or guardians that is prepared by the responsible
 46.28 social services agency jointly with the parent or parents or guardian of the child the child's
 46.29 parents or guardians and in consultation with the child's guardian ad litem; the child's tribe,
 46.30 if the child is an Indian child; the child's foster parent or representative of the foster care
 46.31 facility; and, where appropriate, the child. When a child is age 14 or older, the child may
 46.32 include two other individuals on the team preparing the child's out-of-home placement plan.
 46.33 The child may select one member of the case planning team to be designated as the child's

47.1 advisor and to advocate with respect to the application of the reasonable and prudent
47.2 parenting standards. The responsible social services agency may reject an individual selected
47.3 by the child if the agency has good cause to believe that the individual would not act in the
47.4 best interest of the child. For a child in voluntary foster care for treatment under chapter
47.5 260D, preparation of the out-of-home placement plan shall additionally include the child's
47.6 mental health treatment provider. For a child 18 years of age or older, the responsible social
47.7 services agency shall involve the child and the child's parents as appropriate. As appropriate,
47.8 the plan shall be:

47.9 (1) submitted to the court for approval under section 260C.178, subdivision 7;

47.10 (2) ordered by the court, either as presented or modified after hearing, under section
47.11 260C.178, subdivision 7, or 260C.201, subdivision 6; and

47.12 (3) signed by the parent or parents or guardian of the child, the child's guardian ad litem,
47.13 a representative of the child's tribe, the responsible social services agency, and, if possible,
47.14 the child.

47.15 (c) The out-of-home placement plan shall be explained by the responsible social services
47.16 agency to all persons involved in its implementation, including the child who has signed
47.17 the plan, and shall set forth:

47.18 (1) a description of the foster care home or facility selected, including how the agency
47.19 considered relatives and important friends for placement; how the out-of-home placement
47.20 plan is designed to achieve a safe placement for the child in the least restrictive, most
47.21 family-like, setting available which is in close proximity to the home of the parent or child's
47.22 parents or ~~guardian of the child~~ guardians when the case plan goal is reunification; and
47.23 how the placement is consistent with the best interests and special needs of the child
47.24 according to the factors under subdivision 2, paragraph (b);

47.25 (2) the specific reasons for the placement of the child in foster care, and when
47.26 reunification is the plan, a description of the problems or conditions in the home of the
47.27 parent or parents which necessitated removal of the child from home and the changes the
47.28 parent or parents must make for the child to safely return home;

47.29 (3) a description of the services offered and provided to prevent removal of the child
47.30 from the home and to reunify the family including:

47.31 (i) the specific actions to be taken by the parent or parents of the child to eliminate or
47.32 correct the problems or conditions identified in clause (2), and the time period during which
47.33 the actions are to be taken; and

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

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

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

48.13 (6) when a child cannot return to or be in the care of either parent, documentation of
48.14 steps to finalize adoption as the permanency plan for the child through reasonable efforts
48.15 to place the child for adoption pursuant to section 260C.605. At a minimum, the
48.16 documentation must include consideration of whether adoption is in the best interests of
48.17 the child, and child-specific recruitment efforts such as a relative search, consideration of
48.18 relatives for adoptive placement, and the use of state, regional, and national adoption
48.19 exchanges to facilitate orderly and timely placements in and outside of the state. A copy of
48.20 this documentation shall be provided to the court in the review required under section
48.21 260C.317, subdivision 3, paragraph (b);

48.22 (7) when a child cannot return to or be in the care of either parent, documentation of
48.23 steps to finalize the transfer of permanent legal and physical custody to a relative as the
48.24 permanency plan for the child. This documentation must support the requirements of the
48.25 kinship placement agreement under section 256N.22 and must include the reasonable efforts
48.26 used to determine that it is not appropriate for the child to return home or be adopted, and
48.27 reasons why permanent placement with a relative through a Northstar kinship assistance
48.28 arrangement is in the child's best interest; how the child meets the eligibility requirements
48.29 for Northstar kinship assistance payments; agency efforts to discuss adoption with the child's
48.30 relative foster parent and reasons why the relative foster parent chose not to pursue adoption,
48.31 if applicable; and agency efforts to discuss with the child's parent or parents the permanent
48.32 transfer of permanent legal and physical custody or the reasons why these efforts were not
48.33 made;

49.1 (8) efforts to ensure the child's educational stability while in foster care for a child who
49.2 attained the minimum age for compulsory school attendance under state law and is enrolled
49.3 full time in elementary or secondary school, or instructed in elementary or secondary
49.4 education at home, or instructed in an independent study elementary or secondary program,
49.5 or incapable of attending school on a full-time basis due to a medical condition that is
49.6 documented and supported by regularly updated information in the child's case plan.

49.7 Educational stability efforts include:

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

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

49.15 (9) the educational records of the child including the most recent information available
49.16 regarding:

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

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

49.19 (iii) the child's school record;

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

49.22 (v) any other relevant educational information;

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

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

49.26 (ii) how the child's known medical problems and identified needs from the screens,
49.27 including any known communicable diseases, as defined in section 144.4172, subdivision
49.28 2, shall be monitored and treated while the child is in foster care;

49.29 (iii) how the child's medical information shall be updated and shared, including the
49.30 child's immunizations;

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

- 50.1 (v) who is responsible for oversight of the child's prescription medications;
- 50.2 (vi) how physicians or other appropriate medical and nonmedical professionals shall be
50.3 consulted and involved in assessing the health and well-being of the child and determine
50.4 the appropriate medical treatment for the child; and
- 50.5 (vii) the responsibility to ensure that the child has access to medical care through either
50.6 medical insurance or medical assistance;
- 50.7 (11) the health records of the child including information available regarding:
- 50.8 (i) the names and addresses of the child's health care and dental care providers;
- 50.9 (ii) a record of the child's immunizations;
- 50.10 (iii) the child's known medical problems, including any known communicable diseases
50.11 as defined in section 144.4172, subdivision 2;
- 50.12 (iv) the child's medications; and
- 50.13 (v) any other relevant health care information such as the child's eligibility for medical
50.14 insurance or medical assistance;
- 50.15 (12) an independent living plan for a child 14 years of age or older, developed in
50.16 consultation with the child. The child may select one member of the case planning team to
50.17 be designated as the child's advisor and to advocate with respect to the application of the
50.18 reasonable and prudent parenting standards in subdivision 14. The plan should include, but
50.19 not be limited to, the following objectives:
- 50.20 (i) educational, vocational, or employment planning;
- 50.21 (ii) health care planning and medical coverage;
- 50.22 (iii) transportation including, where appropriate, assisting the child in obtaining a driver's
50.23 license;
- 50.24 (iv) money management, including the responsibility of the responsible social services
50.25 agency to ensure that the child annually receives, at no cost to the child, a consumer report
50.26 as defined under section 13C.001 and assistance in interpreting and resolving any inaccuracies
50.27 in the report;
- 50.28 (v) planning for housing;
- 50.29 (vi) social and recreational skills;
- 50.30 (vii) establishing and maintaining connections with the child's family and community;
50.31 and

51.1 (viii) regular opportunities to engage in age-appropriate or developmentally appropriate
51.2 activities typical for the child's age group, taking into consideration the capacities of the
51.3 individual child;

51.4 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic
51.5 and assessment information, specific services relating to meeting the mental health care
51.6 needs of the child, and treatment outcomes;

51.7 (14) for a child 14 years of age or older, a signed acknowledgment that describes the
51.8 child's rights regarding education, health care, visitation, safety and protection from
51.9 exploitation, and court participation; receipt of the documents identified in section 260C.452;
51.10 and receipt of an annual credit report. The acknowledgment shall state that the rights were
51.11 explained in an age-appropriate manner to the child; and

51.12 (15) for a child placed in a qualified residential treatment program, the plan must include
51.13 the requirements in section 260C.708.

51.14 (d) The parent or parents or guardian and the child each shall have the right to legal
51.15 counsel in the preparation of the case plan and shall be informed of the right at the time of
51.16 placement of the child. The child shall also have the right to a guardian ad litem. If unable
51.17 to employ counsel from their own resources, the court shall appoint counsel upon the request
51.18 of the parent or parents or the child or the child's legal guardian. The parent or parents may
51.19 also receive assistance from any person or social services agency in preparation of the case
51.20 plan.

51.21 (e) After the plan has been agreed upon by the parties involved or approved or ordered
51.22 by the court, the foster parents shall be fully informed of the provisions of the case plan and
51.23 shall be provided a copy of the plan.

51.24 (f) Upon discharge from foster care, the parent, adoptive parent, or permanent legal and
51.25 physical custodian, as appropriate, and the child, if appropriate, must be provided with a
51.26 current copy of the child's health and education record.

51.27 Sec. 72. Minnesota Statutes 2020, section 260C.212, subdivision 2, is amended to read:

51.28 Subd. 2. **Placement decisions based on best interests of the child.** (a) The policy of
51.29 the state of Minnesota is to ensure that the child's best interests are met by requiring an
51.30 individualized determination of the needs of the child in consideration of paragraphs (a) to
51.31 (f), and of how the selected placement will serve the current and future needs of the child
51.32 being placed. The authorized child-placing agency shall place a child, released by court

52.1 order or by voluntary release by the parent or parents, in a family foster home selected by
52.2 considering placement with relatives and important friends in the following order:

52.3 (1) with an individual who is related to the child by blood, marriage, or adoption,
52.4 including the legal parent, guardian, or custodian of the child's sibling; or

52.5 (2) with an individual who is an important friend with whom the child has resided or
52.6 had significant contact; or

52.7 (3) with an individual who is an important friend of the child's parent, custodian, or legal
52.8 guardian.

52.9 For an Indian child, the agency shall follow the order of placement preferences in the Indian
52.10 Child Welfare Act of 1978, United States Code, title 25, section 1915.

52.11 (b) Among the factors the agency shall consider in determining the current and future
52.12 needs of the child are the following:

52.13 (1) the child's current functioning and behaviors;

52.14 (2) the medical needs of the child;

52.15 (3) the educational needs of the child;

52.16 (4) the developmental needs of the child;

52.17 (5) the child's history and past experience;

52.18 (6) the child's religious and cultural needs;

52.19 (7) the child's connection with a community, school, and faith community;

52.20 (8) the child's interests and talents;

52.21 (9) the child's ~~relationship to current~~ past, present, and future relationships with caretakers,
52.22 parents, siblings, and relatives;

52.23 (10) the reasonable preference of the child, if the court, or the child-placing agency in
52.24 the case of a voluntary placement, deems the child to be of sufficient age to express
52.25 preferences; and

52.26 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,
52.27 subdivision 2a.

52.28 When placing a child in foster care or in a permanent placement based on an individualized
52.29 determination of the child's needs, the agency must not use one factor in this paragraph to

53.1 the exclusion of all others, and the agency shall consider that the factors in paragraph (b)
53.2 may be interrelated.

53.3 (c) Placement of a child cannot be delayed or denied based on race, color, or national
53.4 origin of the foster parent or the child.

53.5 (d) Siblings should be placed together for foster care and adoption at the earliest possible
53.6 time unless it is documented that a joint placement would be contrary to the safety or
53.7 well-being of any of the siblings or unless it is not possible after reasonable efforts by the
53.8 responsible social services agency. In cases where siblings cannot be placed together, the
53.9 agency is required to provide frequent visitation or other ongoing interaction between
53.10 siblings unless the agency documents that the interaction would be contrary to the safety
53.11 or well-being of any of the siblings.

53.12 (e) Except for emergency placement as provided for in section 245A.035, the following
53.13 requirements must be satisfied before the approval of a foster or adoptive placement in a
53.14 related or unrelated home: (1) a completed background study under section 245C.08; and
53.15 (2) a completed review of the written home study required under section 260C.215,
53.16 subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective foster or
53.17 adoptive parent to ensure the placement will meet the needs of the individual child.

53.18 (f) The agency must determine whether colocation with a parent who is receiving services
53.19 in a licensed residential family-based substance use disorder treatment program is in the
53.20 child's best interests according to paragraph (b) and include that determination in the child's
53.21 case plan under subdivision 1. The agency may consider additional factors not identified
53.22 in paragraph (b). The agency's determination must be documented in the child's case plan
53.23 before the child is colocated with a parent.

53.24 (g) The agency must establish a juvenile treatment screening team under section 260C.157
53.25 to determine whether it is necessary and appropriate to recommend placing a child in a
53.26 qualified residential treatment program, as defined in section 260C.007, subdivision 26d.

53.27 Sec. 73. Minnesota Statutes 2020, section 260C.221, is amended to read:

53.28 **260C.221 RELATIVE SEARCH AND ENGAGEMENT; PLACEMENT**
53.29 **CONSIDERATION.**

53.30 **Subdivision 1. Relative search requirements.** (a) The responsible social services agency
53.31 shall exercise due diligence to identify and notify adult relatives and current caregivers of
53.32 a child's sibling, prior to placement or within 30 days after the child's removal from the
53.33 parent, notwithstanding placement of a child in a relative's home, as required under

54.1 subdivision 2. ~~The county agency shall consider placement with a relative under this section~~
 54.2 ~~without delay and whenever the child must move from or be returned to foster care. The~~
 54.3 ~~relative search required by this section shall be comprehensive in scope. After a finding~~
 54.4 ~~that the agency has made reasonable efforts to conduct the relative search under this~~
 54.5 ~~paragraph, the agency has the continuing responsibility to appropriately involve relatives,~~
 54.6 ~~who have responded to the notice required under this paragraph, in planning for the child~~
 54.7 ~~and to continue to consider relatives according to the requirements of section 260C.212,~~
 54.8 ~~subdivision 2. At any time during the course of juvenile protection proceedings, the court~~
 54.9 ~~may order the agency to reopen its search for relatives when it is in the child's best interest~~
 54.10 ~~to do so.~~

54.11 (b) The relative search required by this section shall include both maternal and paternal
 54.12 adult relatives of the child; all adult grandparents; all legal parents, guardians, or custodians
 54.13 of the child's siblings; and any other adult relatives suggested by the child's parents, subject
 54.14 to the exceptions due to family violence in subdivision 5, paragraph (e) (b). The search shall
 54.15 also include getting information from the child in an age-appropriate manner about who the
 54.16 child considers to be family members and important friends with whom the child has resided
 54.17 or had significant contact. The relative search required under this section must fulfill the
 54.18 agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the
 54.19 breakup of the Indian family under United States Code, title 25, section 1912(d), and to
 54.20 meet placement preferences under United States Code, title 25, section 1915.

54.21 (c) The responsible social services agency has a continuing responsibility to search for
 54.22 and identify relatives of a child and send the required notice to relatives under subdivision
 54.23 2, unless the court has relieved the agency of this duty under subdivision 5, paragraph (e).

54.24 Subd. 2. Relative notice requirements. (a) The responsible social services agency must
 54.25 notify relatives ~~must be notified:~~

54.26 (1) of the need for a foster home for the child, the option to become a placement resource
 54.27 for the child, the order of placement that the agency will consider under section 260C.212,
 54.28 subdivision 2, paragraph (a), and the possibility of the need for a permanent placement for
 54.29 the child;

54.30 (2) of their responsibility to keep the responsible social services agency and the court
 54.31 informed of their current address in order to receive notice in the event that a permanent
 54.32 placement is sought for the child and to receive notice of the permanency progress review
 54.33 hearing under section 260C.204. A relative who fails to provide a current address to the
 54.34 responsible social services agency and the court ~~forfeits~~ may forfeit the right to receive

55.1 notice of the possibility of permanent placement and of the permanency progress review
 55.2 hearing under section 260C.204. A decision by a relative not to be identified as a potential
 55.3 permanent placement resource or participate in planning for the child at the beginning of
 55.4 the case shall not affect whether the relative is considered for placement of, or as a
 55.5 permanency resource for, the child with that relative later, and shall not be a basis for the
 55.6 court to rule out the relative as the child's placement or permanency resource;

55.7 (3) that the relative may participate in the care and planning for the child, as specified
 55.8 in subdivision 3, including that the opportunity for such participation may be lost by failing
 55.9 to respond to the notice sent under this subdivision. ~~"Participate in the care and planning"~~
 55.10 ~~includes, but is not limited to, participation in case planning for the parent and child,~~
 55.11 ~~identifying the strengths and needs of the parent and child, supervising visits, providing~~
 55.12 ~~respite and vacation visits for the child, providing transportation to appointments, suggesting~~
 55.13 ~~other relatives who might be able to help support the case plan, and to the extent possible,~~
 55.14 ~~helping to maintain the child's familiar and regular activities and contact with friends and~~
 55.15 ~~relatives;~~

55.16 (4) of the family foster care licensing and adoption home study requirements, including
 55.17 how to complete an application and how to request a variance from licensing standards that
 55.18 do not present a safety or health risk to the child in the home under section 245A.04 and
 55.19 supports that are available for relatives and children who reside in a family foster home;
 55.20 ~~and~~

55.21 (5) of the relatives' right to ask to be notified of any court proceedings regarding the
 55.22 child, to attend the hearings, and of a relative's right or opportunity to be heard by the court
 55.23 as required under section 260C.152, subdivision 5; and

55.24 (6) that regardless of the relative's response to the notice sent under this subdivision, the
 55.25 agency is required to establish permanency for a child, including planning for alternative
 55.26 permanency options if the agency's reunification efforts fail or are not required.

55.27 (b) Subject to the exceptions due to family violence under subdivision 5, paragraph (b),
 55.28 the responsible social services agency shall send the notice required under paragraph (a) to
 55.29 relatives who become known to the responsible social services agency, notwithstanding a
 55.30 finding by the court that the agency has made reasonable efforts to conduct a relative search.
 55.31 Relatives who become known to the responsible social services agency after an adoption
 55.32 placement agreement has been fully executed under section 260C.613, subdivision 1, shall
 55.33 be notified of their options under section 260C.607, subdivision 6.

56.1 Subd. 3. Relative engagement requirements. (a) A relative who responds to the notice
56.2 under subdivision 2 has the right to participate in the care and planning for a child. This
56.3 includes but is not limited to:

56.4 (1) participating in case planning for the child and child's parent, including identifying
56.5 services and resources that meet the individualized needs of the child and child's parent.
56.6 Participation in case planning may be in person, via phone call, or by electronic means, and
56.7 shall not be limited based on the relative's prior inconsistent or nonexistent participation;

56.8 (2) identifying the strengths and needs of the child and child's parent;

56.9 (3) asking the responsible social services agency to consider the relative for placement
56.10 of the child according to subdivision 4;

56.11 (4) acting as a support person for the child, the child's parents, and the child's current
56.12 caregiver;

56.13 (5) supervising visits;

56.14 (6) providing respite care for the child and having vacation visits with the child;

56.15 (7) providing transportation to appointments;

56.16 (8) suggesting other relatives who may be able to participate in the case plan or be
56.17 considered for placement of the child. The agency shall send a notice to each relative
56.18 identified by other relatives according to subdivision 2, paragraph (b); and

56.19 (9) helping to maintain the child's familiar and regular activities and contact with the
56.20 child's friends and relatives.

56.21 (b) The responsible social services agency shall make reasonable efforts to contact and
56.22 engage relatives as required under this section. The court may conduct a review of the
56.23 agency's reasonable efforts to contact and engage relatives upon request by a relative or
56.24 other party to the proceeding. If the court finds that the agency did not make reasonable
56.25 efforts to contact and engage relatives, the court may order the agency to make reasonable
56.26 efforts to contact and engage relatives in care and planning for the child.

56.27 Subd. 4. Placement considerations. (a) The responsible social services agency shall
56.28 consider placing a child with a relative under this section without delay and whenever the
56.29 child enters foster care, must leave the child's current foster home, must be permanently
56.30 placed away from the child's parent, or returns to foster care after permanency has been
56.31 achieved for the child. The agency shall consider relatives for placement of the child in the
56.32 order specified in section 260C.212, subdivision 2, paragraph (a).

57.1 (b) Any relative who requests to be a placement option for a child in foster care has the
57.2 right to be considered for placement of the child according to section 260C.212, subdivision
57.3 2, paragraph (a), subject to the exceptions due to family violence under subdivision 5,
57.4 paragraph (b).

57.5 (c) When adoption is the responsible social services agency's permanency goal for the
57.6 child, the agency shall consider adoptive placement of the child with a relative in the order
57.7 specified under section 260C.212, subdivision 2, paragraph (a).

57.8 **Subd. 5. Data disclosure; court review.** ~~(e)~~ (a) A responsible social services agency
57.9 may disclose private data, as defined in section 13.02 and chapter 260E, to relatives of the
57.10 child for the purpose of locating and assessing a suitable placement and may use any
57.11 reasonable means of identifying and locating relatives including the Internet or other
57.12 electronic means of conducting a search. The agency shall disclose data that is necessary
57.13 to facilitate possible placement with relatives and to ensure that the relative is informed of
57.14 the needs of the child so the relative can participate in planning for the child and be supportive
57.15 of services to the child and family.

57.16 (b) If the child's parent refuses to give the responsible social services agency information
57.17 sufficient to identify the maternal and paternal relatives of the child, the agency shall ask
57.18 the juvenile court to order the parent to provide the necessary information and shall use
57.19 other resources to identify the child's maternal and paternal relatives. If a parent makes an
57.20 explicit request that a specific relative not be contacted or considered for placement due to
57.21 safety reasons including past family or domestic violence, the agency shall bring the parent's
57.22 request to the attention of the court to determine whether the parent's request is consistent
57.23 with the best interests of the child and the agency shall not contact the specific relative when
57.24 the juvenile court finds that contacting the specific relative would endanger the parent,
57.25 guardian, child, sibling, or any family member. A court shall not waive or relieve the
57.26 responsible social services agency of reasonable efforts to conduct a relative search, notify
57.27 relatives, contact and engage relatives in case planning, and consider relatives for placement
57.28 of the child under this section, unless section 260C.139 applies.

57.29 (c) Notwithstanding chapter 13, the agency shall disclose data to the court about particular
57.30 relatives that the agency has identified, contacted, and considered for the child's placement
57.31 for the court to review the agency's due diligence.

57.32 (d) At a regularly scheduled hearing not later than three months after the child's placement
57.33 in foster care and as required in section 260C.202, the agency shall report to the court:

58.1 (1) its efforts to identify maternal and paternal relatives of the child and to engage the
58.2 relatives in providing support for the child and family, and document that the relatives have
58.3 been provided the notice required under paragraph (a); and

58.4 (2) its decision regarding placing the child with a relative as required under section
58.5 260C.212, subdivision 2, and to ask. If the responsible social services agency decides not
58.6 to place a child with a relative, the agency shall inform the court of the agency's decision,
58.7 including why the agency decided against placing the child with a relative and the agency's
58.8 efforts to engage relatives to visit or maintain in visiting or maintaining contact with the
58.9 child in order to support family connections for the child, when placement with a relative
58.10 is not possible or appropriate.

58.11 ~~(e) Notwithstanding chapter 13, the agency shall disclose data about particular relatives~~
58.12 ~~identified, searched for, and contacted for the purposes of the court's review of the agency's~~
58.13 ~~due diligence.~~

58.14 ~~(f)~~ (e) When the court is satisfied that the agency has exercised due diligence to identify
58.15 relatives and provide the notice required in ~~paragraph (a)~~ subdivision 2, the court may find
58.16 that reasonable efforts have been made to conduct a relative search to identify and provide
58.17 notice to adult relatives as required under section 260.012, paragraph (e), clause (3). A
58.18 finding under this paragraph does not relieve the responsible social services agency of
58.19 ongoing relative engagement and consideration requirements under this section. The agency
58.20 has the continuing responsibility to involve relatives who have responded to the notice
58.21 required under subdivision 2 in planning for the child, and to continue to consider relatives
58.22 for the child's placement and permanency according to the requirements of section 260C.212,
58.23 subdivision 2. At any time during the course of juvenile protection proceedings, the court
58.24 may order the agency to reopen the search for relatives when it is in the child's best interests.
58.25 The court may not use a finding made under this paragraph as a basis for the court to rule
58.26 out any relative from being a foster care or permanent placement option for the child.

58.27 (f) If the court is not satisfied that the agency has exercised due diligence to identify
58.28 relatives and provide the notice required in ~~paragraph (a)~~ subdivision 2, the court may order
58.29 the agency to continue its search and notice efforts and to report back to the court.

58.30 ~~(g) When the placing agency determines that permanent placement proceedings are~~
58.31 ~~necessary because there is a likelihood that the child will not return to a parent's care, the~~
58.32 ~~agency must send the notice provided in paragraph (h), may ask the court to modify the~~
58.33 ~~duty of the agency to send the notice required in paragraph (h), or may ask the court to~~
58.34 ~~completely relieve the agency of the requirements of paragraph (h). The relative notification~~

59.1 ~~requirements of paragraph (h) do not apply when the child is placed with an appropriate~~
 59.2 ~~relative or a foster home that has committed to adopting the child or taking permanent legal~~
 59.3 ~~and physical custody of the child and the agency approves of that foster home for permanent~~
 59.4 ~~placement of the child. The actions ordered by the court under this section must be consistent~~
 59.5 ~~with the best interests, safety, permanency, and welfare of the child.~~

59.6 ~~(h)~~ (g) Unless required under the Indian Child Welfare Act ~~or relieved of this duty by~~
 59.7 ~~the court under paragraph (f)~~, when the agency determines that it is necessary to prepare
 59.8 for permanent placement determination proceedings, or in anticipation of filing a termination
 59.9 of parental rights petition, the agency shall send notice to ~~the~~ relatives, any adult with whom
 59.10 the child is currently residing, any adult with whom the child has resided for one year or
 59.11 longer in the past, and any adults who have maintained a relationship or exercised visitation
 59.12 with the child as identified in the agency case plan. The notice must state that a permanent
 59.13 home is sought for the child and that the individuals receiving the notice may indicate to
 59.14 the agency their interest in providing a permanent home. The notice must state that within
 59.15 30 days of receipt of the notice an individual receiving the notice must indicate to the agency
 59.16 the individual's interest in providing a permanent home for the child ~~or that the individual~~
 59.17 ~~may lose the opportunity to be considered for a permanent placement.~~ A relative's failure
 59.18 to respond to the notice is not a basis for ruling out the relative from being a permanent
 59.19 placement option for the child.

59.20 Sec. 74. Minnesota Statutes 2020, section 260C.605, subdivision 1, is amended to read:

59.21 Subdivision 1. **Requirements.** (a) Reasonable efforts to finalize the adoption of a child
 59.22 under the guardianship of the commissioner shall be made by the responsible social services
 59.23 agency responsible for permanency planning for the child.

59.24 (b) Reasonable efforts to make a placement in a home according to the placement
 59.25 considerations under section 260C.212, subdivision 2, with a relative or foster parent who
 59.26 will commit to being the permanent resource for the child in the event the child cannot be
 59.27 reunified with a parent are required under section 260.012 and may be made concurrently
 59.28 with reasonable, or if the child is an Indian child, active efforts to reunify the child with the
 59.29 parent.

59.30 (c) Reasonable efforts under paragraph (b) must begin as soon as possible when the
 59.31 child is in foster care under this chapter, but not later than the hearing required under section
 59.32 260C.204.

59.33 (d) Reasonable efforts to finalize the adoption of the child include:

- 60.1 (1) considering the child's preference for an adoptive family;
- 60.2 ~~(1)~~ (2) using age-appropriate engagement strategies to plan for adoption with the child;
- 60.3 ~~(2)~~ (3) identifying an appropriate prospective adoptive parent for the child by updating
- 60.4 the child's identified needs using the factors in section 260C.212, subdivision 2;
- 60.5 ~~(3)~~ (4) making an adoptive placement that meets the child's needs by:
- 60.6 (i) completing or updating the relative search required under section 260C.221 and giving
- 60.7 notice of the need for an adoptive home for the child to:
- 60.8 (A) relatives who have kept the agency or the court apprised of their whereabouts ~~and~~
- 60.9 ~~who have indicated an interest in adopting the child;~~ or
- 60.10 (B) relatives of the child who are located in an updated search;
- 60.11 (ii) an updated search is required whenever:
- 60.12 (A) there is no identified prospective adoptive placement for the child notwithstanding
- 60.13 a finding by the court that the agency made diligent efforts under section 260C.221, in a
- 60.14 hearing required under section 260C.202;
- 60.15 (B) the child is removed from the home of an adopting parent; or
- 60.16 (C) the court determines that a relative search by the agency is in the best interests of
- 60.17 the child;
- 60.18 (iii) engaging the child's relatives or current and former foster parent and the child's
- 60.19 relatives identified as an adoptive resource during the search conducted under section
- 60.20 260C.221, parents to commit to being the prospective adoptive parent of the child, and
- 60.21 considering the child's relatives and important friends for adoptive placement of the child
- 60.22 in the order specified by section 260C.212, subdivision 2, paragraph (a); or
- 60.23 (iv) when there is no identified prospective adoptive parent:
- 60.24 (A) registering the child on the state adoption exchange as required in section 259.75
- 60.25 unless the agency documents to the court an exception to placing the child on the state
- 60.26 adoption exchange reported to the commissioner;
- 60.27 (B) reviewing all families with approved adoption home studies associated with the
- 60.28 responsible social services agency;
- 60.29 (C) presenting the child to adoption agencies and adoption personnel who may assist
- 60.30 with finding an adoptive home for the child;
- 60.31 (D) using newspapers and other media to promote the particular child;

61.1 (E) using a private agency under grant contract with the commissioner to provide adoption
61.2 services for intensive child-specific recruitment efforts; and

61.3 (F) making any other efforts or using any other resources reasonably calculated to identify
61.4 a prospective adoption parent for the child;

61.5 ~~(4)~~ (5) updating and completing the social and medical history required under sections
61.6 259.43 and 260C.609;

61.7 ~~(5)~~ (6) making, and keeping updated, appropriate referrals required by section 260.851,
61.8 the Interstate Compact on the Placement of Children;

61.9 ~~(6)~~ (7) giving notice regarding the responsibilities of an adoptive parent to any prospective
61.10 adoptive parent as required under section 259.35;

61.11 ~~(7)~~ (8) offering the adopting parent the opportunity to apply for or decline adoption
61.12 assistance under chapter 259A;

61.13 ~~(8)~~ (9) certifying the child for adoption assistance, assessing the amount of adoption
61.14 assistance, and ascertaining the status of the commissioner's decision on the level of payment
61.15 if the adopting parent has applied for adoption assistance;

61.16 ~~(9)~~ (10) placing the child with siblings. If the child is not placed with siblings, the agency
61.17 must document reasonable efforts to place the siblings together, as well as the reason for
61.18 separation. The agency may not cease reasonable efforts to place siblings together for final
61.19 adoption until the court finds further reasonable efforts would be futile or that placement
61.20 together for purposes of adoption is not in the best interests of one of the siblings; and

61.21 ~~(10)~~ (11) working with the adopting parent to file a petition to adopt the child and with
61.22 the court administrator to obtain a timely hearing to finalize the adoption.

61.23 Sec. 75. Minnesota Statutes 2020, section 260C.607, subdivision 2, is amended to read:

61.24 Subd. 2. **Notice.** Notice of review hearings shall be given by the court to:

61.25 (1) the responsible social services agency;

61.26 (2) the child, if the child is age ten and older;

61.27 (3) the child's guardian ad litem;

61.28 (4) counsel appointed for the child pursuant to section 260C.163, subdivision 3;

61.29 (5) relatives of the child who have kept the court informed of their whereabouts as
61.30 required in section 260C.221 and who have responded to the agency's notice under section
61.31 260C.221, ~~indicating a willingness to provide an adoptive home for the child unless the~~

62.1 relative has been previously ruled out by the court as a suitable ~~foster parent~~ or permanency
62.2 resource for the child;

62.3 (6) the current foster or adopting parent of the child;

62.4 (7) any foster or adopting parents of siblings of the child; and

62.5 (8) the Indian child's tribe.

62.6 Sec. 76. Minnesota Statutes 2020, section 260C.607, subdivision 5, is amended to read:

62.7 Subd. 5. **Required placement by responsible social services agency.** (a) No petition
62.8 for adoption shall be filed for a child under the guardianship of the commissioner unless
62.9 the child sought to be adopted has been placed for adoption with the adopting parent by the
62.10 responsible social services agency as required by section 260C.613, subdivision 1. The
62.11 court may order the agency to make an adoptive placement using standards and procedures
62.12 under subdivision 6.

62.13 (b) Any relative or the child's foster parent who believes the responsible agency has not
62.14 reasonably considered the relative's or foster parent's request to be considered for adoptive
62.15 placement as required under section 260C.212, subdivision 2, and who wants to be considered
62.16 for adoptive placement of the child shall bring a request for consideration to the attention
62.17 of the court during a review required under this section. The child's guardian ad litem and
62.18 the child may also bring a request for a relative or the child's foster parent to be considered
62.19 for adoptive placement. After hearing from the agency, the court may order the agency to
62.20 take appropriate action regarding the relative's or foster parent's request for consideration
62.21 under section 260C.212, subdivision 2, paragraph (b).

62.22 Sec. 77. Minnesota Statutes 2020, section 260C.607, subdivision 6, is amended to read:

62.23 Subd. 6. **Motion and hearing to order adoptive placement.** (a) At any time after the
62.24 district court orders the child under the guardianship of the commissioner of human services,
62.25 but not later than 30 days after receiving notice required under section 260C.613, subdivision
62.26 1, paragraph (c), that the agency has made an adoptive placement, a relative or the child's
62.27 foster parent may file a motion for an order for adoptive placement of a child who is under
62.28 the guardianship of the commissioner if the relative or the child's foster parent:

62.29 (1) has, or is in the process of obtaining, an adoption home study under section 259.41
62.30 or 260C.611 approving the relative or foster parent for adoption and has been a resident of
62.31 Minnesota for at least six months before filing the motion; the court may waive the residency
62.32 requirement for the moving party if there is a reasonable basis to do so; or

63.1 (2) is not a resident of Minnesota, but has, or is in the process of obtaining, an approved
63.2 adoption home study by an agency licensed or approved to complete an adoption home
63.3 study in the state of the individual's residence ~~and~~. If the relative has an approved adoption
63.4 home study, the study is ~~is~~ must be filed with the motion for adoptive placement.

63.5 (b) The motion shall be filed with the court conducting reviews of the child's progress
63.6 toward adoption under this section. The motion and supporting documents must make a
63.7 prima facie showing that the agency has been unreasonable in failing to make the requested
63.8 adoptive placement. The motion must be served according to the requirements for motions
63.9 under the Minnesota Rules of Juvenile Protection Procedure and shall be made on all
63.10 individuals and entities listed in subdivision 2.

63.11 (c) If the motion and supporting documents do not make a prima facie showing for the
63.12 court to determine whether the agency has been unreasonable in failing to make the requested
63.13 adoptive placement, the court shall dismiss the motion. If the court determines a prima facie
63.14 basis is made, the court shall set the matter for evidentiary hearing.

63.15 (d) At the evidentiary hearing, the responsible social services agency shall proceed first
63.16 with evidence about the reason for not making the adoptive placement proposed by the
63.17 moving party. The agency must present evidence demonstrating how the agency considered
63.18 placing the child with relatives and important friends in the order specified by section
63.19 260C.212, subdivision 2, for foster care and adoptive placement of the child and, if
63.20 applicable, how the agency determined that adoptive placement of the child with an individual
63.21 who was not a relative or important friend was in the child's best interests. When the agency
63.22 presents evidence regarding the child's current relationship with the identified adoptive
63.23 placement resource, the court shall consider the agency's efforts to support the child's
63.24 relationship with the moving party. The moving party then has the burden of proving by a
63.25 preponderance of the evidence that the agency has been unreasonable in failing to make the
63.26 adoptive placement.

63.27 (e) When determining whether the agency was unreasonable in failing to make the
63.28 adoptive placement, the court shall consider placement decision factors in section 260C.212,
63.29 subdivision 2, and the adoptive placement decision factors in section 260C.613, subdivision
63.30 1, paragraph (b).

63.31 ~~(e)~~ (f) At the conclusion of the evidentiary hearing, if the court finds that the agency has
63.32 been unreasonable in failing to make the adoptive placement and that the ~~relative or the~~
63.33 ~~child's foster parent~~ moving party is the most suitable adoptive home to meet the child's
63.34 needs using the factors in section 260C.212, subdivision 2, paragraph (b), the court may:

64.1 (1) order the responsible social services agency to make an adoptive placement in the
 64.2 home of the ~~relative or the child's foster parent.~~ moving party, if the moving party has an
 64.3 approved adoption home study; or

64.4 (2) order the responsible social services agency to place the child in the home of the
 64.5 moving party upon approval of an adoption home study. The agency shall promote and
 64.6 support the child's ongoing visitation and contact with the moving party until the child is
 64.7 placed in the moving party's home. The agency shall provide an update to the court after
 64.8 90 days, including progress and any barriers that the agency encountered. If the moving
 64.9 party does not have an approved adoption home study within 180 days, the moving party
 64.10 and the agency shall inform the court of any barriers to obtaining the approved adoption
 64.11 home study during a review hearing under this section. If the court finds that the moving
 64.12 party cannot obtain an approved adoption home study, the court shall dismiss the order for
 64.13 adoptive placement under this subdivision and order the agency to continue making
 64.14 reasonable efforts to finalize the adoption of the child as required by section 260C.605.

64.15 ~~(f)~~ (g) If, in order to ensure that a timely adoption may occur, the court orders the
 64.16 responsible social services agency to make an adoptive placement under this subdivision,
 64.17 the agency shall:

64.18 (1) make reasonable efforts to obtain a fully executed adoption placement agreement,
 64.19 including assisting the moving party with the adoption home study process;

64.20 (2) work with the moving party regarding eligibility for adoption assistance as required
 64.21 under chapter 259A; and

64.22 (3) if the moving party is not a resident of Minnesota, timely refer the matter for approval
 64.23 of the adoptive placement through the Interstate Compact on the Placement of Children.

64.24 ~~(g)~~ (h) Denial or granting of a motion for an order for adoptive placement after an
 64.25 evidentiary hearing is an order which may be appealed by the responsible social services
 64.26 agency, the moving party, the child, when age ten or over, the child's guardian ad litem,
 64.27 and any individual who had a fully executed adoption placement agreement regarding the
 64.28 child at the time the motion was filed if the court's order has the effect of terminating the
 64.29 adoption placement agreement. An appeal shall be conducted according to the requirements
 64.30 of the Rules of Juvenile Protection Procedure.

64.31 Sec. 78. Minnesota Statutes 2020, section 260C.613, subdivision 1, is amended to read:

64.32 Subdivision 1. **Adoptive placement decisions.** (a) The responsible social services agency
 64.33 has exclusive authority to make an adoptive placement of a child under the guardianship of

65.1 the commissioner. The child shall be considered placed for adoption when the adopting
65.2 parent, the agency, and the commissioner have fully executed an adoption placement
65.3 agreement on the form prescribed by the commissioner.

65.4 (b) The responsible social services agency shall use an individualized determination of
65.5 the child's current and future needs, pursuant to section 260C.212, subdivision 2, paragraph
65.6 (b), to determine the most suitable adopting parent for the child in the child's best interests.
65.7 The responsible social services agency shall consider adoptive placement of the child with
65.8 relatives and important friends in the order specified by section 260C.212, subdivision 2,
65.9 paragraph (a).

65.10 (c) The responsible social services agency shall notify the court and parties entitled to
65.11 notice under section 260C.607, subdivision 2, when there is a fully executed adoption
65.12 placement agreement for the child.

65.13 (d) In the event an adoption placement agreement terminates, the responsible social
65.14 services agency shall notify the court, the parties entitled to notice under section 260C.607,
65.15 subdivision 2, and the commissioner that the agreement and the adoptive placement have
65.16 terminated.

65.17 Sec. 79. Minnesota Statutes 2020, section 260C.613, subdivision 5, is amended to read:

65.18 Subd. 5. **Required record keeping.** The responsible social services agency shall
65.19 document, in the records required to be kept under section 259.79, the reasons for the
65.20 adoptive placement decision regarding the child, including the individualized determination
65.21 of the child's needs based on the factors in section 260C.212, subdivision 2, paragraph (b);
65.22 the agency's consideration of relatives and important friends in the order specified in section
65.23 260C.212, subdivision 2, paragraph (a); and the assessment of how the selected adoptive
65.24 placement meets the identified needs of the child. The responsible social services agency
65.25 shall retain in the records required to be kept under section 259.79, copies of all out-of-home
65.26 placement plans made since the child was ordered under guardianship of the commissioner
65.27 and all court orders from reviews conducted pursuant to section 260C.607.

65.28 Sec. 80. Laws 2020, First Special Session chapter 7, section 1, is amended by adding a
65.29 subdivision to read:

65.30 Subd. 5. **Waivers and modifications.** When the peacetime emergency declared by the
65.31 governor in response to the COVID-19 outbreak expires, is terminated, or is rescinded by
65.32 the proper authority, the following waivers and modifications to human services programs
65.33 issued by the commissioner of human services pursuant to Executive Orders 20-12 and

66.1 20-42, including any amendments to the waivers or modifications issued before the peacetime
 66.2 emergency expires, shall remain in effect until December 31, 2021, unless necessary federal
 66.3 approval is not received at any time for a waiver or modification:

66.4 (1) CV...: when determining eligibility for cash assistance programs, not counting as
 66.5 income any emergency economic relief provided through the American Rescue Plan Act
 66.6 of 2021; and

66.7 (2) CV...: waiving interviews for annual eligibility recertifications of households receiving
 66.8 cash assistance in which all necessary information has been submitted and verified.

66.9 Sec. 81. **REPEALER.**

66.10 (a) Minnesota Statutes 2020, sections 256D.051, subdivisions 1, 1a, 2, 2a, 3, 3a, 3b, 6b,
 66.11 6c, 7, 8, 9, and 18; 256D.052, subdivision 3; and 256J.21, subdivisions 1 and 2, are repealed.

66.12 (b) Minnesota Statutes 2020, sections 256J.08, subdivisions 10, 53, 61, 62, 81, and 83;
 66.13 256J.30, subdivisions 5, 7, and 8; 256J.33, subdivisions 3, 4, and 5; 256J.34, subdivisions
 66.14 1, 2, 3, and 4; and 256J.37, subdivision 10, are repealed.

66.15 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2021. Paragraph (b) is effective
 66.16 March 1, 2023."

66.17 Page 29, line 16, before "COMMUNITY" insert "CONTINUING CARE FOR OLDER
 66.18 ADULTS AND"

66.19 Page 29, after line 16, insert:

66.20 "Section 1. Minnesota Statutes 2020, section 144.0724, subdivision 4, is amended to read:

66.21 Subd. 4. **Resident assessment schedule.** (a) A facility must conduct and electronically
 66.22 submit to the commissioner of health MDS assessments that conform with the assessment
 66.23 schedule defined by Code of Federal Regulations, title 42, section 483.20, and published
 66.24 by the United States Department of Health and Human Services, Centers for Medicare and
 66.25 Medicaid Services, in the Long Term Care Assessment Instrument User's Manual, version
 66.26 3.0, and subsequent updates when issued by the Centers for Medicare and Medicaid Services.
 66.27 The commissioner of health may substitute successor manuals or question and answer
 66.28 documents published by the United States Department of Health and Human Services,
 66.29 Centers for Medicare and Medicaid Services, to replace or supplement the current version
 66.30 of the manual or document.

67.1 (b) The assessments used to determine a case mix classification for reimbursement
67.2 include the following:

67.3 (1) a new admission comprehensive assessment, which must have an assessment reference
67.4 date (ARD) within 14 calendar days after admission, excluding readmissions;

67.5 (2) an annual comprehensive assessment, which must have an assessment reference date
67.6 (ARD) within 92 days of ~~the~~ a previous quarterly review assessment and the or a previous
67.7 comprehensive assessment;

67.8 (3) a significant change in status comprehensive assessment, which must be completed
67.9 have an ARD within:

67.10 (i) 14 days of the identification of after the facility determines, or should have determined,
67.11 that there has been a significant change in the resident's physical or mental condition, whether
67.12 an improvement or a decline, and regardless of the amount of time since the last significant
67.13 change in status comprehensive assessment or quarterly review assessment; and

67.14 (ii) seven days of all speech, occupational, and physical therapies ending. The last day
67.15 on which speech, occupational, and physical therapy was provided is considered day zero
67.16 when determining the assessment reference date for this significant change in status
67.17 comprehensive assessment;

67.18 (4) ~~all a quarterly assessments~~ review assessment, which must have an assessment
67.19 reference date (ARD) within:

67.20 (i) 92 days of the ARD of the previous quarterly review assessment or a previous
67.21 comprehensive assessment; and

67.22 (ii) 14 days after isolation for an active infectious disease has ended. The last day of
67.23 isolation is considered day zero when determining the assessment reference date for this
67.24 quarterly assessment;

67.25 (5) any significant correction to a prior comprehensive assessment, if the assessment
67.26 being corrected is the current one being used for RUG classification; and

67.27 (6) any significant correction to a prior quarterly review assessment, if the assessment
67.28 being corrected is the current one being used for RUG classification.

67.29 (c) In addition to the assessments listed in paragraph (b), the assessments used to
67.30 determine nursing facility level of care include the following:

68.1 (1) preadmission screening completed under section 256.975, subdivisions 7a to 7c, by
68.2 the Senior LinkAge Line or other organization under contract with the Minnesota Board on
68.3 Aging; and

68.4 (2) a nursing facility level of care determination as provided for under section 256B.0911,
68.5 subdivision 4e, as part of a face-to-face long-term care consultation assessment completed
68.6 under section 256B.0911, by a county, tribe, or managed care organization under contract
68.7 with the Department of Human Services."

68.8 Page 38, line 26, strike "March" and insert "December"

68.9 Page 42, line 31, after the period, insert "The commissioner may grant an extension, for
68.10 a period not to exceed six months, to providers that are unable to meet the requirements of
68.11 subdivision 3 due to demonstrated extraordinary circumstances. Programs seeking an
68.12 extension must apply in a format approved by the commissioner by November 1, 2021."

68.13 Page 42, line 32, delete "section" and insert "sections 254B.05 and"

68.14 Page 43, lines 4 and 8, after the period, insert "The commissioner may grant an extension,
68.15 for a period not to exceed six months, to providers that are unable to meet the requirements
68.16 of subdivision 3 due to demonstrated extraordinary circumstances. Programs seeking an
68.17 extension must apply in a format approved by the commissioner by November 1, 2021."

68.18 Page 43, lines 5 and 10, delete "section" and insert "sections 254B.05 and"

68.19 Page 43, line 15, after "2021" insert ", or upon federal approval, whichever is later"

68.20 Page 48, after line 7, insert:

68.21 "(e) The transition to two disability home and community-based services waiver programs
68.22 must align with the independent living first policy under section 256B.4905. Unless
68.23 superseded by any other state or federal law, waiver eligibility criteria shall be the same for
68.24 each waiver. The waiver program that a person uses shall be determined by the support
68.25 planning process and whether the person chooses to live in a provider-controlled setting or
68.26 in the person's own home."

68.27 Page 48, line 8, delete "(e)" and insert "(f)"

68.28 Page 74, after line 5, insert:

69.1 "Sec. 25. Minnesota Statutes 2020, section 256B.85, is amended by adding a subdivision
69.2 to read:

69.3 Subd. 27. Personal care assistance and community first services and supports
69.4 provider agency; required reporting and analysis of cost data. (a) The commissioner
69.5 must evaluate on an ongoing basis whether the rates paid for personal care assistance and
69.6 community first services and supports appropriately address the costs to provide these
69.7 services. The commissioner must make recommendations to adjust the rates paid as indicated
69.8 by the evaluation. As determined by the commissioner, in consultation with stakeholders,
69.9 agencies enrolled to provide personal care assistance and community first services and
69.10 supports with rates determined under this section must submit requested cost data to the
69.11 commissioner. Requested cost data may include but is not limited to:

69.12 (1) worker wage costs;

69.13 (2) benefits paid;

69.14 (3) supervisor wage costs;

69.15 (4) executive wage costs;

69.16 (5) vacation, sick, and training time paid;

69.17 (6) taxes, workers' compensation, and unemployment insurance costs paid;

69.18 (7) administrative costs paid;

69.19 (8) program costs paid;

69.20 (9) transportation costs paid;

69.21 (10) vacancy rates; and

69.22 (11) other data relating to costs necessary to provide services requested by the
69.23 commissioner.

69.24 (b) At least once in any three-year period, a provider must submit cost data for a fiscal
69.25 year that ended not more than 18 months prior to the submission date. The commissioner
69.26 shall give each provider notice 90 days prior to the submission due date. If a provider fails
69.27 to submit the required reporting data, the commissioner shall provide notice to the provider
69.28 30 days after the required submission date, and a second notice to a provider who fails to
69.29 submit the required data 60 days after the required submission date. The commissioner shall
69.30 temporarily suspend payments to a provider if the provider fails to submit cost data within
69.31 90 days after the required submission date. The commissioner shall make withheld payments
69.32 to the provider once the commissioner receives cost data from the provider.

70.1 (c) The commissioner shall conduct a random validation of data submitted under
 70.2 paragraph (a) to ensure data accuracy.

70.3 (d) The commissioner, in consultation with stakeholders, shall develop and implement
 70.4 a process for providing training and technical assistance necessary to support provider
 70.5 submission of cost documentation required under paragraph (a). The commissioner shall
 70.6 provide dedicated support for providers who meet one of the following criteria:

70.7 (1) the provider employs fewer than ten staff to provide the services under this section;

70.8 (2) the provider's first language is not English; or

70.9 (3) the provider serves a population that includes greater than or equal to 50 percent
 70.10 black people, indigenous people, or people of color.

70.11 Sec. 26. Minnesota Statutes 2020, section 256B.85, is amended by adding a subdivision
 70.12 to read:

70.13 Subd. 28. **Payment rates evaluation.** (a) The commissioner shall assess data collected
 70.14 under subdivision 27 and shall publish evaluation findings in a report to the legislature on
 70.15 August 1, 2024, and once every two years thereafter. Evaluation findings shall include:

70.16 (1) the costs that providers incur while providing services under this section;

70.17 (2) comparisons between those costs and the costs incurred by providers of comparable
 70.18 services and employers in industries competing in the same labor market;

70.19 (3) changes in wages, benefits provided, hours worked, and retention over time; and

70.20 (4) recommendations for the rate methodologies paid based on the evaluation findings.

70.21 (b) The commissioner shall only release cost data in an aggregate form and shall not
 70.22 release cost data from individual providers except as permitted by current law.

70.23 **EFFECTIVE DATE.** This section is effective July 1, 2021."

70.24 Page 74, line 8, strike "county"

70.25 Page 75, after line 27, insert:

70.26 "Sec. 29. Minnesota Statutes 2020, section 256S.20, subdivision 1, is amended to read:

70.27 Subdivision 1. **Customized living services provider requirements.** ~~Only a provider~~
 70.28 ~~licensed by the Department of Health as a comprehensive home care provider may provide~~
 70.29 To deliver customized living services or 24-hour customized living services-, a provider
 70.30 must:

- 71.1 (1) be licensed as an assisted living facility under chapter 144G; or
- 71.2 (2) be licensed as a comprehensive home care provider under chapter 144A and be
- 71.3 delivering services in a setting defined under section 144G.08, subdivision 7, clauses (11)
- 71.4 to (13). A licensed home care provider is subject to section 256B.0651, subdivision 14.

71.5 Sec. 30. **SELF-DIRECTED WORKER CONTRACT RATIFICATION.**

71.6 The labor agreement between the state of Minnesota and the Service Employees

71.7 International Union Healthcare Minnesota, submitted to the Legislative Coordinating

71.8 Commission on March 1, 2021, is ratified.

71.9 **EFFECTIVE DATE.** This section is effective July 1, 2021."

71.10 Page 91, line 3, delete "4,882,194,000" and insert "4,887,949,000" and delete

71.11 "5,090,640,000" and insert "5,273,834,000"

71.12 Page 91, line 6, delete "4,567,670,000 " and insert "4,584,268,000" and delete

71.13 "4,782,560,000" and insert "4,972,802,000"

71.14 Page 91, delete line 9

71.15 Page 91, line 10, delete "309,193,000" and insert "299,100,000" and delete "302,749,000"

71.16 and insert "296,451,000"

71.17 Page 93, line 1, delete "zero percent"

71.18 Page 93, delete line 2

71.19 Page 93, line 3, delete "2023, and beginning in fiscal year 2024,"

71.20 Page 95, line 15, delete "2,633,000" and insert "3,561,000" and delete "1,535,000" and

71.21 insert "2,199,000"

71.22 Page 96, line 2, delete "\$161,781,000" and insert "\$2,314,000"

71.23 Page 96, line 3, delete "\$161,934,000" and insert "\$2,492,000"

71.24 Page 96, line 6, delete "17,623,000" and insert "17,981,000" and delete "17,994,000"

71.25 and insert "18,399,000"

71.26 Page 96, lines 21 and 22, delete "18,054,000" and insert "18,803,000"

71.27 Page 97, line 34, delete "\$17,311,000" and insert "\$17,320,000"

71.28 Page 97, line 35, delete "\$17,381,000" and insert "\$17,390,000"

72.1 Page 98, line 3, delete "33,904,000" and insert "34,477,000" and delete "33,619,000"
 72.2 and insert "34,248,000"

72.3 Page 99, line 13, delete "75,792,000" and insert "92,706,000" and delete "74,748,000"
 72.4 and insert "91,825,000"

72.5 Page 99, line 14, delete "114,378,000" and insert "104,285,000" and delete "107,708,000"
 72.6 and insert "101,410,000"

72.7 Page 99, line 16, delete "52,867,000" and insert "53,600,000" and delete "52,869,000"
 72.8 and insert "52,869,000"

72.9 Page 99, line 35, delete "51,582,000" and insert "51,801,000"

72.10 Page 100, line 2, delete "182,536,000" and insert "183,168,000" and delete "189,611,000"
 72.11 and insert "189,622,000"

72.12 Page 100, line 4, delete "116,578,000" and insert "110,583,000" and delete "121,196,000"
 72.13 and insert "121,246,000"

72.14 Page 100, line 8, delete "2,992,523,000" and insert "3,072,615,000" and delete
 72.15 "3,169,449,000" and insert "3,450,272,000"

72.16 Page 100, line 27, delete "106,797,000" and insert "133,415,000" and delete
 72.17 "123,468,000" and insert "119,849,000"

72.18 Page 100, after line 36, insert:

72.19 "**Indian Child Welfare Training. \$1,012,000**
 72.20 in fiscal year 2022 and \$993,000 in fiscal year
 72.21 2023 are appropriated to the Department of
 72.22 Human Services for the establishment and
 72.23 operation of the Tribal Training and
 72.24 Certification Partnership at the University of
 72.25 Minnesota-Duluth to provide training,
 72.26 establish federal Indian Child Welfare Act and
 72.27 Minnesota Indian Family Preservation Act
 72.28 training requirements for county child welfare
 72.29 workers, and develop Indigenous child welfare
 72.30 training for American Indian Tribes. The base
 72.31 appropriation for this activity in fiscal year
 72.32 2024 is \$1,053,000 and the base appropriation
 72.33 in fiscal year 2025 is \$1,053,000."

73.1 Page 101, line 2, delete "51,483,000" and insert "51,983,000" and delete "51,198,000"
 73.2 and insert "51,698,000"

73.3 Page 101, line 21, delete "27,115,000" and insert "27,040,000" and delete "27,115,000"
 73.4 and insert "27,040,000"

73.5 Page 101, line 33, delete "18,651,000" and insert "20,251,000" and delete "17,263,000"
 73.6 and insert "18,863,000"

73.7 Page 102, line 25, delete "81,043,000" and insert "83,323,000" and delete "81,044,000"
 73.8 and insert "83,324,000"

73.9 Page 103, line 36, delete "142,940,000" and insert "139,946,000"

73.10 Page 104, line 15, delete "18,695,000" and insert "18,771,000"

73.11 Page 104, lines 22 and 26, delete "\$2,541,000" and insert "\$2,458,000"

73.12 Page 104, line 30, delete "121,039,000" and insert "119,854,000"

73.13 Page 104, line 32, delete "98,833,000" and insert "97,570,000"

73.14 Page 105, line 9, delete "\$71,493,000" and insert "\$96,360,000"

73.15 Page 105, line 10, delete "\$71,493,000" and insert "\$96,620,000"

73.16 Page 105, after line 10, insert:

73.17 "Sec. 3. **APPROPRIATION; INSTITUTIONS FOR MENTAL DISEASE**
 73.18 **PAYMENTS.**

73.19 \$8,328,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
 73.20 of human services to reimburse counties for the amount identified by the commissioner for
 73.21 the statewide county share of costs for which federal funds were claimed, but were not
 73.22 eligible for federal funding for substance use disorder services provided in institutions for
 73.23 mental disease, for claims paid between January 1, 2014, and June 30, 2019. The
 73.24 commissioner of human services shall allocate this appropriation between counties in the
 73.25 amount identified by the department that is owed by each county. Prior to a county receiving
 73.26 reimbursement, the county must pay in full any unpaid consolidated chemical dependency
 73.27 treatment fund invoiced county share. This is a onetime appropriation.

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

74.1 Sec. 4. **APPROPRIATION; GRANTS TO TRIBAL GOVERNMENTS.**

74.2 \$28,873,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
74.3 of human services to satisfy the value of overpayments owed by the Leech Lake Band of
74.4 Ojibwe and White Earth Band of Chippewa to repay overpayments for medication-assisted
74.5 treatment services between fiscal year 2014 and fiscal year 2019. The grant to the Leech
74.6 Lake Band of Ojibwe shall be \$14,666,000 and the grant to the White Earth Band of
74.7 Chippewa shall be \$14,207,000. This is a onetime appropriation.

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

74.9 Renumber the sections in sequence and correct the internal references

74.10 Amend the title accordingly