

4.12 **ARTICLE 1**
4.13 **CHILDREN AND FAMILIES**

4.14 Section 1. Minnesota Statutes 2018, section 119B.011, is amended by adding a subdivision
4.15 to read:

4.16 Subd. 13b. **Homeless.** "Homeless" means a self-declared housing status as defined in
4.17 the McKinney-Vento Homeless Assistance Act and United States Code, title 42, section
4.18 11302, paragraph (a).

4.19 **EFFECTIVE DATE.** This section is effective September 21, 2020.

4.20 Sec. 2. Minnesota Statutes 2018, section 119B.011, subdivision 19, is amended to read:

4.21 Subd. 19. **Provider.** "Provider" means:

4.22 (1) an individual or child care center or facility, either licensed or unlicensed, providing
4.23 legal child care services as defined licensed to provide child care under section 245A.03
4.24 chapter 245A when operating within the terms of the license; or

4.25 (2) a license exempt center required to be certified under chapter 245H;

4.26 (3) an individual or child care center or facility holding that: (i) holds a valid child care
4.27 license issued by another state or a tribe and providing; (ii) provides child care services in
4.28 the licensing state or in the area under the licensing tribe's jurisdiction; and (iii) is in
4.29 compliance with federal health and safety requirements as certified by the licensing state
4.30 or tribe, or as determined by receipt of child care development block grant funds in the
4.31 licensing state; or

4.32 (4) a legal nonlicensed child care provider as defined under section 119B.011, subdivision
4.33 16, providing legal child care services. A legally unlicensed family legal nonlicensed child
4.34 care provider must be at least 18 years of age, and not a member of the MFIP assistance
5.1 unit or a member of the family receiving child care assistance to be authorized under this
5.2 chapter.

5.3 **EFFECTIVE DATE.** This section is effective July 1, 2019.

5.4 Sec. 3. Minnesota Statutes 2018, section 119B.011, subdivision 20, is amended to read:

5.5 Subd. 20. **Transition year families.** "Transition year families" means families who have
5.6 received MFIP assistance, or who were eligible to receive MFIP assistance after choosing
5.7 to discontinue receipt of the cash portion of MFIP assistance under section 256J.31,
5.8 subdivision 12, or families who have received DWP assistance under section 256J.95 for
5.9 at least ~~three~~ one of the last six months before losing eligibility for MFIP or DWP.
5.10 Notwithstanding Minnesota Rules, parts 3400.0040, subpart 10, and 3400.0090, subpart 2,
5.11 transition year child care may be used to support employment, approved education or training

69.12 **ARTICLE 2**
69.13 **CHILDREN AND FAMILIES SERVICES**
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5.12 programs, or job search that meets the requirements of section 119B.10. Transition year
5.13 child care is not available to families who have been disqualified from MFIP or DWP due
5.14 to fraud.

5.15 **EFFECTIVE DATE.** This section is effective March 23, 2020.

5.16 Sec. 4. Minnesota Statutes 2018, section 119B.02, subdivision 3, is amended to read:

5.17 Subd. 3. **Supervision of counties and providers.** (a) The commissioner shall supervise
5.18 child care programs administered by the counties through standard-setting, technical
5.19 assistance to the counties, approval of county child care fund plans, and distribution of
5.20 public money for services. The commissioner shall provide training and other support
5.21 services to assist counties in planning for and implementing child care assistance programs.
5.22 The commissioner shall adopt rules under chapter 14 that establish minimum administrative
5.23 standards for the provision of child care services by county boards of commissioners.

5.24 (b) The commissioner shall:

5.25 (1) provide technical assistance and training to child care providers about proper billing
5.26 and attendance record-keeping procedures for reimbursement under this chapter; and

5.27 (2) ensure that the training and technical assistance provided to child care providers is
5.28 linguistically and culturally accessible.

5.29 **EFFECTIVE DATE.** This section is effective July 1, 2020.

6.1 Sec. 5. Minnesota Statutes 2018, section 119B.02, subdivision 7, is amended to read:

6.2 Subd. 7. **Child care market rate survey.** ~~Biennially~~. The commissioner shall conduct
6.3 the next survey of prices charged by child care providers in Minnesota in state fiscal year
6.4 2021 and every three years thereafter to determine the 75th percentile for like-care
6.5 arrangements in county price clusters.

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

6.7 Sec. 6. Minnesota Statutes 2018, section 119B.025, subdivision 1, is amended to read:

6.8 Subdivision 1. **Applications.** (a) Except as provided in paragraph (c), clause (4), the
6.9 county shall verify the following at all initial child care applications using the universal
6.10 application:

6.11 (1) identity of adults;

6.12 (2) presence of the minor child in the home, if questionable;

6.13 (3) relationship of minor child to the parent, stepparent, legal guardian, eligible relative
6.14 caretaker, or the spouses of any of the foregoing;

6.15 (4) age;

6.16 (5) immigration status, if related to eligibility;

- 6.17 (6) Social Security number, if given;
- 6.18 (7) counted income;
- 6.19 (8) spousal support and child support payments made to persons outside the household;
- 6.20 (9) residence; and
- 6.21 (10) inconsistent information, if related to eligibility.
- 6.22 (b) The county must mail a notice of approval or denial of assistance to the applicant
6.23 within 30 calendar days after receiving the application. The county may extend the response
6.24 time by 15 calendar days if the applicant is informed of the extension.
- 6.25 (c) For an applicant who declares that the applicant is homeless and who meets the
6.26 definition of homeless in section 119B.011, subdivision 13b, the county must:
- 6.27 (1) if information is needed to determine eligibility, send a request for information to
6.28 the applicant within five working days after receiving the application;
- 6.29 (2) if the applicant is eligible, send a notice of approval of assistance within five working
6.30 days after receiving the application;
- 7.1 (3) if the applicant is ineligible, send a notice of denial of assistance within 30 days after
7.2 receiving the application. The county may extend the response time by 15 calendar days if
7.3 the applicant is informed of the extension;
- 7.4 (4) not require verifications required by paragraph (a) before issuing the notice of approval
7.5 or denial; and
- 7.6 (5) follow limits set by the commissioner for how frequently expedited application
7.7 processing may be used for an applicant under this paragraph.
- 7.8 (d) An applicant who declares that the applicant is homeless must submit proof of
7.9 eligibility within three months of the date the application was received. If proof of eligibility
7.10 is not submitted within three months, eligibility ends. A 15-day adverse action notice is
7.11 required to end eligibility.
- 7.12 **EFFECTIVE DATE.** This section is effective September 21, 2020.
- 7.13 Sec. 7. Minnesota Statutes 2018, section 119B.025, is amended by adding a subdivision
7.14 to read:
- 7.15 Subd. 5. **Information to applicants; child care fraud.** At the time of initial application
7.16 and at redetermination, the county must provide written notice to the applicant or participant
7.17 listing the activities that constitute child care fraud and the consequences of committing
7.18 child care fraud. An applicant or participant shall acknowledge receipt of the child care
7.19 fraud notice in writing.

7.20 **EFFECTIVE DATE.** This section is effective September 1, 2019.

7.21 Sec. 8. Minnesota Statutes 2018, section 119B.03, subdivision 9, is amended to read:

7.22 Subd. 9. **Portability pool.** (a) The commissioner shall establish a pool of up to five
7.23 percent of the annual appropriation for the basic sliding fee program to provide continuous
7.24 child care assistance for eligible families who move between Minnesota counties. At the
7.25 end of each allocation period, any unspent funds in the portability pool must be used for
7.26 assistance under the basic sliding fee program. If expenditures from the portability pool
7.27 exceed the amount of money available, the reallocation pool must be reduced to cover these
7.28 shortages.

7.29 (b) ~~To be eligible for portable basic sliding fee assistance,~~ A family that has moved from
7.30 a county in which it was receiving basic sliding fee assistance to a county with a waiting
7.31 list for the basic sliding fee program must:

8.1 (1) meet the income and eligibility guidelines for the basic sliding fee program; and

8.2 (2) ~~notify the new county of residence within 60 days of moving and submit information~~
8.3 ~~to the new county of residence to verify eligibility for the basic sliding fee program the~~
8.4 ~~family's previous county of residence of the family's move to a new county of residence.~~

8.5 (c) The receiving county must:

8.6 (1) accept administrative responsibility for applicants for portable basic sliding fee
8.7 assistance at the end of the two months of assistance under the Unitary Residency Act;

8.8 (2) ~~continue portability pool basic sliding fee assistance for the lesser of six months or~~
8.9 ~~until the family is able to receive assistance under the county's regular basic sliding program;~~
8.10 ~~and~~

8.11 (3) ~~notify the commissioner through the quarterly reporting process of any family that~~
8.12 ~~meets the criteria of the portable basic sliding fee assistance pool.~~

8.13 **EFFECTIVE DATE.** This section is effective December 2, 2019.

8.14 Sec. 9. Minnesota Statutes 2018, section 119B.05, subdivision 1, is amended to read:

8.15 Subdivision 1. **Eligible participants.** Families eligible for child care assistance under
8.16 the MFIP child care program are:

8.17 (1) MFIP participants who are employed or in job search and meet the requirements of
8.18 section 119B.10;

8.19 (2) persons who are members of transition year families under section 119B.011,
8.20 subdivision 20, and meet the requirements of section 119B.10;

8.21 (3) families who are participating in employment orientation or job search, or other
8.22 employment or training activities that are included in an approved employability development
8.23 plan under section 256J.95;

- 8.24 (4) MFIP families who are participating in work job search, job support, employment,
8.25 or training activities as required in their employment plan, or in appeals, hearings,
8.26 assessments, or orientations according to chapter 256J;
- 8.27 (5) MFIP families who are participating in social services activities under chapter 256J
8.28 as required in their employment plan approved according to chapter 256J;
- 8.29 (6) families who are participating in services or activities that are included in an approved
8.30 family stabilization plan under section 256J.575;
- 9.1 (7) families who are participating in programs as required in tribal contracts under section
9.2 119B.02, subdivision 2, or 256.01, subdivision 2;
- 9.3 (8) families who are participating in the transition year extension under section 119B.011,
9.4 subdivision 20a;
- 9.5 (9) student parents as defined under section 119B.011, subdivision 19b; ~~and~~
- 9.6 (10) student parents who turn 21 years of age and who continue to meet the other
9.7 requirements under section 119B.011, subdivision 19b. A student parent continues to be
9.8 eligible until the student parent is approved for basic sliding fee child care assistance or
9.9 until the student parent's redetermination, whichever comes first. At the student parent's
9.10 redetermination, if the student parent was not approved for basic sliding fee child care
9.11 assistance, a student parent's eligibility ends following a 15-day adverse action notice; ~~and~~
- 9.12 (11) MFIP child-only cases under section 256J.88, for up to 20 hours of child care per
9.13 week for children six years of age and younger, as recommended by the treating mental
9.14 health professional, when either the child's primary caregiver has a diagnosis of a mental
9.15 illness and is in need of intensive treatment, or the child is in need of a consistent caregiver.

9.16 Sec. 10. Minnesota Statutes 2018, section 119B.09, subdivision 1, is amended to read:

9.17 Subdivision 1. **General eligibility requirements.** (a) Child care services must be
9.18 available to families who need child care to find or keep employment or to obtain the training
9.19 or education necessary to find employment and who:

9.20 (1) have household income less than or equal to 67 percent of the state median income,
9.21 adjusted for family size, at application and redetermination, and meet the requirements of
9.22 section 119B.05; receive MFIP assistance; and are participating in employment and training
9.23 services under chapter 256J; or

9.24 (2) have household income less than or equal to 47 percent of the state median income,
9.25 adjusted for family size, at application and less than or equal to 67 percent of the state
9.26 median income, adjusted for family size, at redetermination.

9.27 (b) Child care services must be made available as in-kind services.

ARTICLE 1

5.18 Sec. 2. Minnesota Statutes 2018, section 119B.09, subdivision 1, is amended to read:

5.19 Subdivision 1. **General eligibility requirements.** (a) Child care services must be
5.20 available to families with financial resources, excluding vehicles, of less than \$100,000,
5.21 who need child care to find or keep employment or to obtain the training or education
5.22 necessary to find employment and who:

5.23 (1) have household income less than or equal to 67 percent of the state median income,
5.24 adjusted for family size, at application and redetermination, and meet the requirements of
5.25 section 119B.05; receive MFIP assistance; and are participating in employment and training
5.26 services under chapter 256J; or

5.27 (2) have household income less than or equal to 47 percent of the state median income,
5.28 adjusted for family size, at application and less than or equal to 67 percent of the state
5.29 median income, adjusted for family size, at redetermination.

5.30 (b) Child care services must be made available as in-kind services.

9.28 (c) All applicants for child care assistance and families currently receiving child care
 9.29 assistance must be assisted and required to cooperate in establishment of paternity and
 9.30 enforcement of child support obligations for all children in the family at application and
 9.31 redetermination as a condition of program eligibility. For purposes of this section, a family
 10.1 is considered to meet the requirement for cooperation when the family complies with the
 10.2 requirements of section 256.741.

10.3 (d) All applicants for child care assistance and families currently receiving child care
 10.4 assistance must pay the co-payment fee under section 119B.12, subdivision 2, as a condition
 10.5 of eligibility. The co-payment fee may include additional recoupment fees due to a child
 10.6 care assistance program overpayment.

10.7 (e) If a family has one child with a child care authorization and the child reaches 13
 10.8 years of age or the child has a disability and reaches 15 years of age, the family remains
 10.9 eligible until the redetermination.

10.10 **EFFECTIVE DATE.** This section is effective June 29, 2020.

5.31 (c) All applicants for child care assistance and families currently receiving child care
 5.32 assistance must be assisted and required to cooperate in establishment of paternity and
 6.1 enforcement of child support obligations for all children in the family at application and
 6.2 redetermination as a condition of program eligibility. For purposes of this section, a family
 6.3 is considered to meet the requirement for cooperation when the family complies with the
 6.4 requirements of section 256.741.

6.5 (d) All applicants for child care assistance and families currently receiving child care
 6.6 assistance must pay the co-payment fee under section 119B.12, subdivision 2, as a condition
 6.7 of eligibility. The co-payment fee may include additional recoupment fees due to a child
 6.8 care assistance program overpayment.

6.9 Sec. 3. Minnesota Statutes 2018, section 119B.09, subdivision 4, is amended to read:

6.10 Subd. 4. **Eligibility; annual income; calculation.** (a) Annual income of the applicant
 6.11 family is the current monthly income of the family multiplied by 12 or the income for the
 6.12 12-month period immediately preceding the date of application, or income calculated by
 6.13 the method which provides the most accurate assessment of income available to the family.

6.14 (b) Self-employment income must be calculated based on gross receipts less operating
 6.15 expenses authorized by the Internal Revenue Service.

6.16 (c) Income changes are processed under section 119B.025, subdivision 4. Included lump
 6.17 sums counted as income under section 256P.06, subdivision 3, must be annualized over 12
 6.18 months. Income includes all deposits into accounts owned or controlled by the applicant
 6.19 including amounts spent on personal expenses including rent, mortgage, automobile-related
 6.20 expenses, utilities, and food and amounts received as salary or draws from business accounts.
 6.21 Income does not include a deposit specifically identified by the applicant as a loan or gift,
 6.22 for which the applicant provides the source, date, amount, and repayment terms. Income
 6.23 and assets must be verified with documentary evidence. If the applicant does not have
 6.24 sufficient evidence of income or assets, verification must be obtained from the source of
 6.25 the income or assets.

7.14 Sec. 5. Minnesota Statutes 2018, section 119B.09, subdivision 9, is amended to read:

7.15 Subd. 9. **Licensed and legal nonlicensed family child care providers; assistance.** This
 7.16 subdivision applies to any provider providing care in a setting other than a licensed or
 7.17 license-exempt child care center. Licensed and legal nonlicensed family child care providers
 7.18 and their employees are not eligible to receive child care assistance subsidies under this
 7.19 chapter for their own children or children in their family during the hours they are providing

10.11 Sec. 11. Minnesota Statutes 2018, section 119B.095, subdivision 2, is amended to read:
10.12 Subd. 2. **Maintain steady child care authorizations.** (a) Notwithstanding Minnesota
10.13 Rules, chapter 3400, the amount of child care authorized under section 119B.10 for
10.14 employment, education, or an MFIP or DWP employment plan shall continue at the same
10.15 number of hours or more hours until redetermination, including:
10.16 (1) when the other parent moves in and is employed or has an education plan under
10.17 section 119B.10, subdivision 3, or has an MFIP or DWP employment plan; or
10.18 (2) when the participant's work hours are reduced or a participant temporarily stops
10.19 working or attending an approved education program. Temporary changes include, but are
10.20 not limited to, a medical leave, seasonal employment fluctuations, or a school break between
10.21 semesters.
10.22 (b) The county may increase the amount of child care authorized at any time if the
10.23 participant verifies the need for increased hours for authorized activities.

7.20 child care or being paid to provide child care. Child care providers and their employees are
7.21 eligible to receive child care assistance subsidies for their children when they are engaged
7.22 in other activities that meet the requirements of this chapter and for which child care
7.23 assistance can be paid. The hours for which the provider or their employee receives a child
7.24 care subsidy for their own children must not overlap with the hours the provider provides
7.25 child care services.
7.26 Sec. 6. Minnesota Statutes 2018, section 119B.09, subdivision 9a, is amended to read:
7.27 Subd. 9a. **Child care centers authorizations; assistance dependents of employees**
7.28 **and controlling individuals.** (a) A licensed or license-exempt child care center ~~may~~ must
7.29 not receive authorizations for ~~25 or fewer children~~ more than seven children who are
7.30 dependents of the center's employees or controlling individuals. ~~If a child care center is~~
7.31 ~~authorized for more than 25 children who are dependents of center employees, the county~~
7.32 ~~cannot authorize additional dependents of an employee until the number of children falls~~
7.33 ~~below 25.~~
8.1 (b) ~~Funds paid to providers during the period of time when a center is authorized for~~
8.2 ~~more than 25 children who are dependents of center employees must not be treated as~~
8.3 ~~overpayments under section 119B.11, subdivision 2a, due to noncompliance with this~~
8.4 ~~subdivision.~~
8.5 (e) (b) Nothing in this subdivision precludes the commissioner from conducting fraud
8.6 investigations relating to child care assistance, imposing sanctions, and obtaining monetary
8.7 recovery as otherwise provided by law.

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- 10.24 (c) The county may reduce the amount of child care authorized if a parent requests a
10.25 reduction or because of a change in:
- 10.26 (1) the child's school schedule;
- 10.27 (2) the custody schedule; or
- 10.28 (3) the provider's availability.
- 10.29 (d) The amount of child care authorized for a family subject to subdivision 1, paragraph
10.30 (b), must change when the participant's activity schedule changes. Paragraph (a) does not
10.31 apply to a family subject to subdivision 1, paragraph (b).
- 11.1 (e) When a child reaches 13 years of age or a child with a disability reaches 15 years of
11.2 age, the amount of child care authorized shall continue at the same number of hours or more
11.3 hours until redetermination.
- 11.4 **EFFECTIVE DATE.** This section is effective June 29, 2020.
- 11.5 Sec. 12. Minnesota Statutes 2018, section 119B.095, is amended by adding a subdivision
11.6 to read:
- 11.7 Subd. 3. **Assistance for persons who are homeless.** An applicant who is homeless and
11.8 eligible for child care assistance is exempt from the activity participation requirements under
11.9 this chapter for three months. The applicant under this subdivision is eligible for 60 hours
11.10 of child care assistance per service period for three months from the date the county receives
11.11 the application. Additional hours may be authorized as needed based on the applicant's
11.12 participation in employment, education, or MFIP or DWP employment plan. To continue
11.13 receiving child care assistance after the initial three months, the applicant must verify that
11.14 the applicant meets eligibility and activity requirements for child care assistance under this
11.15 chapter.
- 11.16 **EFFECTIVE DATE.** This section is effective September 21, 2020.
- 11.17 Sec. 13. Minnesota Statutes 2018, section 119B.13, subdivision 1, is amended to read:
- 11.18 Subdivision 1. **Subsidy restrictions.** (a) Beginning ~~February 3, 2014~~, September 20,
11.19 2019, the maximum rate paid for child care assistance in any county or county price cluster
11.20 under the child care fund shall be the greater of the 25th percentile of the ~~2011~~ 2018 child
11.21 care provider rate survey under section 119B.02, subdivision 7, or the maximum rate effective
11.22 ~~November 28, 2011~~ February 3, 2014. For a child care provider located within the boundaries
11.23 of a city located in two or more of the counties of Benton, Sherburne, and Stearns, the
11.24 maximum rate paid for child care assistance shall be equal to the maximum rate paid in the
11.25 county with the highest maximum reimbursement rates or the provider's charge, whichever
11.26 is less. The commissioner may: (1) assign a county with no reported provider prices to a
11.27 similar price cluster; and (2) consider county level access when determining final price
11.28 clusters.

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

11.31 (c) The department shall monitor the effect of this paragraph on provider rates. The
11.32 county shall pay the provider's full charges for every child in care up to the maximum
12.1 established. The commissioner shall determine the maximum rate for each type of care on
12.2 an hourly, full-day, and weekly basis, including special needs and disability care.

12.3 (d) If a child uses one provider, the maximum payment for one day of care must not
12.4 exceed the daily rate. The maximum payment for one week of care must not exceed the
12.5 weekly rate.

12.6 (e) If a child uses two providers under section 119B.097, the maximum payment must
12.7 not exceed:

12.8 (1) the daily rate for one day of care;

12.9 (2) the weekly rate for one week of care by the child's primary provider; and

12.10 (3) two daily rates during two weeks of care by a child's secondary provider.

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

12.14 (g) If the provider charge is greater than the maximum provider rate allowed, the parent
12.15 is responsible for payment of the difference in the rates in addition to any family co-payment
12.16 fee.

12.17 (h) All maximum provider rates changes shall be implemented on the Monday following
12.18 the effective date of the maximum provider rate.

12.19 (i) ~~Notwithstanding Minnesota Rules, part 3400.0130, subpart 7, maximum registration~~
12.20 ~~fees in effect on January 1, 2013, shall remain in effect.~~ The maximum registration fee paid
12.21 for child care assistance in any county or county price cluster under the child care fund shall
12.22 be the greater of the 25th percentile of the 2018 child care provider rate survey under section
12.23 119B.02, subdivision 7, or the registration fee in effect February 3, 2014. Maximum
12.24 registration fees must be set for licensed family child care and for child care centers. For a
12.25 child care provider located within the boundaries of a city located in two or more of the
12.26 counties of Benton, Sherburne, and Stearns, the maximum registration fee paid for child
12.27 care assistance shall be equal to the maximum registration fee paid in the county with the
12.28 highest maximum registration fee or the provider's charge, whichever is less.

12.29 **EFFECTIVE DATE.** Paragraph (a) is effective September 20, 2019. Paragraph (i) is
12.30 effective September 23, 2019.

13.1 Sec. 14. Minnesota Statutes 2018, section 119B.16, subdivision 1, is amended to read:

13.2 Subdivision 1. **Fair hearing allowed for applicants and recipients.** (a) An applicant
13.3 or recipient adversely affected by an action of a county agency ~~action~~ or the commissioner,
13.4 for an action taken directly against the applicant or recipient, may request and receive a fair
13.5 hearing in accordance with this subdivision and section 256.045. An applicant or recipient
13.6 does not have a right to a fair hearing if a county agency or the commissioner takes action
13.7 against a provider.

13.8 (b) A county agency must offer an informal conference to an applicant or recipient who
13.9 is entitled to a fair hearing under this section. A county agency must advise an applicant or
13.10 recipient that a request for a conference is optional and does not delay or replace the right
13.11 to a fair hearing.

13.12 (c) If a provider's authorization is suspended, denied, or revoked, a county agency or
13.13 the commissioner must mail notice to each child care assistance program recipient receiving
13.14 care from the provider.

13.15 **EFFECTIVE DATE.** This section is effective February 26, 2021.

13.16 Sec. 15. Minnesota Statutes 2018, section 119B.16, subdivision 1a, is amended to read:

13.17 Subd. 1a. **Fair hearing allowed for providers.** (a) This subdivision applies to providers
13.18 caring for children receiving child care assistance.

13.19 (b) A provider to whom a county agency has assigned responsibility for an overpayment
13.20 may request a fair hearing in accordance with section 256.045 for the limited purpose of
13.21 challenging the assignment of responsibility for the overpayment and the amount of the
13.22 overpayment. The scope of the fair hearing does not include the issues of whether the
13.23 provider wrongfully obtained public assistance in violation of section 256.98 or was properly
13.24 disqualified under section 256.98, subdivision 8, paragraph (c), unless the fair hearing has
13.25 been combined with an administrative disqualification hearing brought against the provider
13.26 under section 256.046.

13.27 (b) A provider may request a fair hearing according to sections 256.045 and 256.046
13.28 only if a county agency or the commissioner:

13.29 (1) denies or revokes a provider's authorization, unless the action entitles the provider
13.30 to an administrative review under section 119B.161;

13.31 (2) assigns responsibility for an overpayment to a provider under section 119B.11,
13.32 subdivision 2a;

14.1 (3) establishes an overpayment for failure to comply with section 119B.125, subdivision
14.2 6;

- 14.3 (4) seeks monetary recovery or recoupment under section 245E.02, subdivision 4,
14.4 paragraph (c), clause (2);
- 14.5 (5) initiates an administrative fraud disqualification hearing; or
- 14.6 (6) issues a payment and the provider disagrees with the amount of the payment.
- 14.7 (c) A provider may request a fair hearing by submitting a written request to the
14.8 Department of Human Services, Appeals Division. A provider's request must be received
14.9 by the Appeals Division no later than 30 days after the date a county or the commissioner
14.10 mails the notice.
- 14.11 (d) The provider's appeal request must contain the following:
- 14.12 (1) each disputed item, the reason for the dispute, and, if applicable, an estimate of the
14.13 dollar amount involved for each disputed item;
- 14.14 (2) the computation the provider believes to be correct, if applicable;
- 14.15 (3) the statute or rule relied on for each disputed item; and
- 14.16 (4) the name, address, and telephone number of the person at the provider's place of
14.17 business with whom contact may be made regarding the appeal.
- 14.18 **EFFECTIVE DATE.** This section is effective February 26, 2021.
- 14.19 Sec. 16. Minnesota Statutes 2018, section 119B.16, subdivision 1b, is amended to read:
- 14.20 Subd. 1b. **Joint fair hearings.** ~~When a provider requests a fair hearing under subdivision~~
14.21 ~~1a, the family in whose case the overpayment was created must be made a party to the fair~~
14.22 ~~hearing. All other issues raised by the family must be resolved in the same proceeding.~~
14.23 ~~When a family requests a fair hearing and claims that the county should have assigned~~
14.24 ~~responsibility for an overpayment to a provider, the provider must be made a party to the~~
14.25 ~~fair hearing. The human services judge assigned to a fair hearing may join a family or a~~
14.26 ~~provider as a party to the fair hearing whenever joinder of that party is necessary to fully~~
14.27 ~~and fairly resolve overpayment issues raised in the appeal.~~
- 14.28 **EFFECTIVE DATE.** This section is effective February 26, 2021.
- 15.1 Sec. 17. Minnesota Statutes 2018, section 119B.16, is amended by adding a subdivision
15.2 to read:
- 15.3 Subd. 1c. **Notice to providers.** (a) Before taking an action appealable under subdivision
15.4 1a, paragraph (b), a county agency or the commissioner must mail written notice to the
15.5 provider against whom the action is being taken. Unless otherwise specified under chapter
15.6 119B or 245E or Minnesota Rules, chapter 3400, a county agency or the commissioner must
15.7 mail the written notice at least 15 calendar days before the adverse action's effective date.
- 15.8 (b) The notice shall state (1) the factual basis for the department's determination, (2) the
15.9 action the department intends to take, (3) the dollar amount of the monetary recovery or

15.10 recoupment, if known, and (4) the provider's right to appeal the department's proposed
15.11 action.

15.12 **EFFECTIVE DATE.** This section is effective February 26, 2021.

15.13 Sec. 18. Minnesota Statutes 2018, section 119B.16, is amended by adding a subdivision
15.14 to read:

15.15 Subd. 3. **Fair hearing stayed.** (a) If a county agency or the commissioner denies or
15.16 revokes a provider's authorization based on a licensing action under section 245A.07, and
15.17 the provider appeals, the provider's fair hearing must be stayed until the commissioner issues
15.18 an order as required under section 245A.08, subdivision 5.

15.19 (b) If the commissioner denies or revokes a provider's authorization based on
15.20 decertification under section 245H.07, and the provider appeals, the provider's fair hearing
15.21 must be stayed until the commissioner issues a final order as required under section 245H.07.

15.22 **EFFECTIVE DATE.** This section is effective February 26, 2021.

15.23 Sec. 19. Minnesota Statutes 2018, section 119B.16, is amended by adding a subdivision
15.24 to read:

15.25 Subd. 4. **Final department action.** Unless the commissioner receives a timely and
15.26 proper request for an appeal, a county agency's or the commissioner's action shall be
15.27 considered a final department action.

15.28 **EFFECTIVE DATE.** This section is effective February 26, 2021.

15.29 Sec. 20. **[119B.161] ADMINISTRATIVE REVIEW.**

15.30 Subdivision 1. **Applicability.** A provider has the right to an administrative review under
15.31 this section if (1) a payment was suspended under chapter 245E, or (2) the provider's
16.1 authorization was denied or revoked under section 119B.13, subdivision 6, paragraph (d),
16.2 clause (1) or (2).

16.3 Subd. 2. **Notice.** (a) A county agency or the commissioner must mail written notice to
16.4 a provider within five days of suspending payment or denying or revoking the provider's
16.5 authorization under subdivision 1.

16.6 (b) The notice must:

16.7 (1) state the provision under which a county agency or the commissioner is denying,
16.8 revoking, or suspending the provider's authorization or suspending payment to the provider;

16.9 (2) set forth the general allegations leading to the denial, revocation, or suspension of
16.10 the provider's authorization. The notice need not disclose any specific information concerning
16.11 an ongoing investigation;

16.12 (3) state that the denial, revocation, or suspension of the provider's authorization is for
16.13 a temporary period and explain the circumstances under which the action expires; and

16.14 (4) inform the provider of the right to submit written evidence and argument for
16.15 consideration by the commissioner.

16.16 (c) Notwithstanding Minnesota Rules, part 3400.0185, if a county agency or the
16.17 commissioner suspends payment to a provider under chapter 245E or denies or revokes a
16.18 provider's authorization under section 119B.13, subdivision 6, paragraph (d), clause (1) or
16.19 (2), a county agency or the commissioner must send notice of service authorization closure
16.20 to each affected family. The notice sent to an affected family is effective on the date the
16.21 notice is created.

16.22 Subd. 3. **Duration.** If a provider's payment is suspended under chapter 245E or a
16.23 provider's authorization is denied or revoked under section 119B.13, subdivision 6, paragraph
16.24 (d), clause (1) or (2), the provider's denial, revocation, temporary suspension, or payment
16.25 suspension remains in effect until:

16.26 (1) the commissioner or a law enforcement authority determines that there is insufficient
16.27 evidence warranting the action and a county agency or the commissioner does not pursue
16.28 an additional administrative remedy under chapter 245E or section 256.98; or

16.29 (2) all criminal, civil, and administrative proceedings related to the provider's alleged
16.30 misconduct conclude and any appeal rights are exhausted.

17.1 Subd. 4. **Good cause exception.** The commissioner may find that good cause exists not
17.2 to deny, revoke, or suspend a provider's authorization, or not to continue a denial, revocation,
17.3 or suspension of a provider's authorization if any of the following are applicable:

17.4 (1) a law enforcement authority specifically requested that a provider's authorization
17.5 not be denied, revoked, or suspended because that action may compromise an ongoing
17.6 investigation;

17.7 (2) the commissioner determines that the denial, revocation, or suspension should be
17.8 removed based on the provider's written submission; or

17.9 (3) the commissioner determines that the denial, revocation, or suspension is not in the
17.10 best interests of the program.

17.11 **EFFECTIVE DATE.** This section is effective February 26, 2021.

17.12 Sec. 21. **[119B.195] RETAINING EARLY EDUCATORS THROUGH ATTAINING**
17.13 **INCENTIVES NOW (REETAIN) GRANT PROGRAM.**

17.14 Subdivision 1. **Establishment; purpose.** The retaining early educators through attaining
17.15 incentives now (REETAIN) grant program is established to provide competitive grants to

- 17.16 incentivize well-trained child care professionals to stay in the workforce to create more
17.17 consistent care for children over time.
- 17.18 Subd. 2. **Administration.** (a) The commissioner must administer the REETAIN grant
17.19 program, and must provide a grant to a nonprofit organization with demonstrated ability to
17.20 manage benefit programs for child care professionals.
- 17.21 (b) Up to ten percent of grant funds may be used for administration of the grant program.
- 17.22 Subd. 3. **Application.** Applicants must apply for the REETAIN grant program in the
17.23 manner and according to the timelines established by the commissioner.
- 17.24 Subd. 4. **Eligibility.** (a) Applicants must:
- 17.25 (1) be licensed to provide child care or work for a licensed child care program;
17.26 (2) work directly with children at least 30 hours per week;
17.27 (3) be in their current position for at least 12 months;
17.28 (4) be willing to stay in their current position for at least 12 months after receiving a
17.29 grant under this section;
- 17.30 (5) have a career lattice step of five or higher;
- 18.1 (6) have a current membership with the Minnesota quality improvement and registry
18.2 tool; and
- 18.3 (7) meet any other requirements established by the commissioner.
- 18.4 (b) Grant recipients must sign a contract agreeing to remain in their current position for
18.5 12 months.
- 18.6 Subd. 5. **Grant awards.** (a) To the extent that funding is available, a child care
18.7 professional's annual amount for the REETAIN grant must not exceed an amount determined
18.8 by the commissioner. A child care professional must apply each year to compete for an
18.9 award, and may receive up to one award per year.
- 18.10 (b) Grant funds may be used for program supplies, training, or personal expenses.
- 18.11 Subd. 6. **Report.** Annually by January 1, the commissioner must report to the legislative
18.12 committees with jurisdiction over early childhood on the number of grants awarded and
18.13 outcomes of the grant program.
- 18.14 **EFFECTIVE DATE; APPLICATION.** This section is effective July 1, 2019. The first
18.15 report under subdivision 6 is due by January 1, 2021.

UEH2414-1 ARTICLE 2, SECTIONS 8 TO 30 SEE ARTICLE 1 OPERATIONS

- 18.16 Sec. 22. Minnesota Statutes 2018, section 245C.32, subdivision 2, is amended to read:
- 18.17 Subd. 2. **Use.** (a) The commissioner may also use these systems and records to obtain
- 18.18 and provide criminal history data from the Bureau of Criminal Apprehension, criminal
- 18.19 history data held by the commissioner, and data about substantiated maltreatment under
- 18.20 section 626.556 or 626.557, for other purposes, provided that:
- 18.21 (1) the background study is specifically authorized in statute; or
- 18.22 (2) the request is made with the informed consent of the subject of the study as provided
- 18.23 in section 13.05, subdivision 4.
- 18.24 (b) An individual making a request under paragraph (a), clause (2), must agree in writing
- 18.25 not to disclose the data to any other individual without the consent of the subject of the data.
- 18.26 (c) The commissioner may recover the cost of obtaining and providing background study
- 18.27 data by charging the individual or entity requesting the study a fee of no more than \$20 per
- 18.28 study. The fees collected under this paragraph are appropriated to the commissioner for the
- 18.29 purpose of conducting background studies.
- 18.30 (d) The commissioner shall recover the cost of obtaining background study data required
- 18.31 under section 524.5-118 through a fee of \$50 per study for an individual who has not lived
- 19.1 outside Minnesota for the past ten years, and a fee of \$100 for an individual who has resided
- 19.2 outside of Minnesota for any period during the ten years preceding the background study.
- 19.3 The commissioner shall recover, from the individual, any additional fees charged by other
- 19.4 states' licensing agencies that are associated with these data requests. Fees under subdivision
- 19.5 3 also apply when criminal history data from the National Criminal Records Repository is
- 19.6 required.
- 19.7 (e) According to paragraph (a), the commissioner shall use the systems and records
- 19.8 described in this chapter to provide summary data about maltreatment under sections 626.556
- 19.9 or 626.557 to government entities seeking this data for the purposes of child protection.
- 19.10 Sec. 23. Minnesota Statutes 2018, section 256.01, subdivision 14b, is amended to read:
- 19.11 Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human
- 19.12 services may authorize projects to ~~test~~ initiate tribal delivery of child welfare services to
- 19.13 American Indian children and their parents and custodians living on the reservation. The
- 19.14 commissioner has authority to solicit and determine which tribes may participate in a project.
- 19.15 Grants may be issued to Minnesota Indian tribes to support the projects. The commissioner
- 19.16 may waive existing state rules as needed to accomplish the projects. The commissioner may
- 19.17 authorize projects to use alternative methods of (1) screening, investigating, and assessing
- 19.18 reports of child maltreatment, and (2) administrative reconsideration, administrative appeal,
- 19.19 and judicial appeal of maltreatment determinations, provided the alternative methods used
- 19.20 by the projects comply with the provisions of sections 256.045 and 626.556 ~~dealing that~~
- 19.21 ~~deal~~ with the rights of individuals who are the subjects of reports or investigations, including

19.22 notice and appeal rights and data practices requirements. The commissioner shall only
19.23 authorize alternative methods that comply with the public policy under section 626.556,
19.24 subdivision 1. The commissioner may seek any federal approvals necessary to carry out the
19.25 projects as well as seek and use any funds available to the commissioner, including use of
19.26 federal funds, foundation funds, existing grant funds, and other funds. The commissioner
19.27 is authorized to advance state funds as necessary to operate the projects. Federal
19.28 reimbursement applicable to the projects is appropriated to the commissioner for the purposes
19.29 of the projects. The projects must be required to address responsibility for safety, permanency,
19.30 and well-being of children.

19.31 (b) For the purposes of this section, "American Indian child" means a person under 21
19.32 years old and who is a tribal member or eligible for membership in one of the tribes chosen
19.33 for a project under this subdivision and who is residing on the reservation of that tribe.

19.34 (c) In order to qualify for an American Indian child welfare project, a tribe must:

20.1 (1) be one of the existing tribes with reservation land in Minnesota;

20.2 (2) have a tribal court with jurisdiction over child custody proceedings;

20.3 (3) have a substantial number of children for whom determinations of maltreatment have
20.4 occurred;

20.5 (4)(i) have capacity to respond to reports of abuse and neglect under section 626.556;
20.6 or (ii) have codified the tribe's screening, investigation, and assessment of reports of child
20.7 maltreatment procedures, if authorized to use an alternative method by the commissioner
20.8 under paragraph (a);

20.9 (5) provide a wide range of services to families in need of child welfare services; and

20.10 (6) have a tribal-state title IV-E agreement in effect.

20.11 (d) Grants awarded under this section may be used for the nonfederal costs of providing
20.12 child welfare services to American Indian children on the tribe's reservation, including costs
20.13 associated with:

20.14 (1) assessment and prevention of child abuse and neglect;

20.15 (2) family preservation;

20.16 (3) facilitative, supportive, and reunification services;

20.17 (4) out-of-home placement for children removed from the home for child protective
20.18 purposes; and

20.19 (5) other activities and services approved by the commissioner that further the goals of
20.20 providing safety, permanency, and well-being of American Indian children.

20.21 (e) When a tribe has initiated a project and has been approved by the commissioner to
20.22 assume child welfare responsibilities for American Indian children of that tribe under this

20.23 section, the affected county social service agency is relieved of responsibility for responding
20.24 to reports of abuse and neglect under section 626.556 for those children during the time
20.25 within which the tribal project is in effect and funded. The commissioner shall work with
20.26 tribes and affected counties to develop procedures for data collection, evaluation, and
20.27 clarification of ongoing role and financial responsibilities of the county and tribe for child
20.28 welfare services prior to initiation of the project. Children who have not been identified by
20.29 the tribe as participating in the project shall remain the responsibility of the county. Nothing
20.30 in this section shall alter responsibilities of the county for law enforcement or court services.

21.1 (f) Participating tribes may conduct children's mental health screenings under section
21.2 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the
21.3 initiative and living on the reservation and who meet one of the following criteria:

21.4 (1) the child must be receiving child protective services;

21.5 (2) the child must be in foster care; or

21.6 (3) the child's parents must have had parental rights suspended or terminated.

21.7 Tribes may access reimbursement from available state funds for conducting the screenings.

21.8 Nothing in this section shall alter responsibilities of the county for providing services under
21.9 section 245.487.

21.10 (g) Participating tribes may establish a local child mortality review panel. In establishing
21.11 a local child mortality review panel, the tribe agrees to conduct local child mortality reviews
21.12 for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes
21.13 with established child mortality review panels shall have access to nonpublic data and shall
21.14 protect nonpublic data under subdivision 12, paragraphs (c) to (e). The tribe shall provide
21.15 written notice to the commissioner and affected counties when a local child mortality review
21.16 panel has been established and shall provide data upon request of the commissioner for
21.17 purposes of sharing nonpublic data with members of the state child mortality review panel
21.18 in connection to an individual case.

21.19 (h) The commissioner shall collect information on outcomes relating to child safety,
21.20 permanency, and well-being of American Indian children who are served in the projects.

21.21 Participating tribes must provide information to the state in a format and completeness
21.22 deemed acceptable by the state to meet state and federal reporting requirements.

21.23 (i) In consultation with the White Earth Band, the commissioner shall develop and submit
21.24 to the chairs and ranking minority members of the legislative committees with jurisdiction
21.25 over health and human services a plan to transfer legal responsibility for providing child
21.26 protective services to White Earth Band member children residing in Hennepin County to
21.27 the White Earth Band. The plan shall include a financing proposal, definitions of key terms,
21.28 statutory amendments required, and other provisions required to implement the plan. The
21.29 commissioner shall submit the plan by January 15, 2012.

UEH2414-1 ARTICLE 2, SECTIONS 31, 32, & 33 SEE ARTICLE 5 DISABILITY SERVICES

ARTICLE 1

57.27 Sec. 54. Minnesota Statutes 2018, section 256D.024, subdivision 3, is amended to read:

57.28 Subd. 3. **Fleeing felons offenders.** An individual who is fleeing to avoid prosecution,
57.29 or custody, or confinement after conviction for a crime that is a felony under the laws of
57.30 the jurisdiction from which the individual flees, or in the case of New Jersey, is a high
57.31 misdemeanor, is ineligible to receive benefits under this chapter.

58.1 Sec. 55. **[256D.0245] DRUG TESTING INFORMATION FROM PROBATION**
58.2 **OFFICERS.**

58.3 The local probation agency shall regularly provide a list of probationers who tested
58.4 positive for an illegal controlled substance to the local social services agency, specifically
58.5 the welfare fraud division, for purposes of section 256D.024.

58.6 Sec. 56. Minnesota Statutes 2018, section 256D.0515, is amended to read:

58.7 **256D.0515 ASSET LIMITATIONS FOR FOOD STAMP HOUSEHOLDS.**

58.8 All food stamp households must be determined eligible for the benefit discussed under
58.9 section 256.029. Food stamp households must demonstrate that: (1) their gross income is
58.10 equal to or less than 165 percent of the federal poverty guidelines for the same family size;
58.11 and (2) they have financial resources, excluding vehicles, of less than \$100,000.

58.12 Sec. 57. Minnesota Statutes 2018, section 256D.0516, subdivision 2, is amended to read:

58.13 Subd. 2. **Food support reporting requirements.** The commissioner of human services
58.14 shall implement simplified reporting as permitted under the Food Stamp Act of 1977, as
58.15 amended, and the food stamp regulations in Code of Federal Regulations, title 7, part 273.
58.16 Food support recipient households are required to report periodically shall not be required
58.17 to report more often than one time every six months, and must report any changes in income,
58.18 assets, or employment that affects eligibility within ten days of the date the change occurs.
58.19 This provision shall not apply to households receiving food benefits under the Minnesota
58.20 family investment program waiver.

58.21 Sec. 58. Minnesota Statutes 2018, section 256J.08, subdivision 47, is amended to read:

58.22 Subd. 47. **Income.** "Income" means cash or in-kind benefit, whether earned or unearned,
58.23 received by or available to an applicant or participant that is not property under section
58.24 256P.02. An applicant must document that the property is not available to the applicant.

- 58.25 Sec. 59. Minnesota Statutes 2018, section 256J.21, subdivision 2, is amended to read:
- 58.26 Subd. 2. **Income exclusions.** The following must be excluded in determining a family's
- 58.27 available income:
- 58.28 (1) payments for basic care, difficulty of care, and clothing allowances received for
- 58.29 providing family foster care to children or adults under Minnesota Rules, parts 9555.5050
- 58.30 to 9555.6265, 9560.0521, and 9560.0650 to 9560.0654, payments for family foster care for
- 59.1 children under section 260C.4411 or chapter 256N, and payments received and used for
- 59.2 care and maintenance of a third-party beneficiary who is not a household member;
- 59.3 (2) reimbursements for employment training received through the Workforce Investment
- 59.4 Act of 1998, United States Code, title 20, chapter 73, section 9201;
- 59.5 (3) reimbursement for out-of-pocket expenses incurred while performing volunteer
- 59.6 services, jury duty, employment, or informal carpooling arrangements directly related to
- 59.7 employment;
- 59.8 (4) all educational assistance, except the county agency must count graduate student
- 59.9 teaching assistantships, fellowships, and other similar paid work as earned income and,
- 59.10 after allowing deductions for any unmet and necessary educational expenses, shall count
- 59.11 scholarships or grants awarded to graduate students that do not require teaching or research
- 59.12 as unearned income;
- 59.13 (5) loans, regardless of purpose, from public or private lending institutions, governmental
- 59.14 lending institutions, or governmental agencies;
- 59.15 (6) loans from private individuals, regardless of purpose, provided an applicant or
- 59.16 participant ~~documents that the lender expects repayment~~ provides documentation of the
- 59.17 source of the loan, dates, amount of the loan, and terms of repayment;
- 59.18 (7)(i) state income tax refunds; and
- 59.19 (ii) federal income tax refunds;
- 59.20 (8)(i) federal earned income credits;
- 59.21 (ii) Minnesota working family credits;
- 59.22 (iii) state homeowners and renters credits under chapter 290A; and
- 59.23 (iv) federal or state tax rebates;
- 59.24 (9) funds received for reimbursement, replacement, or rebate of personal or real property
- 59.25 when these payments are made by public agencies, awarded by a court, solicited through
- 59.26 public appeal, or made as a grant by a federal agency, state or local government, or disaster
- 59.27 assistance organizations, subsequent to a presidential declaration of disaster;
- 59.28 (10) the portion of an insurance settlement that is used to pay medical, funeral, and burial
- 59.29 expenses, or to repair or replace insured property;

- 59.30 (11) reimbursements for medical expenses that cannot be paid by medical assistance;
- 60.1 (12) payments by a vocational rehabilitation program administered by the state under
- 60.2 chapter 268A, except those payments that are for current living expenses;
- 60.3 (13) in-kind income, including any payments directly made by a third party to a provider
- 60.4 of goods and services. In-kind income does not include in-kind payments of living expenses;
- 60.5 (14) assistance payments to correct underpayments, but only for the month in which the
- 60.6 payment is received;
- 60.7 (15) payments for short-term emergency needs under section 256J.626, subdivision 2;
- 60.8 (16) funeral and cemetery payments as provided by section 256.935;
- 60.9 (17) nonrecurring cash gifts of \$30 or less, not exceeding \$30 per participant in a calendar
- 60.10 month;
- 60.11 (18) any form of energy assistance payment made through Public Law 97-35,
- 60.12 Low-Income Home Energy Assistance Act of 1981, payments made directly to energy
- 60.13 providers by other public and private agencies, and any form of credit or rebate payment
- 60.14 issued by energy providers;
- 60.15 (19) Supplemental Security Income (SSI), including retroactive SSI payments and other
- 60.16 income of an SSI recipient;
- 60.17 (20) Minnesota supplemental aid, including retroactive payments;
- 60.18 (21) proceeds from the sale of real or personal property;
- 60.19 (22) adoption or kinship assistance payments under chapter 256N or 259A and Minnesota
- 60.20 permanency demonstration title IV-E waiver payments;
- 60.21 (23) state-funded family subsidy program payments made under section 252.32 to help
- 60.22 families care for children with developmental disabilities, consumer support grant funds
- 60.23 under section 256.476, and resources and services for a disabled household member under
- 60.24 one of the home and community-based waiver services programs under chapter 256B;
- 60.25 (24) interest payments and dividends from property that is not excluded from and that
- 60.26 does not exceed the asset limit;
- 60.27 (25) rent rebates;
- 60.28 (26) income earned by a minor caregiver, minor child through age 6, or a minor child
- 60.29 who is at least a half-time student in an approved elementary or secondary education program;
- 60.30 (27) income earned by a caregiver under age 20 who is at least a half-time student in an
- 60.31 approved elementary or secondary education program;
- 61.1 (28) MFIP child care payments under section 119B.05;

- 61.2 (29) all other payments made through MFIP to support a caregiver's pursuit of greater
61.3 economic stability;
- 61.4 (30) income a participant receives related to shared living expenses;
- 61.5 (31) reverse mortgages;
- 61.6 (32) benefits provided by the Child Nutrition Act of 1966, United States Code, title 42,
61.7 chapter 13A, sections 1771 to 1790;
- 61.8 (33) benefits provided by the women, infants, and children (WIC) nutrition program,
61.9 United States Code, title 42, chapter 13A, section 1786;
- 61.10 (34) benefits from the National School Lunch Act, United States Code, title 42, chapter
61.11 13, sections 1751 to 1769e;
- 61.12 (35) relocation assistance for displaced persons under the Uniform Relocation Assistance
61.13 and Real Property Acquisition Policies Act of 1970, United States Code, title 42, chapter
61.14 61, subchapter II, section 4636, or the National Housing Act, United States Code, title 12,
61.15 chapter 13, sections 1701 to 1750jj;
- 61.16 (36) benefits from the Trade Act of 1974, United States Code, title 19, chapter 12, part
61.17 2, sections 2271 to 2322;
- 61.18 (37) war reparations payments to Japanese Americans and Aleuts under United States
61.19 Code, title 50, sections 1989 to 1989d;
- 61.20 (38) payments to veterans or their dependents as a result of legal settlements regarding
61.21 Agent Orange or other chemical exposure under Public Law 101-239, section 10405,
61.22 paragraph (a)(2)(E);
- 61.23 (39) income that is otherwise specifically excluded from MFIP consideration in federal
61.24 law, state law, or federal regulation;
- 61.25 (40) security and utility deposit refunds;
- 61.26 (41) American Indian tribal land settlements excluded under Public Laws 98-123, 98-124,
61.27 and 99-377 to the Mississippi Band Chippewa Indians of White Earth, Leech Lake, and
61.28 Mille Lacs reservations and payments to members of the White Earth Band, under United
61.29 States Code, title 25, chapter 9, section 331, and chapter 16, section 1407;
- 62.1 (42) all income of the minor parent's parents and stepparents when determining the grant
62.2 for the minor parent in households that include a minor parent living with parents or
62.3 stepparents on MFIP with other children;
- 62.4 (43) income of the minor parent's parents and stepparents equal to 200 percent of the
62.5 federal poverty guideline for a family size not including the minor parent and the minor
62.6 parent's child in households that include a minor parent living with parents or stepparents

21.30 Sec. 24. Minnesota Statutes 2018, section 256J.24, subdivision 5, is amended to read:

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

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

22.6 **EFFECTIVE DATE.** This section is effective February 1, 2020.

62.7 not on MFIP when determining the grant for the minor parent. The remainder of income is
62.8 deemed as specified in section 256J.37, subdivision 1b;

62.9 (44) payments made to children eligible for relative custody assistance under section
62.10 257.85;

62.11 (45) vendor payments for goods and services made on behalf of a client unless the client
62.12 has the option of receiving the payment in cash;

62.13 (46) the principal portion of a contract for deed payment;

62.14 (47) cash payments to individuals enrolled for full-time service as a volunteer under
62.15 AmeriCorps programs including AmeriCorps VISTA, AmeriCorps State, AmeriCorps
62.16 National, and AmeriCorps NCCC;

62.17 (48) housing assistance grants under section 256J.35, paragraph (a); and

62.18 (49) child support payments of up to \$100 for an assistance unit with one child and up
62.19 to \$200 for an assistance unit with two or more children.

62.20 Sec. 60. Minnesota Statutes 2018, section 256J.26, subdivision 3, is amended to read:

62.21 Subd. 3. **Fleeing felons offenders.** An individual who is fleeing to avoid prosecution,
62.22 or custody, or confinement after conviction for a crime ~~that is a felony~~ under the laws of
62.23 the jurisdiction from which the individual flees, ~~or in the case of New Jersey, is a high~~
62.24 ~~misdemeanor~~, is disqualified from receiving MFIP.

62.25 Sec. 61. **[256J.265] DRUG TESTING INFORMATION FROM PROBATION**
62.26 **OFFICERS.**

62.27 The local probation agency shall regularly provide a list of probationers who tested
62.28 positive for an illegal controlled substance to the local social services agency, specifically
62.29 the welfare fraud division, for purposes of section 256J.26.

ARTICLE 2

22.7 Sec. 25. Minnesota Statutes 2018, section 256M.41, subdivision 3, is amended to read:

22.8 Subd. 3. **Payments based on performance.** (a) The commissioner shall make payments

22.9 under this section to each county ~~board on a calendar year basis in an amount determined~~

22.10 ~~under paragraph (b) on or before July 10 of each year.~~

22.11 (b) ~~Calendar year allocations under subdivision 1 shall be paid to counties in the following~~

22.12 ~~manner:~~

22.13 (1) ~~80 percent of the allocation as determined in subdivision 1 must be paid to counties~~

22.14 ~~on or before July 10 of each year;~~

22.15 (2) ~~ten percent of the allocation shall be withheld until the commissioner determines if~~

22.16 ~~the county has met the performance outcome threshold of 90 percent based on face-to-face~~

22.17 ~~contact with alleged child victims. In order to receive the performance allocation, the county~~

22.18 ~~child protection workers must have a timely face-to-face contact with at least 90 percent of~~

22.19 ~~all alleged child victims of screened-in maltreatment reports. The standard requires that~~

22.20 ~~each initial face-to-face contact occur consistent with timelines defined in section 626.556,~~

22.21 ~~subdivision 10, paragraph (i). The commissioner shall make threshold determinations in~~

22.22 ~~January of each year and payments to counties meeting the performance outcome threshold~~

22.23 ~~shall occur in February of each year. Any withheld funds from this appropriation for counties~~

22.24 ~~that do not meet this requirement shall be reallocated by the commissioner to those counties~~

22.25 ~~meeting the requirement; and~~

22.26 (3) ~~ten percent of the allocation shall be withheld until the commissioner determines~~

22.27 ~~that the county has met the performance outcome threshold of 90 percent based on~~

22.28 ~~face-to-face visits by the case manager. In order to receive the performance allocation, the~~

22.29 ~~total number of visits made by caseworkers on a monthly basis to children in foster care~~

22.30 ~~and children receiving child protection services while residing in their home must be at least~~

22.31 ~~90 percent of the total number of such visits that would occur if every child were visited~~

22.32 ~~once per month. The commissioner shall make such determinations in January of each year~~

22.33 ~~and payments to counties meeting the performance outcome threshold shall occur in February~~

22.34 ~~of each year. Any withheld funds from this appropriation for counties that do not meet this~~

22.35 ~~requirement shall be reallocated by the commissioner to those counties meeting the~~

22.36 ~~requirement. For 2015, the commissioner shall only apply the standard for monthly foster~~

22.37 ~~care visits.~~

22.38 (e) The commissioner shall work with stakeholders and the Human Services Performance

22.39 Council under section 402A.16 to develop recommendations for specific outcome measures that counties should meet in order to receive funds withheld under paragraph (b), and include in those recommendations a determination as to whether the performance measures under paragraph (b) should be modified or phased out. The commissioner shall report the

109.15 Sec. 34. Minnesota Statutes 2018, section 256M.41, subdivision 3, is amended to read:

109.16 Subd. 3. **Payments based on performance.** (a) The commissioner shall make payments

109.17 under this section to each county ~~board on a calendar year basis in an amount determined~~

109.18 ~~under paragraph (b) on or before July 10 of each year.~~

109.19 (b) ~~Calendar year allocations under subdivision 1 shall be paid to counties in the following~~

109.20 ~~manner:~~

109.21 (1) ~~80 percent of the allocation as determined in subdivision 1 must be paid to counties~~

109.22 ~~on or before July 10 of each year;~~

109.23 (2) ~~ten percent of the allocation shall be withheld until the commissioner determines if~~

109.24 ~~the county has met the performance outcome threshold of 90 percent based on face-to-face~~

109.25 ~~contact with alleged child victims. In order to receive the performance allocation, the county~~

109.26 ~~child protection workers must have a timely face-to-face contact with at least 90 percent of~~

109.27 ~~all alleged child victims of screened-in maltreatment reports. The standard requires that~~

109.28 ~~each initial face-to-face contact occur consistent with timelines defined in section 626.556,~~

109.29 ~~subdivision 10, paragraph (i). The commissioner shall make threshold determinations in~~

109.30 ~~January of each year and payments to counties meeting the performance outcome threshold~~

109.31 ~~shall occur in February of each year. Any withheld funds from this appropriation for counties~~

109.32 ~~that do not meet this requirement shall be reallocated by the commissioner to those counties~~

109.33 ~~meeting the requirement; and~~

110.1 (3) ~~ten percent of the allocation shall be withheld until the commissioner determines~~

110.2 ~~that the county has met the performance outcome threshold of 90 percent based on~~

110.3 ~~face-to-face visits by the case manager. In order to receive the performance allocation, the~~

110.4 ~~total number of visits made by caseworkers on a monthly basis to children in foster care~~

110.5 ~~and children receiving child protection services while residing in their home must be at least~~

110.6 ~~90 percent of the total number of such visits that would occur if every child were visited~~

110.7 ~~once per month. The commissioner shall make such determinations in January of each year~~

110.8 ~~and payments to counties meeting the performance outcome threshold shall occur in February~~

110.9 ~~of each year. Any withheld funds from this appropriation for counties that do not meet this~~

110.10 ~~requirement shall be reallocated by the commissioner to those counties meeting the~~

110.11 ~~requirement. For 2015, the commissioner shall only apply the standard for monthly foster~~

110.12 ~~care visits.~~

110.13 (e) The commissioner shall work with stakeholders and the Human Services Performance

110.14 Council under section 402A.16 to develop recommendations for specific outcome measures that counties should meet in order to receive funds withheld under paragraph (b), and include in those recommendations a determination as to whether the performance measures under

110.15 paragraph (b) should be modified or phased out. The commissioner shall report the

23.10 ~~recommendations to the legislative committees having jurisdiction over child protection~~
 23.11 ~~issues by January 1, 2018.~~

23.12 Sec. 26. Minnesota Statutes 2018, section 256M.41, is amended by adding a subdivision
 23.13 to read:

23.14 Subd. 4. **County performance on child protection measures.** The commissioner shall
 23.15 set child protection measures and standards. The commissioner shall require an
 23.16 underperforming county to demonstrate that the county designated sufficient funds and
 23.17 implemented a reasonable strategy to improve child protection performance, including the
 23.18 provision of a performance improvement plan and additional remedies identified by the
 23.19 commissioner. The commissioner may redirect up to 20 percent of a county's funds under
 23.20 this section toward the performance improvement plan. Sanctions under section 256M.20,
 23.21 subdivision 3, related to noncompliance with federal performance standards also apply.

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 110.19 ~~issues by January 1, 2018.~~

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 110.21 to read:

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 110.23 set child protection measures and standards. The commissioner shall require an
 110.24 underperforming county to demonstrate that the county designated sufficient funds and
 110.25 implemented a reasonable strategy to improve child protection performance, including the
 110.26 provision of a performance improvement plan and additional remedies identified by the
 110.27 commissioner. The commissioner may redirect up to 20 percent of a county's funds under
 110.28 this section toward the performance improvement plan. Sanctions under section 256M.20,
 110.29 subdivision 3, related to noncompliance with federal performance standards also apply.

ARTICLE 1

63.8 Sec. 63. Minnesota Statutes 2018, section 256P.04, subdivision 4, is amended to read:

63.9 Subd. 4. **Factors to be verified.** (a) The agency shall verify the following at application:

63.10 (1) identity of adults;

63.11 (2) age, if necessary to determine eligibility;

63.12 (3) immigration status;

63.13 (4) income;

63.14 (5) spousal support and child support payments made to persons outside the household;

63.15 (6) vehicles;

63.16 (7) checking and savings accounts; Verification of checking and savings accounts must

63.17 include the source of deposits into accounts; identification of any loans, including the date,

63.18 source, amount, and terms of repayment; identification of deposits for personal expenses

63.19 including rent, mortgage, automobile-related expenses, utilities, and food;

63.20 (8) inconsistent information, if related to eligibility;

63.21 (9) residence;

63.22 (10) Social Security number; ~~and~~

63.23 (11) use of nonrecurring income under section 256P.06, subdivision 3, clause (2), item

63.24 (ix), for the intended purpose for which it was given and received;

63.25 (12) loans. Verification of loans must include the source, the full amount, and repayment
63.26 terms; and

63.27 (13) direct or indirect gifts of money.

63.28 (b) Applicants who are qualified noncitizens and victims of domestic violence as defined
63.29 under section 256J.08, subdivision 73, clause (7), are not required to verify the information
63.30 in paragraph (a), clause (10). When a Social Security number is not provided to the agency
64.1 for verification, this requirement is satisfied when each member of the assistance unit
64.2 cooperates with the procedures for verification of Social Security numbers, issuance of
64.3 duplicate cards, and issuance of new numbers which have been established jointly between
64.4 the Social Security Administration and the commissioner.

64.5 Sec. 64. Minnesota Statutes 2018, section 256P.06, subdivision 3, is amended to read:

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

64.8 (1) earned income:

64.9 (i) calculated according to Minnesota Rules, part 3400.0170, subpart 7, for earned income
64.10 from self-employment, except if the participant is drawing a salary, taking a draw from the
64.11 business, or using the business account to pay personal expenses including rent, mortgage,
64.12 automobile-related expenses, utilities, or food, not directly related to the business, the salary
64.13 or payment must be treated as earned income; and

64.14 (ii) excluding expenses listed in Minnesota Rules, part 3400.0170, subpart 8, items A
64.15 to I and M to P; and

64.16 (2) unearned income, which includes:

64.17 (i) interest and dividends from investments and savings;

64.18 (ii) capital gains as defined by the Internal Revenue Service from any sale of real property;

64.19 (iii) proceeds from rent and contract for deed payments in excess of the principal and
64.20 interest portion owed on property;

64.21 (iv) income from trusts, excluding special needs and supplemental needs trusts;

64.22 (v) interest income from loans made by the participant or household;

64.23 (vi) cash prizes and winnings;

64.24 (vii) unemployment insurance income;

- 64.25 (viii) retirement, survivors, and disability insurance payments;
- 64.26 (ix) nonrecurring income over \$60 per quarter unless earmarked and used for the purpose
- 64.27 for which it is intended. Income and use of this income is subject to verification requirements
- 64.28 under section 256P.04;
- 64.29 (x) retirement benefits;
- 65.1 (xi) cash assistance benefits, as defined by each program in chapters 119B, 256D, 256I,
- 65.2 and 256J;
- 65.3 (xii) tribal per capita payments unless excluded by federal and state law;
- 65.4 (xiii) income and payments from service and rehabilitation programs that meet or exceed
- 65.5 the state's minimum wage rate;
- 65.6 (xiv) income from members of the United States armed forces unless excluded from
- 65.7 income taxes according to federal or state law;
- 65.8 (xv) all child support payments for programs under chapters 119B, 256D, and 256I;
- 65.9 (xvi) the amount of child support received that exceeds \$100 for assistance units with
- 65.10 one child and \$200 for assistance units with two or more children for programs under chapter
- 65.11 256J; and
- 65.12 (xvii) spousal support.

ARTICLE 2

- 23.22 Sec. 27. Minnesota Statutes 2018, section 260C.007, subdivision 18, is amended to read:
- 23.23 Subd. 18. **Foster care.** (a) "Foster care" means ~~24-hour~~ 24-hour substitute care for
- 23.24 ~~children placed away from their parents or guardian and~~ a child for whom a responsible
- 23.25 social services agency has placement and care responsibility. ~~"Foster care" includes, but is~~
- 23.26 ~~not limited to, placement and:~~
- 23.27 (1) who is placed away from the child's parent or guardian in foster family homes, foster
- 23.28 homes of relatives, group homes, emergency shelters, residential facilities not excluded in
- 23.29 this subdivision, child care institutions, and preadoptive homes; or
- 23.30 (2) who is colocated with the child's parent or guardian in a licensed residential
- 23.31 family-based substance use disorder treatment program as defined in subdivision 22a; or
- 24.1 (3) who is returned to the care of the child's parent or guardian from whom the child
- 24.2 was removed under a trial home visit pursuant to section 260C.201, subdivision 1, paragraph
- 24.3 (a), clause (3).

24.4 (b) A child is in foster care under this definition regardless of whether the facility is
24.5 licensed and payments are made for the cost of care. Nothing in this definition creates any
24.6 authority to place a child in a home or facility that is required to be licensed which is not
24.7 licensed. "Foster care" does not include placement in any of the following facilities: hospitals,
24.8 inpatient chemical dependency treatment facilities where the child is the recipient of the
24.9 treatment, facilities that are primarily for delinquent children, any corrections facility or
24.10 program within a particular correction's facility not meeting requirements for title IV-E
24.11 facilities as determined by the commissioner, facilities to which a child is committed under
24.12 the provision of chapter 253B, forestry camps, or jails. Foster care is intended to provide
24.13 for a child's safety or to access treatment. Foster care must not be used as a punishment or
24.14 consequence for a child's behavior.

24.15 Sec. 28. Minnesota Statutes 2018, section 260C.007, is amended by adding a subdivision
24.16 to read:

24.17 Subd. 22a. **Licensed residential family-based substance use disorder treatment**
24.18 **program.** "Licensed residential family-based substance use disorder treatment program"
24.19 means a residential treatment facility that provides the parent or guardian with parenting
24.20 skills training, parent education, or individual and family counseling, under an organizational
24.21 structure and treatment framework that involves understanding, recognizing, and responding
24.22 to the effects of all types of trauma according to recognized principles of a trauma-informed
24.23 approach and trauma-specific interventions to address the consequences of trauma and
24.24 facilitate healing.

24.25 Sec. 29. Minnesota Statutes 2018, section 260C.178, subdivision 1, is amended to read:

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

24.30 (b) Unless there is reason to believe that the child would endanger self or others or not
24.31 return for a court hearing, or that the child's health or welfare would be immediately
24.32 endangered, the child shall be released to the custody of a parent, guardian, custodian, or
24.33 other suitable person, subject to reasonable conditions of release including, but not limited
25.1 to, a requirement that the child undergo a chemical use assessment as provided in section
25.2 260C.157, subdivision 1.

25.3 (c) If the court determines there is reason to believe that the child would endanger self
25.4 or others or not return for a court hearing, or that the child's health or welfare would be
25.5 immediately endangered if returned to the care of the parent or guardian who has custody
25.6 and from whom the child was removed, the court shall order the child into foster care as
25.7 defined in section 260C.007, subdivision 18, under the legal responsibility of the responsible
25.8 social services agency or responsible probation or corrections agency for the purposes of
25.9 protective care as that term is used in the juvenile court rules or into the home of a
25.10 noncustodial parent and order the noncustodial parent to comply with any conditions the

25.11 court determines to be appropriate to the safety and care of the child, including cooperating
25.12 with paternity establishment proceedings in the case of a man who has not been adjudicated
25.13 the child's father. The court shall not give the responsible social services legal custody and
25.14 order a trial home visit at any time prior to adjudication and disposition under section
25.15 260C.201, subdivision 1, paragraph (a), clause (3), but may order the child returned to the
25.16 care of the parent or guardian who has custody and from whom the child was removed and
25.17 order the parent or guardian to comply with any conditions the court determines to be
25.18 appropriate to meet the safety, health, and welfare of the child.

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

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

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

26.1 (2) that there are no services or other efforts that could be made at the time of the hearing
26.2 that could safely permit the child to remain home or to return home. When reasonable efforts
26.3 to prevent placement are required and there are services or other efforts that could be ordered
26.4 which would permit the child to safely return home, the court shall order the child returned
26.5 to the care of the parent or guardian and the services or efforts put in place to ensure the
26.6 child's safety. When the court makes a prima facie determination that one of the
26.7 circumstances under paragraph (g) exists, the court shall determine that reasonable efforts
26.8 to prevent placement and to return the child to the care of the parent or guardian are not
26.9 required.

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

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

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

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

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

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

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

26.29 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision 2,
26.30 against the child or another child of the parent;

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

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

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

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

27.12 (j) If the court determines the child should be ordered into foster care and the child's
27.13 parent refuses to give information to the responsible social services agency regarding the
27.14 child's father or relatives of the child, the court may order the parent to disclose the names,
27.15 addresses, telephone numbers, and other identifying information to the responsible social
27.16 services agency for the purpose of complying with sections 260C.151, 260C.212, 260C.215,
27.17 and 260C.221.

27.18 (k) If a child ordered into foster care has siblings, whether full, half, or step, who are
27.19 also ordered into foster care, the court shall inquire of the responsible social services agency
27.20 of the efforts to place the children together as required by section 260C.212, subdivision 2,
27.21 paragraph (d), if placement together is in each child's best interests, unless a child is in
27.22 placement for treatment or a child is placed with a previously noncustodial parent who is

27.23 not a parent to all siblings. If the children are not placed together at the time of the hearing,
27.24 the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place
27.25 the siblings together, as required under section 260.012. If any sibling is not placed with
27.26 another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing
27.27 contact among the siblings as required under section 260C.212, subdivision 1, unless it is
27.28 contrary to the safety or well-being of any of the siblings to do so.

27.29 (l) When the court has ordered the child into foster care or into the home of a noncustodial
27.30 parent, the court may order a chemical dependency evaluation, mental health evaluation,
27.31 medical examination, and parenting assessment for the parent as necessary to support the
27.32 development of a plan for reunification required under subdivision 7 and section 260C.212,
27.33 subdivision 1, or the child protective services plan under section 626.556, subdivision 10,
27.34 and Minnesota Rules, part 9560.0228.

28.1 Sec. 30. **[260C.190] FAMILY-FOCUSED RESIDENTIAL PLACEMENT.**

28.2 Subdivision 1. **Placement.** (a) An agency with legal responsibility for a child under
28.3 section 260C.178, subdivision 1, paragraph (c), or legal custody of a child under section
28.4 260C.201, subdivision 1, paragraph (a), clause (3), may colocate a child with a parent who
28.5 is receiving services in a licensed residential family-based substance use disorder treatment
28.6 program for up to 12 months.

28.7 (b) During the child's placement under paragraph (a), the agency: (1) may visit the child
28.8 as the agency deems necessary and appropriate; (2) shall continue to have access to
28.9 information under section 260C.208; and (3) shall continue to provide appropriate services
28.10 to both the parent and the child.

28.11 (c) The agency may terminate the child's placement under paragraph (a) to protect the
28.12 child's health, safety, or welfare and may remove the child to foster care without a prior
28.13 court order or authorization.

28.14 Subd. 2. **Case plans.** (a) Before a child may be colocated with a parent in a licensed
28.15 residential family-based substance use disorder treatment program, a recommendation that
28.16 the child's placement with a parent is in the child's best interests must be documented in the
28.17 child's case plan. Each child must have a written case plan developed with the parent and
28.18 the treatment program staff that describes the safety plan for the child and the treatment
28.19 program's responsibilities if the parent leaves or is discharged without completing the
28.20 program. The treatment program must be provided with a copy of the case plan that includes
28.21 the recommendations and safety plan at the time the child is colocated with the parent.

28.22 (b) An out-of-home placement plan under section 260C.212, subdivision 1, must be
28.23 completed no later than 30 days from when a child is colocated with a parent in a licensed
28.24 residential family-based substance use disorder treatment program. The written plan
28.25 developed with parent and treatment program staff in paragraph (a) may be updated and

28.26 must be incorporated into the out-of-home placement plan. The treatment program must be
28.27 provided with a copy of the child's out-of-home placement plan.

28.28 Subd. 3. **Required reviews and permanency proceedings.** (a) For a child colocated
28.29 with a parent under subdivision 1, court reviews must occur according to section 260C.202.

28.30 (b) If a child has been in foster care for six months, a court review under section 260C.202
28.31 may be conducted in lieu of a permanency progress review hearing under section 260C.204
28.32 when the child is colocated with a parent consistent with section 260C.503, subdivision 3,
28.33 paragraph (c), in a licensed residential family-based substance use disorder treatment
28.34 program.

29.1 (c) If the child is colocated with a parent in a licensed residential family-based substance
29.2 use disorder treatment program 12 months after the child was placed in foster care, the
29.3 agency must file a report with the court regarding the parent's progress in the treatment
29.4 program and the agency's reasonable efforts to finalize the child's safe and permanent return
29.5 to the care and custody of the parent consistent with section 260C.503, subdivision 3,
29.6 paragraph (c), in lieu of filing a petition required under section 260C.505.

29.7 (d) The court shall make findings regarding the reasonable efforts of the agency to
29.8 finalize the child's return home as the permanency disposition order in the child's best
29.9 interests. The court may continue the child's foster care placement colocated with a parent
29.10 in a licensed residential family-based substance use disorder treatment program for up to
29.11 12 months. When a child has been in foster care placement for 12 months, but the duration
29.12 of the colocation with a parent in a licensed residential family-based substance use disorder
29.13 treatment program is less than 12 months, the court may continue the colocation with the
29.14 total time spent in foster care not exceeding 15 out of the most recent 22 months. If the
29.15 court finds that the agency fails to make reasonable efforts to finalize the child's return home
29.16 as the permanency disposition order in the child's best interests, the court may order additional
29.17 efforts to support the child remaining in the care of the parent.

29.18 (e) If a parent leaves or is discharged from a licensed residential family-based substance
29.19 use disorder treatment program without completing the program, the child's placement under
29.20 this section is terminated and the agency may remove the child to foster care without a prior
29.21 court order or authorization. Within three days of any termination of a child's placement,
29.22 the agency shall notify the court and each party.

29.23 (f) If a parent leaves or is discharged from a licensed residential family-based substance
29.24 use disorder treatment program without completing the program and the child has been in
29.25 foster care for less than six months, the court must hold a review hearing within ten days
29.26 of receiving notice of a termination of a child's placement and must order an alternative
29.27 disposition under section 260C.201.

29.28 (g) If a parent leaves or is discharged from a licensed residential family-based substance
29.29 use disorder treatment program without completing the program and the child is colocated
29.30 with a parent and the child has been in foster care for more than six months but less than

29.31 12 months, the court must conduct a permanency progress review hearing under section
29.32 260C.204 no later than 30 days after the day the parent leaves or is discharged.

29.33 (h) If a parent leaves or is discharged from a licensed residential family-based substance
29.34 use disorder treatment program without completing the program and the child is colocated
30.1 with a parent and the child has been in foster care for more than 12 months, the court shall
30.2 begin permanency proceedings under sections 260C.503 to 260C.521.

30.3 Sec. 31. Minnesota Statutes 2018, section 260C.201, subdivision 1, is amended to read:

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

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

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

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

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

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

30.21 (i) a child-placing agency; or

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

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

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

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

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

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

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

31.12 (vi) shall prepare a report for the court when the trial home visit is terminated whether
31.13 by the agency or court order which describes the child's circumstances during the trial home
31.14 visit and recommends appropriate orders, if any, for the court to enter to provide for the
31.15 child's safety and stability. In the event a trial home visit is terminated by the agency by
31.16 removing the child to foster care without prior court order or authorization, the court shall
31.17 conduct a hearing within ten days of receiving notice of the termination of the trial home
31.18 visit by the agency and shall order disposition under this subdivision or ~~conduct a permanency~~
31.19 ~~hearing under subdivision 11 or 11a~~ commence permanency proceedings under sections
31.20 260C.503 to 260C.515. The time period for the hearing may be extended by the court for
31.21 good cause shown and if it is in the best interests of the child as long as the total time the
31.22 child spends in foster care without a permanency hearing does not exceed 12 months;

31.23 (4) if the child has been adjudicated as a child in need of protection or services because
31.24 the child is in need of special services or care to treat or ameliorate a physical or mental
31.25 disability or emotional disturbance as defined in section 245.4871, subdivision 15, the court
31.26 may order the child's parent, guardian, or custodian to provide it. The court may order the
31.27 child's health plan company to provide mental health services to the child. Section 62Q.535
31.28 applies to an order for mental health services directed to the child's health plan company.
31.29 If the health plan, parent, guardian, or custodian fails or is unable to provide this treatment
31.30 or care, the court may order it provided. Absent specific written findings by the court that
31.31 the child's disability is the result of abuse or neglect by the child's parent or guardian, the
31.32 court shall not transfer legal custody of the child for the purpose of obtaining special
31.33 treatment or care solely because the parent is unable to provide the treatment or care. If the
31.34 court's order for mental health treatment is based on a diagnosis made by a treatment
32.1 professional, the court may order that the diagnosing professional not provide the treatment
32.2 to the child if it finds that such an order is in the child's best interests; or

32.3 (5) if the court believes that the child has sufficient maturity and judgment and that it is
32.4 in the best interests of the child, the court may order a child 16 years old or older to be
32.5 allowed to live independently, either alone or with others as approved by the court under

- 32.6 supervision the court considers appropriate, if the county board, after consultation with the
32.7 court, has specifically authorized this dispositional alternative for a child.
- 32.8 (b) If the child was adjudicated in need of protection or services because the child is a
32.9 runaway or habitual truant, the court may order any of the following dispositions in addition
32.10 to or as alternatives to the dispositions authorized under paragraph (a):
- 32.11 (1) counsel the child or the child's parents, guardian, or custodian;
- 32.12 (2) place the child under the supervision of a probation officer or other suitable person
32.13 in the child's own home under conditions prescribed by the court, including reasonable rules
32.14 for the child's conduct and the conduct of the parents, guardian, or custodian, designed for
32.15 the physical, mental, and moral well-being and behavior of the child;
- 32.16 (3) subject to the court's supervision, transfer legal custody of the child to one of the
32.17 following:
- 32.18 (i) a reputable person of good moral character. No person may receive custody of two
32.19 or more unrelated children unless licensed to operate a residential program under sections
32.20 245A.01 to 245A.16; or
- 32.21 (ii) a county probation officer for placement in a group foster home established under
32.22 the direction of the juvenile court and licensed pursuant to section 241.021;
- 32.23 (4) require the child to pay a fine of up to \$100. The court shall order payment of the
32.24 fine in a manner that will not impose undue financial hardship upon the child;
- 32.25 (5) require the child to participate in a community service project;
- 32.26 (6) order the child to undergo a chemical dependency evaluation and, if warranted by
32.27 the evaluation, order participation by the child in a drug awareness program or an inpatient
32.28 or outpatient chemical dependency treatment program;
- 32.29 (7) if the court believes that it is in the best interests of the child or of public safety that
32.30 the child's driver's license or instruction permit be canceled, the court may order the
32.31 commissioner of public safety to cancel the child's license or permit for any period up to
32.32 the child's 18th birthday. If the child does not have a driver's license or permit, the court
33.1 may order a denial of driving privileges for any period up to the child's 18th birthday. The
33.2 court shall forward an order issued under this clause to the commissioner, who shall cancel
33.3 the license or permit or deny driving privileges without a hearing for the period specified
33.4 by the court. At any time before the expiration of the period of cancellation or denial, the
33.5 court may, for good cause, order the commissioner of public safety to allow the child to
33.6 apply for a license or permit, and the commissioner shall so authorize;
- 33.7 (8) order that the child's parent or legal guardian deliver the child to school at the
33.8 beginning of each school day for a period of time specified by the court; or

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

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

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

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

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

34.1 Sec. 32. Minnesota Statutes 2018, section 260C.201, subdivision 2, is amended to read:

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

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

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

34.9 (3) when legal custody of the child is transferred, the appropriateness of the particular
34.10 placement made or to be made by the placing agency using the factors in section 260C.212,
34.11 subdivision 2, paragraph (b), or the appropriateness of a child colocated with a parent in a
34.12 licensed residential family-based substance use disorder treatment program under section
34.13 260C.190;

- 34.14 (4) whether reasonable efforts to finalize the permanent plan for the child consistent
34.15 with section 260.012 were made including reasonable efforts;
- 34.16 (i) to prevent the child's placement and to reunify the child with the parent or guardian
34.17 from whom the child was removed at the earliest time consistent with the child's safety.
34.18 The court's findings must include a brief description of what preventive and reunification
34.19 efforts were made and why further efforts could not have prevented or eliminated the
34.20 necessity of removal or that reasonable efforts were not required under section 260.012 or
34.21 260C.178, subdivision 1;
- 34.22 (ii) to identify and locate any noncustodial or nonresident parent of the child and to
34.23 assess such parent's ability to provide day-to-day care of the child, and, where appropriate,
34.24 provide services necessary to enable the noncustodial or nonresident parent to safely provide
34.25 day-to-day care of the child as required under section 260C.219, unless such services are
34.26 not required under section 260.012 or 260C.178, subdivision 1;
- 34.27 (iii) to make the diligent search for relatives and provide the notices required under
34.28 section 260C.221; a finding made pursuant to a hearing under section 260C.202 that the
34.29 agency has made diligent efforts to conduct a relative search and has appropriately engaged
34.30 relatives who responded to the notice under section 260C.221 and other relatives, who came
34.31 to the attention of the agency after notice under section 260C.221 was sent, in placement
34.32 and case planning decisions fulfills the requirement of this item;
- 35.1 (iv) to identify and make a foster care placement in the home of an unlicensed relative,
35.2 according to the requirements of section 245A.035, a licensed relative, or other licensed
35.3 foster care provider who will commit to being the permanent legal parent or custodian for
35.4 the child in the event reunification cannot occur, but who will actively support the
35.5 reunification plan for the child; and
- 35.6 (v) to place siblings together in the same home or to ensure visitation is occurring when
35.7 siblings are separated in foster care placement and visitation is in the siblings' best interests
35.8 under section 260C.212, subdivision 2, paragraph (d); and
- 35.9 (5) if the child has been adjudicated as a child in need of protection or services because
35.10 the child is in need of special services or care to treat or ameliorate a mental disability or
35.11 emotional disturbance as defined in section 245.4871, subdivision 15, the written findings
35.12 shall also set forth:
- 35.13 (i) whether the child has mental health needs that must be addressed by the case plan;
- 35.14 (ii) what consideration was given to the diagnostic and functional assessments performed
35.15 by the child's mental health professional and to health and mental health care professionals'
35.16 treatment recommendations;
- 35.17 (iii) what consideration was given to the requests or preferences of the child's parent or
35.18 guardian with regard to the child's interventions, services, or treatment; and

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

35.21 (b) If the court finds that the social services agency's preventive or reunification efforts
35.22 have not been reasonable but that further preventive or reunification efforts could not permit
35.23 the child to safely remain at home, the court may nevertheless authorize or continue the
35.24 removal of the child.

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

36.1 Sec. 33. Minnesota Statutes 2018, section 260C.201, subdivision 6, is amended to read:

36.2 Subd. 6. **Case plan.** (a) For each disposition ordered where the child is placed away
36.3 from a parent or guardian, the court shall order the responsible social services agency to
36.4 prepare a written out-of-home placement plan according to the requirements of section
36.5 260C.212, subdivision 1. When a foster child is colocated with a parent in a licensed
36.6 residential family-based substance use disorder treatment program under section 260C.190,
36.7 the case plan must specify the recommendation for the colocation before the child is colocated
36.8 with the parent.

36.9 (b) In cases where the child is not placed out of the home or is ordered into the home of
36.10 a noncustodial parent, the responsible social services agency shall prepare a plan for delivery
36.11 of social services to the child and custodial parent under section 626.556, subdivision 10,
36.12 or any other case plan required to meet the needs of the child. The plan shall be designed
36.13 to safely maintain the child in the home or to reunite the child with the custodial parent.

36.14 (c) The court may approve the case plan as presented or modify it after hearing from
36.15 the parties. Once the plan is approved, the court shall order all parties to comply with it. A
36.16 copy of the approved case plan shall be attached to the court's order and incorporated into
36.17 it by reference.

36.18 (d) A party has a right to request a court review of the reasonableness of the case plan
36.19 upon a showing of a substantial change of circumstances.

36.20 Sec. 34. Minnesota Statutes 2018, section 260C.212, subdivision 2, is amended to read:

36.21 Subd. 2. **Placement decisions based on best interests of the child.** (a) The policy of
36.22 the state of Minnesota is to ensure that the child's best interests are met by requiring an
36.23 individualized determination of the needs of the child and of how the selected placement
36.24 will serve the needs of the child being placed. The authorized child-placing agency shall
36.25 place a child, released by court order or by voluntary release by the parent or parents, in a

- 36.26 family foster home selected by considering placement with relatives and important friends
36.27 in the following order:
- 36.28 (1) with an individual who is related to the child by blood, marriage, or adoption; or
36.29 (2) with an individual who is an important friend with whom the child has resided or
36.30 had significant contact.
- 36.31 For an Indian child, the agency shall follow the order of placement preferences in the Indian
36.32 Child Welfare Act of 1978, United States Code, title 25, section 1915.
- 37.1 (b) Among the factors the agency shall consider in determining the needs of the child
37.2 are the following:
- 37.3 (1) the child's current functioning and behaviors;
37.4 (2) the medical needs of the child;
37.5 (3) the educational needs of the child;
37.6 (4) the developmental needs of the child;
37.7 (5) the child's history and past experience;
37.8 (6) the child's religious and cultural needs;
37.9 (7) the child's connection with a community, school, and faith community;
37.10 (8) the child's interests and talents;
37.11 (9) the child's relationship to current caretakers, parents, siblings, and relatives;
37.12 (10) the reasonable preference of the child, if the court, or the child-placing agency in
37.13 the case of a voluntary placement, deems the child to be of sufficient age to express
37.14 preferences; and
- 37.15 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,
37.16 subdivision 2a.
- 37.17 (c) Placement of a child cannot be delayed or denied based on race, color, or national
37.18 origin of the foster parent or the child.
- 37.19 (d) Siblings should be placed together for foster care and adoption at the earliest possible
37.20 time unless it is documented that a joint placement would be contrary to the safety or
37.21 well-being of any of the siblings or unless it is not possible after reasonable efforts by the
37.22 responsible social services agency. In cases where siblings cannot be placed together, the
37.23 agency is required to provide frequent visitation or other ongoing interaction between
37.24 siblings unless the agency documents that the interaction would be contrary to the safety
37.25 or well-being of any of the siblings.

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

38.1 (f) The agency must determine whether colocation with a parent who is receiving services
38.2 in a licensed residential family-based substance use disorder treatment program is in the
38.3 child's best interests according to paragraph (b) and include that determination in the child's
38.4 case plan. The agency may consider additional factors not identified in paragraph (b). The
38.5 agency's determination must be documented in the child's case plan before the child is
38.6 colocated with a parent.

110.30 Sec. 36. **[260C.216] FOSTER CARE RECRUITMENT GRANT PROGRAM.**

110.31 Subdivision 1. **Establishment and authority.** The commissioner of human services
110.32 shall make grants to facilitate partnerships between counties and community groups or faith
111.1 communities to develop and utilize innovative, nontraditional shared recruitment methods
111.2 to increase and stabilize the number of available foster care families.

111.3 Subd. 2. **Eligibility.** An eligible applicant for a foster care recruitment grant under
111.4 subdivision 1 is an organization or entity that:

111.5 (1) provides a written description identifying the county and community organizations
111.6 or faith communities that will partner to develop innovative shared methods to recruit
111.7 families through their community or faith organizations for foster care in the county;

111.8 (2) agrees to incorporate efforts by the partnership or a third party to offer additional
111.9 support services including host families, family coaches, or resource referrals for families
111.10 in crisis such as homelessness, unemployment, hospitalization, substance abuse treatment,
111.11 incarceration, or domestic violence, as an alternative to foster care; and

111.12 (3) describes how the proposed partnership model can be generalized to be used in other
111.13 areas of the state.

111.14 Subd. 3. **Allowable grant activities.** Grant recipients may use grant funds to:

111.15 (1) develop materials that promote the partnership's innovative methods of nontraditional
111.16 recruitment of foster care families through the partner community organizations or faith
111.17 communities;

111.18 (2) develop an onboarding vehicle or training program for recruited foster care families
111.19 that is accessible, relatable, and easy to understand, to be used by the partner community
111.20 organizations or faith communities;

38.7 Sec. 35. **[260C.228] VOLUNTARY FOSTER CARE; CHILD IS COLOCATED**
38.8 **WITH PARENT IN TREATMENT PROGRAM.**

38.9 Subdivision 1. **Generally.** When a parent requests assistance from an agency and both
38.10 the parent and agency agree that a child's placement in foster care and colocation with a
38.11 parent in a licensed residential family-based substance use treatment facility as defined by
38.12 section 260C.007, subdivision 22a, is in the child's best interests, the agency must specify
38.13 the recommendation for the placement in the child's case plan. After the child's case plan
38.14 includes the recommendation, the agency and the parent may enter into a written voluntary
38.15 placement agreement on a form approved by the commissioner.

38.16 Subd. 2. **Judicial review.** (a) A judicial review of a child's voluntary placement is
38.17 required within 165 days of the date the voluntary agreement was signed. The agency
38.18 responsible for the child's placement in foster care shall request the judicial review.

38.19 (b) The agency must forward a written report to the court at least five business days
38.20 prior to the judicial review in paragraph (a). The report must contain:

38.21 (i) a statement regarding whether the colocation of the child with a parent in a licensed
38.22 residential family-based substance use disorder treatment program meets the child's needs
38.23 and continues to be in the child's best interests;

111.21 (3) establish sustainable communication between the partnership and the recruited
111.22 families for ongoing support; or

111.23 (4) provide support services including host families, family coaches, or resource referrals
111.24 for families in crisis such as homelessness, unemployment, hospitalization, substance abuse
111.25 treatment, incarceration, or domestic violence, as an alternative to the foster care system.

111.26 Subd. 4. **Reporting** The commissioner shall report on the use of foster care recruitment
111.27 grants to the chairs and ranking minority members of the legislative committees with
111.28 jurisdiction over human services by December 31, 2020. The report shall include the name
111.29 and location of grant recipients, the amount of each grant, the services provided, and the
111.30 effects on the foster care system. The commissioner shall determine the form required for
111.31 the report and may specify additional reporting requirements.

112.1 Subd. 5. **Funding.** The commissioner of human services may use available parent support
112.2 outreach program funds for foster care recruitment grants under Minnesota Statutes, section
112.3 260C.216.

112.4 Sec. 37. **[260C.218] PARENT SUPPORT FOR BETTER OUTCOMES GRANTS.**

112.5 The commissioner of human services may use available parent support outreach program
112.6 funds to provide mentoring, guidance, and support services to parents navigating the child
112.7 welfare system in Minnesota, in order to promote the development of safe, stable, and
112.8 healthy families, including parent mentoring, peer-to-peer support groups, housing support
112.9 services, training, staffing, and administrative costs.

- 38.24 (ii) the child's name, dates of birth, race, gender, and current address;
- 38.25 (iii) the names, race, dates of birth, residences, and post office addresses of the child's
38.26 parents or custodian;
- 38.27 (iv) a statement regarding the child's eligibility for membership or enrollment in an
38.28 Indian tribe and the agency's compliance with applicable provisions of sections 260.751 to
38.29 260.835;
- 38.30 (v) the name and address of the licensed residential family-based substance use disorder
38.31 treatment program where the child and parent or custodian are colocated;
- 39.1 (vi) a copy of the out-of-home placement plan under section 260C.212, subdivisions 1
39.2 and 3;
- 39.3 (vii) a written summary of the proceedings of any administrative review required under
39.4 section 260C.203; and
- 39.5 (viii) any other information the agency, parent or custodian, child, or licensed residential
39.6 family-based substance use disorder treatment program wants the court to consider.
- 39.7 (c) The agency must inform a child, if the child is 12 years of age or older; the child's
39.8 parent; and the licensed residential family-based substance use disorder treatment program
39.9 of the reporting and court review requirements of this section and of their rights to submit
39.10 information to the court as follows:
- 39.11 (1) if the child, the child's parent, or the licensed residential family-based substance use
39.12 disorder treatment program wants to send information to the court, the agency shall advise
39.13 those persons of the reporting date and the date by which the agency must receive the
39.14 information to submit to the court with the agency's report; and
- 39.15 (2) the agency must inform the child, the child's parent, and the licensed residential
39.16 family-based substance use disorder treatment program that they have the right to be heard
39.17 in person by the court. An in-person hearing must be held if requested by the child, parent
39.18 or legal guardian, or licensed residential family-based substance use disorder treatment
39.19 program.
- 39.20 (d) If, at the time required for the agency's report under this section, a child 12 years of
39.21 age or older disagrees about the placement colocating the child with the parent in a licensed
39.22 residential family-based substance use disorder treatment program or services provided
39.23 under the out-of-home placement plan under section 260C.212, subdivision 1, the agency
39.24 shall include information regarding the child's disagreement and to the extent possible the
39.25 basis for the child's disagreement in the report.
- 39.26 (e) Regardless of whether an in-person hearing is requested within ten days of receiving
39.27 the agency's report, the court has jurisdiction to and must determine:

- 39.28 (i) whether the voluntary foster care arrangement is in the child's best interests;
- 39.29 (ii) whether the parent and agency are appropriately planning for the child; and
- 39.30 (iii) if a child 12 years of age or older disagrees with the foster care placement collocating
- 39.31 the child with the parent in a licensed residential family-based substance use disorder
- 39.32 treatment program or services provided under the out-of-home placement plan, whether to
- 39.33 appoint counsel and a guardian ad litem for the child according to section 260C.163.
- 40.1 (f) Unless requested by the parent, representative of the licensed residential family-based
- 40.2 substance use disorder treatment program, or child, an in-person hearing is not required for
- 40.3 the court to make findings and issue an order.
- 40.4 (g) If the court finds the voluntary foster care arrangement is in the child's best interests
- 40.5 and that the agency and parent are appropriately planning for the child, the court shall issue
- 40.6 an order containing explicit individualized findings to support the court's determination.
- 40.7 The individual findings shall be based on the agency's written report and other materials
- 40.8 submitted to the court. The court may make this determination notwithstanding the child's
- 40.9 disagreement, if any, reported to the court under paragraph (d).
- 40.10 (h) The court shall send a copy of the order to the county attorney, the agency, the parent,
- 40.11 a child 12 years of age or older, and the licensed residential family-based substance use
- 40.12 disorder treatment program.
- 40.13 (i) If the court finds continuing the voluntary foster care arrangement is not in the child's
- 40.14 best interests or that the agency or the parent is not appropriately planning for the child, the
- 40.15 court shall notify the agency, the parent, the licensed residential family-based substance
- 40.16 use disorder treatment program, a child 12 years of age or older, and the county attorney of
- 40.17 the court's determination and the basis for the court's determination. The court shall set the
- 40.18 matter for hearing and appoint a guardian ad litem for the child under section 260C.163,
- 40.19 subdivision 5.
- 40.20 Subd. 3. **Termination.** The voluntary placement agreement terminates at the parent's
- 40.21 discharge from the licensed residential family-based substance use disorder treatment
- 40.22 program, or upon receipt of a written and dated request from the parent, unless the request
- 40.23 specifies a later date. If the child's voluntary foster care placement meets the calculated time
- 40.24 to require a permanency proceeding under section 260C.503, subdivision 3, paragraph (a),
- 40.25 and the child is not returned home, the agency must file a petition according to section
- 40.26 260C.141 or 260C.505.
- 40.27 Sec. 36. Minnesota Statutes 2018, section 260C.452, subdivision 4, is amended to read:
- 40.28 Subd. 4. **Administrative or court review of placements.** (a) When the child is 14 years
- 40.29 of age or older, the court, in consultation with the child, shall review the independent living
- 40.30 plan according to section 260C.203, paragraph (d).
- 40.31 (b) The responsible social services agency shall file a copy of the notification required
- 40.32 in subdivision 3 with the court. If the responsible social services agency does not file the

41.1 notice by the time the child is 17-1/2 years of age, the court shall require the responsible
41.2 social services agency to file the notice.

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

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

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

41.16 (2) health insurance, including eligibility for medical assistance as defined in section
41.17 256B.055, subdivision 17;

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

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

41.21 (5) workforce supports and employment services;

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

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

41.27 (8) appropriate contact information through 21 years of age if the child needs information
41.28 or help dealing with a crisis situation; and

41.29 (9) official documentation that the youth was previously in foster care.

42.1 Sec. 37. Minnesota Statutes 2018, section 260C.503, subdivision 1, is amended to read:

42.2 Subdivision 1. **Required permanency proceedings.** (a) Except for children in foster
42.3 care pursuant to chapter 260D, where the child is in foster care or in the care of a noncustodial
42.4 or nonresident parent, the court shall commence proceedings to determine the permanent
42.5 status of a child by holding the admit-deny hearing required under section 260C.507 not
42.6 later than 12 months after the child is placed in foster care or in the care of a noncustodial

42.7 or nonresident parent. Permanency proceedings for children in foster care pursuant to chapter
42.8 260D shall be according to section 260D.07.

42.9 (b) Permanency proceedings for a foster child who is colocated with a parent in a licensed
42.10 residential family-based substance use disorder treatment program shall be conducted
42.11 according to section 260C.190.

42.12 Sec. 38. Minnesota Statutes 2018, section 518A.32, subdivision 3, is amended to read:

42.13 Subd. 3. **Parent not considered voluntarily unemployed, underemployed, or employed**
42.14 **on a less than full-time basis.** A parent is not considered voluntarily unemployed,
42.15 underemployed, or employed on a less than full-time basis upon a showing by the parent
42.16 that:

42.17 (1) the unemployment, underemployment, or employment on a less than full-time basis
42.18 is temporary and will ultimately lead to an increase in income;

42.19 (2) the unemployment, underemployment, or employment on a less than full-time basis
42.20 represents a bona fide career change that outweighs the adverse effect of that parent's
42.21 diminished income on the child; or

42.22 (3) the unemployment, underemployment, or employment on a less than full-time basis
42.23 is because a parent is physically or mentally incapacitated or due to incarceration, ~~except~~
42.24 ~~where the reason for incarceration is the parent's nonpayment of support.~~

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

112.10 Sec. 38. Minnesota Statutes 2018, section 518A.32, subdivision 3, is amended to read:

112.11 Subd. 3. **Parent not considered voluntarily unemployed, underemployed, or employed**
112.12 **on a less than full-time basis.** A parent is not considered voluntarily unemployed,
112.13 underemployed, or employed on a less than full-time basis upon a showing by the parent
112.14 that:

112.15 (1) the unemployment, underemployment, or employment on a less than full-time basis
112.16 is temporary and will ultimately lead to an increase in income;

112.17 (2) the unemployment, underemployment, or employment on a less than full-time basis
112.18 represents a bona fide career change that outweighs the adverse effect of that parent's
112.19 diminished income on the child; or

112.20 (3) the unemployment, underemployment, or employment on a less than full-time basis
112.21 is because a parent is physically or mentally incapacitated or due to incarceration, ~~except~~
112.22 ~~where the reason for incarceration is the parent's nonpayment of support.~~

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

112.24 Sec. 39. Minnesota Statutes 2018, section 518A.51, is amended to read:

112.25 **518A.51 FEES FOR IV-D SERVICES.**

112.26 (a) When a recipient of IV-D services is no longer receiving assistance under the state's
112.27 title IV-A, IV-E foster care, or medical assistance programs, the public authority responsible
112.28 for child support enforcement must notify the recipient, within five working days of the
112.29 notification of ineligibility, that IV-D services will be continued unless the public authority
112.30 is notified to the contrary by the recipient. The notice must include the implications of
113.1 continuing to receive IV-D services, including the available services and fees, cost recovery
113.2 fees, and distribution policies relating to fees.

113.3 (b) In the case of an individual who has never received assistance under a state program
113.4 funded under title IV-A of the Social Security Act and for whom the public authority has
113.5 collected at least \$500 \$550 of support, the public authority must impose an annual federal
113.6 collections fee of \$25 \$35 for each case in which services are furnished. This fee must be
113.7 retained by the public authority from support collected on behalf of the individual, but not
113.8 from the first \$500 \$550 collected.

113.9 (c) When the public authority provides full IV-D services to an obligee who has applied
113.10 for those services, upon written notice to the obligee, the public authority must charge a

113.11 cost recovery fee of two percent of the amount collected. This fee must be deducted from
113.12 the amount of the child support and maintenance collected and not assigned under section
113.13 256.741 before disbursement to the obligee. This fee does not apply to an obligee who:

113.14 (1) is currently receiving assistance under the state's title IV-A, IV-E foster care, or
113.15 medical assistance programs; or

113.16 (2) has received assistance under the state's title IV-A or IV-E foster care programs,
113.17 until the person has not received this assistance for 24 consecutive months.

113.18 (d) When the public authority provides full IV-D services to an obligor who has applied
113.19 for such services, upon written notice to the obligor, the public authority must charge a cost
113.20 recovery fee of two percent of the monthly court-ordered child support and maintenance
113.21 obligation. The fee may be collected through income withholding, as well as by any other
113.22 enforcement remedy available to the public authority responsible for child support
113.23 enforcement.

113.24 (e) Fees assessed by state and federal tax agencies for collection of overdue support
113.25 owed to or on behalf of a person not receiving public assistance must be imposed on the
113.26 person for whom these services are provided. The public authority upon written notice to
113.27 the obligee shall assess a fee of \$25 to the person not receiving public assistance for each
113.28 successful federal tax interception. The fee must be withheld prior to the release of the funds
113.29 received from each interception and deposited in the general fund.

113.30 (f) Federal collections fees collected under paragraph (b) and cost recovery fees collected
113.31 under paragraphs (c) and (d) retained by the commissioner of human services shall be
113.32 considered child support program income according to Code of Federal Regulations, title
113.33 45, section 304.50, and shall be deposited in the special revenue fund account established
114.1 under paragraph (h). The commissioner of human services must elect to recover costs based
114.2 on either actual or standardized costs.

114.3 (g) The limitations of this section on the assessment of fees shall not apply to the extent
114.4 inconsistent with the requirements of federal law for receiving funds for the programs under
114.5 title IV-A and title IV-D of the Social Security Act, United States Code, title 42, sections
114.6 601 to 613 and United States Code, title 42, sections 651 to 662.

114.7 (h) The commissioner of human services is authorized to establish a special revenue
114.8 fund account to receive the federal collections fees collected under paragraph (b) and cost
114.9 recovery fees collected under paragraphs (c) and (d).

114.10 (i) The nonfederal share of the cost recovery fee revenue must be retained by the
114.11 commissioner and distributed as follows:

114.12 (1) one-half of the revenue must be transferred to the child support system special revenue
114.13 account to support the state's administration of the child support enforcement program and
114.14 its federally mandated automated system;

42.26 Sec. 39. Minnesota Statutes 2018, section 626.556, subdivision 10, is amended to read:

42.27 Subd. 10. **Duties of local welfare agency and local law enforcement agency upon**

42.28 **receipt of report; mandatory notification between police or sheriff and agency.** (a) The

42.29 police department or the county sheriff shall immediately notify the local welfare agency

42.30 or agency responsible for child protection reports under this section orally and in writing

42.31 when a report is received. The local welfare agency or agency responsible for child protection

42.32 reports shall immediately notify the local police department or the county sheriff orally and

43.1 in writing when a report is received. The county sheriff and the head of every local welfare

43.2 agency, agency responsible for child protection reports, and police department shall each

43.3 designate a person within their agency, department, or office who is responsible for ensuring

43.4 that the notification duties of this paragraph are carried out. When the alleged maltreatment

43.5 occurred on tribal land, the local welfare agency or agency responsible for child protection

43.6 reports and the local police department or the county sheriff shall immediately notify the

43.7 tribe's social services agency and tribal law enforcement orally and in writing when a report

43.8 is received.

43.9 (b) Upon receipt of a report, the local welfare agency shall determine whether to conduct

43.10 a family assessment or an investigation as appropriate to prevent or provide a remedy for

43.11 child maltreatment. The local welfare agency:

43.12 (1) shall conduct an investigation on reports involving sexual abuse or substantial child

43.13 endangerment;

43.14 (2) shall begin an immediate investigation if, at any time when it is using a family

43.15 assessment response, it determines that there is reason to believe that sexual abuse or

43.16 substantial child endangerment or a serious threat to the child's safety exists;

43.17 (3) may conduct a family assessment for reports that do not allege sexual abuse or

43.18 substantial child endangerment. In determining that a family assessment is appropriate, the

114.15 (2) an additional portion of the revenue must be transferred to the child support system

114.16 special revenue account for expenditures necessary to administer the fees; and

114.17 (3) the remaining portion of the revenue must be distributed to the counties to aid the

114.18 counties in funding their child support enforcement programs.

114.19 (j) The nonfederal share of the federal collections fees must be distributed to the counties

114.20 to aid them in funding their child support enforcement programs.

114.21 (k) The commissioner of human services shall distribute quarterly any of the funds

114.22 dedicated to the counties under paragraphs (i) and (j) using the methodology specified in

114.23 section 256.979, subdivision 11. The funds received by the counties must be reinvested in

114.24 the child support enforcement program and the counties must not reduce the funding of

114.25 their child support programs by the amount of the funding distributed.

114.26 **EFFECTIVE DATE.** This section is effective October 1, 2019.

43.19 local welfare agency may consider issues of child safety, parental cooperation, and the need
43.20 for an immediate response;

43.21 (4) may conduct a family assessment on a report that was initially screened and assigned
43.22 for an investigation. In determining that a complete investigation is not required, the local
43.23 welfare agency must document the reason for terminating the investigation and notify the
43.24 local law enforcement agency if the local law enforcement agency is conducting a joint
43.25 investigation; and

43.26 (5) shall provide immediate notice, according to section 260.761, subdivision 2, to an
43.27 Indian child's tribe when the agency has reason to believe the family assessment or
43.28 investigation may involve an Indian child. For purposes of this clause, "immediate notice"
43.29 means notice provided within 24 hours.

43.30 If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or
43.31 individual functioning within the family unit as a person responsible for the child's care, or
43.32 sexual abuse by a person with a significant relationship to the child when that person resides
43.33 in the child's household or by a sibling, the local welfare agency shall immediately conduct
43.34 a family assessment or investigation as identified in clauses (1) to (4). In conducting a family
44.1 assessment or investigation, the local welfare agency shall gather information on the existence
44.2 of substance abuse and domestic violence and offer services for purposes of preventing
44.3 future child maltreatment, safeguarding and enhancing the welfare of the abused or neglected
44.4 minor, and supporting and preserving family life whenever possible. If the report alleges a
44.5 violation of a criminal statute involving sexual abuse, physical abuse, or neglect or
44.6 endangerment, under section 609.378, the local law enforcement agency and local welfare
44.7 agency shall coordinate the planning and execution of their respective investigation and
44.8 assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews.
44.9 Each agency shall prepare a separate report of the results of its investigation or assessment.
44.10 In cases of alleged child maltreatment resulting in death, the local agency may rely on the
44.11 fact-finding efforts of a law enforcement investigation to make a determination of whether
44.12 or not maltreatment occurred. When necessary the local welfare agency shall seek authority
44.13 to remove the child from the custody of a parent, guardian, or adult with whom the child is
44.14 living. In performing any of these duties, the local welfare agency shall maintain appropriate
44.15 records.

44.16 If the family assessment or investigation indicates there is a potential for abuse of alcohol
44.17 or other drugs by the parent, guardian, or person responsible for the child's care, the local
44.18 welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part
44.19 9530.6615.

44.20 (c) When a local agency receives a report or otherwise has information indicating that
44.21 a child who is a client, as defined in section 245.91, has been the subject of physical abuse,
44.22 sexual abuse, or neglect at an agency, facility, or program as defined in section 245.91, it
44.23 shall, in addition to its other duties under this section, immediately inform the ombudsman
44.24 established under sections 245.91 to 245.97. The commissioner of education shall inform
44.25 the ombudsman established under sections 245.91 to 245.97 of reports regarding a child

44.26 defined as a client in section 245.91 that maltreatment occurred at a school as defined in
44.27 section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

44.28 (d) Authority of the local welfare agency responsible for assessing or investigating the
44.29 child abuse or neglect report, the agency responsible for assessing or investigating the report,
44.30 and of the local law enforcement agency for investigating the alleged abuse or neglect
44.31 includes, but is not limited to, authority to interview, without parental consent, the alleged
44.32 victim and any other minors who currently reside with or who have resided with the alleged
44.33 offender. The interview may take place at school or at any facility or other place where the
44.34 alleged victim or other minors might be found or the child may be transported to, and the
44.35 interview conducted at, a place appropriate for the interview of a child designated by the
45.1 local welfare agency or law enforcement agency. The interview may take place outside the
45.2 presence of the alleged offender or parent, legal custodian, guardian, or school official. For
45.3 family assessments, it is the preferred practice to request a parent or guardian's permission
45.4 to interview the child prior to conducting the child interview, unless doing so would
45.5 compromise the safety assessment. Except as provided in this paragraph, the parent, legal
45.6 custodian, or guardian shall be notified by the responsible local welfare or law enforcement
45.7 agency no later than the conclusion of the investigation or assessment that this interview
45.8 has occurred. Notwithstanding rule 32 of the Minnesota Rules of Procedure for Juvenile
45.9 Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare
45.10 agency, order that, where reasonable cause exists, the agency withhold notification of this
45.11 interview from the parent, legal custodian, or guardian. If the interview took place or is to
45.12 take place on school property, the order shall specify that school officials may not disclose
45.13 to the parent, legal custodian, or guardian the contents of the notification of intent to interview
45.14 the child on school property, as provided under this paragraph, and any other related
45.15 information regarding the interview that may be a part of the child's school record. A copy
45.16 of the order shall be sent by the local welfare or law enforcement agency to the appropriate
45.17 school official.

45.18 (e) When the local welfare, local law enforcement agency, or the agency responsible
45.19 for assessing or investigating a report of maltreatment determines that an interview should
45.20 take place on school property, written notification of intent to interview the child on school
45.21 property must be received by school officials prior to the interview. The notification shall
45.22 include the name of the child to be interviewed, the purpose of the interview, and a reference
45.23 to the statutory authority to conduct an interview on school property. For interviews
45.24 conducted by the local welfare agency, the notification shall be signed by the chair of the
45.25 local social services agency or the chair's designee. The notification shall be private data
45.26 on individuals subject to the provisions of this paragraph. School officials may not disclose
45.27 to the parent, legal custodian, or guardian the contents of the notification or any other related
45.28 information regarding the interview until notified in writing by the local welfare or law
45.29 enforcement agency that the investigation or assessment has been concluded, unless a school
45.30 employee or agent is alleged to have maltreated the child. Until that time, the local welfare
45.31 or law enforcement agency or the agency responsible for assessing or investigating a report

45.32 of maltreatment shall be solely responsible for any disclosures regarding the nature of the
45.33 assessment or investigation.

45.34 Except where the alleged offender is believed to be a school official or employee, the
45.35 time and place, and manner of the interview on school premises shall be within the discretion
46.1 of school officials, but the local welfare or law enforcement agency shall have the exclusive
46.2 authority to determine who may attend the interview. The conditions as to time, place, and
46.3 manner of the interview set by the school officials shall be reasonable and the interview
46.4 shall be conducted not more than 24 hours after the receipt of the notification unless another
46.5 time is considered necessary by agreement between the school officials and the local welfare
46.6 or law enforcement agency. Where the school fails to comply with the provisions of this
46.7 paragraph, the juvenile court may order the school to comply. Every effort must be made
46.8 to reduce the disruption of the educational program of the child, other students, or school
46.9 staff when an interview is conducted on school premises.

46.10 (f) Where the alleged offender or a person responsible for the care of the alleged victim
46.11 or other minor prevents access to the victim or other minor by the local welfare agency, the
46.12 juvenile court may order the parents, legal custodian, or guardian to produce the alleged
46.13 victim or other minor for questioning by the local welfare agency or the local law
46.14 enforcement agency outside the presence of the alleged offender or any person responsible
46.15 for the child's care at reasonable places and times as specified by court order.

46.16 (g) Before making an order under paragraph (f), the court shall issue an order to show
46.17 cause, either upon its own motion or upon a verified petition, specifying the basis for the
46.18 requested interviews and fixing the time and place of the hearing. The order to show cause
46.19 shall be served personally and shall be heard in the same manner as provided in other cases
46.20 in the juvenile court. The court shall consider the need for appointment of a guardian ad
46.21 litem to protect the best interests of the child. If appointed, the guardian ad litem shall be
46.22 present at the hearing on the order to show cause.

46.23 (h) The commissioner of human services, the ombudsman for mental health and
46.24 developmental disabilities, the local welfare agencies responsible for investigating reports,
46.25 the commissioner of education, and the local law enforcement agencies have the right to
46.26 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,
46.27 including medical records, as part of the investigation. Notwithstanding the provisions of
46.28 chapter 13, they also have the right to inform the facility under investigation that they are
46.29 conducting an investigation, to disclose to the facility the names of the individuals under
46.30 investigation for abusing or neglecting a child, and to provide the facility with a copy of
46.31 the report and the investigative findings.

46.32 (i) The local welfare agency responsible for conducting a family assessment or
46.33 investigation shall collect available and relevant information to determine child safety, risk
46.34 of subsequent child maltreatment, and family strengths and needs and share not public
46.35 information with an Indian's tribal social services agency without violating any law of the
47.1 state that may otherwise impose duties of confidentiality on the local welfare agency in
47.2 order to implement the tribal state agreement. The local welfare agency or the agency

47.3 responsible for investigating the report shall collect available and relevant information to
47.4 ascertain whether maltreatment occurred and whether protective services are needed.
47.5 Information collected includes, when relevant, information with regard to the person reporting
47.6 the alleged maltreatment, including the nature of the reporter's relationship to the child and
47.7 to the alleged offender, and the basis of the reporter's knowledge for the report; the child
47.8 allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral
47.9 sources having relevant information related to the alleged maltreatment. As a part of
47.10 determining whether child protective services are needed, the local welfare agency
47.11 responsible for conducting the family assessment or investigation shall submit a request to
47.12 the commissioner of human services to collect child abuse and neglect records maintained
47.13 in each state other than Minnesota where the alleged offender has resided in the preceding
47.14 five years. The commissioner shall send out-of-state child abuse and neglect records inquiries
47.15 to the relevant states within three business days of receiving the request from the local
47.16 welfare agency. The commissioner shall forward the results of these inquiries to the local
47.17 welfare agency responsible for conducting the family assessment or investigation as they
47.18 are received. The commissioner shall inform the local welfare agency if the commissioner
47.19 does not receive a response from all states with records required to be searched within 20
47.20 business days. The local welfare agency or the agency responsible for investigating the
47.21 report may make a determination of no maltreatment early in an investigation, and close
47.22 the case and retain immunity, if the collected information shows no basis for a full
47.23 investigation.

47.24 Information relevant to the assessment or investigation must be asked for, and may
47.25 include:

47.26 (1) the child's sex and age; prior reports of maltreatment, including any maltreatment
47.27 reports that were screened out and not accepted for assessment or investigation; information
47.28 relating to developmental functioning; credibility of the child's statement; and whether the
47.29 information provided under this clause is consistent with other information collected during
47.30 the course of the assessment or investigation;

47.31 (2) the alleged offender's age; and a record check for prior reports of maltreatment, and
47.32 criminal charges and convictions. The local welfare agency or the agency responsible for
47.33 assessing or investigating the report must provide the alleged offender with an opportunity
47.34 to make a statement. The alleged offender may submit supporting documentation relevant
47.35 to the assessment or investigation;

48.1 (3) collateral source information regarding the alleged maltreatment and care of the
48.2 child. Collateral information includes, when relevant: (i) a medical examination of the child;
48.3 (ii) prior medical records relating to the alleged maltreatment or the care of the child
48.4 maintained by any facility, clinic, or health care professional and an interview with the
48.5 treating professionals; and (iii) interviews with the child's caretakers, including the child's
48.6 parent, guardian, foster parent, child care provider, teachers, counselors, family members,
48.7 relatives, and other persons who may have knowledge regarding the alleged maltreatment
48.8 and the care of the child; and

48.9 (4) information on the existence of domestic abuse and violence in the home of the child,
48.10 and substance abuse.

48.11 Nothing in this paragraph precludes the local welfare agency, the local law enforcement
48.12 agency, or the agency responsible for assessing or investigating the report from collecting
48.13 other relevant information necessary to conduct the assessment or investigation.
48.14 Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access
48.15 to medical data and records for purposes of clause (3). Notwithstanding the data's
48.16 classification in the possession of any other agency, data acquired by the local welfare
48.17 agency or the agency responsible for assessing or investigating the report during the course
48.18 of the assessment or investigation are private data on individuals and must be maintained
48.19 in accordance with subdivision 11. Data of the commissioner of education collected or
48.20 maintained during and for the purpose of an investigation of alleged maltreatment in a school
48.21 are governed by this section, notwithstanding the data's classification as educational,
48.22 licensing, or personnel data under chapter 13.

48.23 In conducting an assessment or investigation involving a school facility as defined in
48.24 subdivision 2, paragraph (c), the commissioner of education shall collect investigative
48.25 reports and data that are relevant to a report of maltreatment and are from local law
48.26 enforcement and the school facility.

48.27 (j) Upon receipt of a report, the local welfare agency shall conduct a face-to-face contact
48.28 with the child reported to be maltreated and with the child's primary caregiver sufficient to
48.29 complete a safety assessment and ensure the immediate safety of the child. The face-to-face
48.30 contact with the child and primary caregiver shall occur immediately if sexual abuse or
48.31 substantial child endangerment is alleged and within five calendar days for all other reports.
48.32 If the alleged offender was not already interviewed as the primary caregiver, the local welfare
48.33 agency shall also conduct a face-to-face interview with the alleged offender in the early
48.34 stages of the assessment or investigation. At the initial contact, the local child welfare agency
48.35 or the agency responsible for assessing or investigating the report must inform the alleged
49.1 offender of the complaints or allegations made against the individual in a manner consistent
49.2 with laws protecting the rights of the person who made the report. The interview with the
49.3 alleged offender may be postponed if it would jeopardize an active law enforcement
49.4 investigation.

49.5 (k) When conducting an investigation, the local welfare agency shall use a question and
49.6 answer interviewing format with questioning as nondirective as possible to elicit spontaneous
49.7 responses. For investigations only, the following interviewing methods and procedures must
49.8 be used whenever possible when collecting information:

49.9 (1) audio recordings of all interviews with witnesses and collateral sources; and

49.10 (2) in cases of alleged sexual abuse, audio-video recordings of each interview with the
49.11 alleged victim and child witnesses.

49.12 (l) In conducting an assessment or investigation involving a school facility as defined
49.13 in subdivision 2, paragraph (c), the commissioner of education shall collect available and
49.14 relevant information and use the procedures in paragraphs (j) and (k), and subdivision 3d,
49.15 except that the requirement for face-to-face observation of the child and face-to-face interview
49.16 of the alleged offender is to occur in the initial stages of the assessment or investigation
49.17 provided that the commissioner may also base the assessment or investigation on investigative
49.18 reports and data received from the school facility and local law enforcement, to the extent
49.19 those investigations satisfy the requirements of paragraphs (j) and (k), and subdivision 3d.

49.20 Sec. 40. Minnesota Statutes 2018, section 626.5561, subdivision 1, is amended to read:

49.21 Subdivision 1. **Reports required.** (a) Except as provided in paragraph (b), a person
49.22 mandated to report under section 626.556, subdivision 3, shall immediately report to the
49.23 local welfare agency if the person knows or has reason to believe that a woman is pregnant
49.24 and has used a controlled substance for a nonmedical purpose during the pregnancy,
49.25 including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages
49.26 during the pregnancy in any way that is habitual or excessive.

49.27 (b) A health care professional or a social service professional who is mandated to report
49.28 under section 626.556, subdivision 3, is exempt from reporting under paragraph (a) ~~a~~
49.29 ~~woman's use or consumption of tetrahydrocannabinol or alcoholic beverages during~~
49.30 ~~pregnancy~~ if the professional is providing or collaborating with other professionals to provide
49.31 the woman with prenatal care or other health care services.

49.32 (c) Any person may make a voluntary report if the person knows or has reason to believe
49.33 that a woman is pregnant and has used a controlled substance for a nonmedical purpose
50.1 during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed
50.2 alcoholic beverages during the pregnancy in any way that is habitual or excessive.

50.3 (d) An oral report shall be made immediately by telephone or otherwise. An oral report
50.4 made by a person required to report shall be followed within 72 hours, exclusive of weekends
50.5 and holidays, by a report in writing to the local welfare agency. Any report shall be of
50.6 sufficient content to identify the pregnant woman, the nature and extent of the use, if known,
50.7 and the name and address of the reporter. The local welfare agency shall accept a report
50.8 made under paragraph (c) notwithstanding refusal by a voluntary reporter to provide the
50.9 reporter's name or address as long as the report is otherwise sufficient.

50.10 (e) For purposes of this section, "prenatal care" means the comprehensive package of
50.11 medical and psychological support provided throughout the pregnancy.

50.12 Sec. 41. **TITLE.**

50.13 Sections 39 and 42 shall be known as "Heaven's Law."

50.14 Sec. 42. **INTERSTATE TRANSFER OF CHILD PROTECTION DATA.**

50.15 The commissioner of human services is directed to investigate and report to the legislature
50.16 on potential improvements and advancements in the sharing of child maltreatment data

50.17 between states, including consideration for interstate compacts or interstate agreements to
50.18 improve access to child maltreatment investigative and determination data to protect the
50.19 welfare of children in Minnesota and throughout the country. The commissioner shall report
50.20 to the legislature on challenges and solutions to the sharing of data on child maltreatment
50.21 between states no later than February 1, 2020.

50.22 Sec. 43. **INSTRUCTION TO COMMISSIONER.**

50.23 All individuals in connection with a licensed children's residential facility required to
50.24 complete a background study under Minnesota Statutes, chapter 245C, must complete a
50.25 new background study consistent with the obligations and requirements of this article. The
50.26 commissioner of human services shall establish a schedule for (1) individuals in connection
50.27 with a licensed children's residential facility that serves children eligible to receive federal
50.28 Title IV-E funding to complete the new background study by March 1, 2020, and (2)
50.29 individuals in connection with a licensed children's residential facility that serves children
50.30 not eligible to receive federal Title IV-E funding to complete the new background study by
50.31 March 1, 2021.

51.1 Sec. 44. **CHILD WELFARE TRAINING ACADEMY.**

51.2 Subdivision 1. **Establishment; purpose.** The commissioner of human services shall
51.3 modify the Child Welfare Training System developed pursuant to Minnesota Statutes,
51.4 section 626.5591, subdivision 2, according to this section. The new training framework
51.5 shall be known as the Child Welfare Training Academy.

51.6 Subd. 2. **Administration.** (a) The Child Welfare Training Academy must be administered
51.7 through five regional hubs in northwest, northeast, southwest, southeast, and central
51.8 Minnesota. Each hub must deliver training targeted to the needs of the hub's particular
51.9 region, taking into account varying demographics, resources, and practice outcomes.

51.10 (b) The Child Welfare Training Academy must use training methods best suited to the
51.11 training content. National best practices in adult learning must be used to the greatest extent
51.12 possible, including online learning methodologies, coaching, mentoring, and simulated skill
51.13 application.

51.14 (c) Content of training delivered by the Child Welfare Training Academy must be
51.15 informed using multidisciplinary approaches and must include input from stakeholders,
51.16 including but not limited to child welfare professionals, resource parents, biological parents
51.17 and caregivers, and other community members with expertise in child welfare racial
51.18 disparities and implicit bias. Content must be structured to reflect the variety of communities
51.19 served by the child welfare system in Minnesota and must be informed with attention to
51.20 both child safety and the evidence-based understanding that maintaining family relationships
51.21 and preventing out-of-home placement are essential to child well-being. Training delivered
51.22 by the Child Welfare Training Academy must emphasize racial disparities and

51.23 disproportionate child welfare outcomes that exist in Minnesota and must include specific
51.24 content on recognizing and addressing implicit bias.

51.25 (d) Each child welfare worker and supervisor must complete a certification, including
51.26 a competency-based knowledge test and a skills demonstration, at the completion of the
51.27 worker's or supervisor's initial training and biennially thereafter. The commissioner shall
51.28 develop ongoing training requirements and a method for tracking certifications.

51.29 (e) The Child Welfare Training Academy must serve the primary training audiences of
51.30 (1) county and tribal child welfare workers, (2) county and tribal child welfare supervisors,
51.31 and (3) staff at private agencies providing out-of-home placement services for children
51.32 involved in Minnesota's county and tribal child welfare system.

51.33 Subd. 3. **Partnerships.** The commissioner of human services shall enter into a partnership
51.34 with the University of Minnesota to collaborate in the administration of workforce training.

52.1 Subd. 4. **Rulemaking.** The commissioner of human services may adopt rules as necessary
52.2 to establish the Child Welfare Training Academy.

52.3 Sec. 45. **CHILD WELFARE CASELOAD STUDY.**

52.4 (a) The commissioner of human services shall conduct a child welfare caseload study
52.5 to collect data on (1) the number of child welfare workers in Minnesota, and (2) the amount
52.6 of time that child welfare workers spend on different components of child welfare work.
52.7 The study must be completed by October 1, 2020.

52.8 (b) The commissioner shall report the results of the child welfare caseload study to the
52.9 governor and to the chairs and ranking minority members of the committees in the house
52.10 of representatives and senate with jurisdiction over human services by December 1, 2020.

52.11 (c) After the child welfare caseload study is complete, the commissioner shall work with
52.12 counties and other stakeholders to develop a process for ongoing monitoring of child welfare
52.13 workers' caseloads.

52.14 Sec. 46. **FIRST CHILDREN'S FINANCE CHILD CARE SITE ASSISTANCE.**

52.15 Subdivision 1. **Purposes.** Grants to First Children's Finance are for loans to improve
52.16 child care or early childhood education sites, or loans to plan, design, and construct or
52.17 expand licensed and legal nonlicensed sites to increase the availability of child care or early
52.18 childhood education.

52.19 Subd. 2. **Financing program.** (a) First Children's Finance must use grant funds to:

52.20 (1) establish a revolving loan fund to make loans to existing, expanding, and newly
52.21 licensed and legally unlicensed child care and early childhood education sites;

52.22 (2) establish a fund to guarantee private loans to improve or construct a child care or
52.23 early childhood education site.

- 52.24 (3) establish a fund to provide forgivable loans or grants to match all or part of a loan
52.25 made under this section;
- 52.26 (4) establish a fund as a reserve against bad debt; and
- 52.27 (5) establish a fund to provide business planning assistance for child care providers.
- 52.28 (b) First Children's Finance must establish the terms and conditions for loans and loan
52.29 guarantees including interest rates, repayment agreements, private match requirements, and
52.30 conditions for loan forgiveness. A minimum interest rate for loans must be established to
53.1 ensure that necessary loan administration costs are covered. Interest earnings may be used
53.2 for administrative expenses.
- 53.3 Subd. 3. **Reporting.** First Children's Finance must:
- 53.4 (1) by September 30, 2020, and September 30, 2021, report to the commissioner of
53.5 human services the purposes for which the money was used during the past fiscal year,
53.6 including a description of projects supported by the financing, an account of loans made
53.7 during the calendar year, the financing program's assets and liabilities, and an explanation
53.8 of administrative expenses; and
- 53.9 (2) submit to the commissioner of human services a copy of the report of an independent
53.10 audit performed in accordance with generally accepted accounting practices and auditing
53.11 standards, for each fiscal year in which grants are received.
- 53.12 Sec. 47. **DIRECTION TO COMMISSIONER; HOMELESS YOUTH ACCESS TO**
53.13 **BIRTH RECORDS AND MINNESOTA IDENTIFICATION CARDS.**
- 53.14 No later than January 15, 2020, the commissioner of human services, in consultation
53.15 with the commissioners of health and public safety, shall report to the chairs and ranking
53.16 minority members of the legislative committees and divisions with jurisdiction over the
53.17 Homeless Youth Act with recommendations on providing homeless youth with access to
53.18 birth records and Minnesota identification cards at no cost.
- 53.19 Sec. 48. **DIRECTION TO COMMISSIONER; FAMILY FIRST PREVENTION**
53.20 **KINSHIP SERVICES.**
- 53.21 The commissioner of human services shall review opportunities to implement kinship
53.22 navigator models that support placement of children with relative foster parents in anticipation
53.23 of reimbursement for eligible services under the Family First Prevention Services Act.
53.24 Kinship navigator models would assist relative foster parents with home studies and licensing
53.25 requirements and provide ongoing support to the relative caregivers and children in
53.26 out-of-home placement with relatives.
- 53.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

- 53.28 Sec. 49. **DIRECTION TO COMMISSIONER; RELATIVE SEARCH.**
- 53.29 The commissioner of human services shall develop and provide guidance to assist local
- 53.30 social services agencies in conducting relative searches under Minnesota Statutes, section
- 54.1 260C.221. The commissioner shall issue a bulletin containing relative search guidance by
- 54.2 January 1, 2020. Guidance from the commissioner shall relate to:
- 54.3 (1) easily understandable methods of relative notification;
- 54.4 (2) resources for local social services agency child welfare staff to improve engagement
- 54.5 and communication with relatives and kin; and
- 54.6 (3) providing information to relatives and kin about all permanency options, sustaining
- 54.7 relationships, visitation options, and supporting permanency.
- 54.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

UEH2414-1 ARTICLE 2, SECTION 40 SEE ARTICLE 5 DISABILITY SERVICES

- 115.23 Sec. 41. **MINNESOTA PATHWAYS TO PROSPERITY AND WELL-BEING PILOT**
- 115.24 **PROJECT.**
- 115.25 Subdivision 1. **Authorization.** (a) The commissioner of human services shall develop
- 115.26 a pilot project that tests an alternative benefit delivery system for the distribution of public
- 115.27 assistance benefits. The commissioner shall work with Dakota County and Olmsted County
- 115.28 to develop the pilot project in accordance with this section. The commissioner shall apply
- 115.29 for any federal waivers necessary to implement the pilot project.
- 115.30 (b) Prior to authorizing the pilot project, Dakota and Olmsted Counties must provide
- 115.31 the following information to the commissioner:
- 115.32 (1) identification of any federal waivers required to implement the pilot project and a
- 115.33 timeline for obtaining the waivers;
- 116.1 (2) identification of data sharing requirements between the counties and the commissioner
- 116.2 to administer the pilot project and evaluate the outcome measures under subdivision 4,
- 116.3 including the technology systems that will be developed to administer the pilot project and
- 116.4 a description of the elements of the technology systems that will ensure the privacy of the
- 116.5 data of the participants and provide financial oversight and accountability for expended
- 116.6 funds;
- 116.7 (3) documentation that demonstrates receipt of private donations or grants totaling at
- 116.8 least \$2,800,000 per year for three years to support implementation of the pilot project;
- 116.9 (4) a complete plan for implementing the pilot project, including an assurance that each
- 116.10 participant's unified benefit amount is proportionate to and in no event exceeds the total
- 116.11 amount that the participant would have received by participating in the underlying programs

- 116.12 for which they are eligible upon entering the pilot project, information about the
116.13 administration of the unified benefit amount to ensure that the benefit is used by participants
116.14 for the services provided through the underlying programs included in the unified benefit,
116.15 an explanation of which funds will be issued directly to providers and which funds will be
116.16 available on an EBT card, and information about consequences and remedies for improper
116.17 use of the unified benefit;
- 116.18 (5) an evaluation plan developed in consultation with the commissioner of management
116.19 and budget to ensure that the pilot project includes an evaluation using an experimental or
116.20 quasi-experimental design and a formal evaluation of the results of the pilot project; and
- 116.21 (6) documentation that demonstrates the receipt of a formal commitment of grants or
116.22 contracts with the federal government to complete a comprehensive evaluation of the pilot
116.23 project.
- 116.24 (c) The commissioner may authorize the pilot project only after reviewing the information
116.25 submitted under paragraph (b) and issuing a formal written approval of the proposed project.
- 116.26 Subd. 2. **Pilot project goals.** The goals of the pilot project are to:
- 116.27 (1) reduce the historical separation among the state programs and systems affecting
116.28 families who may receive public assistance;
- 116.29 (2) eliminate, where possible, regulatory or program restrictions to allow a comprehensive
116.30 approach to meeting the needs of the families in the pilot project; and
- 116.31 (3) focus on prevention-oriented supports and interventions.
- 116.32 Subd. 3. **Pilot project participants.** The pilot project developed by the commissioner
116.33 must include requirements that participants:
- 117.1 (1) be 30 years of age or younger with a minimum of one child and income below 200
117.2 percent of federal poverty guidelines;
- 117.3 (2) voluntarily agree to participate in the pilot project;
- 117.4 (3) be informed of the right to voluntarily discontinue participation in the pilot project;
- 117.5 (4) be eligible for or receiving assistance under the Minnesota family investment program
117.6 under Minnesota Statutes, chapter 256J, and at least one of the following programs: (i) the
117.7 child care assistance program under Minnesota Statutes, chapter 119B; (ii) the diversionary
117.8 work program under Minnesota Statutes, section 256J.95; (iii) the supplemental nutrition
117.9 assistance program under Minnesota Statutes, chapter 256D; or (iv) state or federal housing
117.10 support;
- 117.11 (5) provide informed, written consent that the participant waives eligibility for the
117.12 programs included in the unified benefit set for the duration of their participation in the
117.13 pilot project;

117.14 (6) be enrolled in an education program that is focused on obtaining a career that will
117.15 result in a livable wage;

117.16 (7) receive as the unified benefit only an amount that is proportionate to and does not
117.17 exceed the total value of the benefits the participant would be eligible to receive under the
117.18 underlying programs upon entering the pilot project; and

117.19 (8) shall not have the unified benefit amount counted as income for child support or tax
117.20 purposes.

117.21 Subd. 4. **Outcomes.** (a) The outcome measures for the pilot project must be developed
117.22 in consultation with the commissioner of management and budget, and must include:

117.23 (1) improvement in the affordability, safety, and permanence of suitable housing;

117.24 (2) improvement in family functioning and stability, including the areas of behavioral
117.25 health, incarceration, involvement with the child welfare system;

117.26 (3) improvement in education readiness and outcomes for parents and children from
117.27 early childhood through high school, including reduction in absenteeism, preschool readiness
117.28 scores, third grade reading competency, graduation, grade point average, and standardized
117.29 test improvement;

117.30 (4) improvement in attachment to the workforce of one or both parents, including
117.31 enhanced job stability; wage gains; career advancement; and progress in career preparation;
117.32 and

118.1 (5) improvement in health care access and health outcomes for parents and children and
118.2 other outcomes determined in consultation with the commissioner of human services and
118.3 the commissioner of management and budget.

118.4 (b) Dakota and Olmsted Counties shall report on the progress and outcomes of the pilot
118.5 project to the chairs and ranking minority members of the legislative committees with
118.6 jurisdiction over human services by January 15 of each year that the pilot project operates,
118.7 beginning January 15, 2021.

UEH2414-1 ARTICLE 2, SECTIONS 42-47 SEE ARTICLE 1 OPERATIONS

118.8 Sec. 42. **DIRECTION TO COMMISSIONER; CHILD CARE ASSISTANCE**
118.9 **PROGRAM REDESIGN.**

118.10 (a) By January 15, 2020, the commissioner of human services shall, following
118.11 consultation with families, providers, and county agencies, report to the chairs and ranking
118.12 minority members of the legislative committees having jurisdiction over child care with a
118.13 proposal, for implementation by July 1, 2020, that redesigns the child care assistance program
118.14 to meet all applicable federal requirements, achieve at least the following objectives, and
118.15 include at least the following features:

- 118.16 (1) eliminates fraud;
- 118.17 (2) eliminates program inefficiencies;
- 118.18 (3) eliminates barriers to families entering the program;
- 118.19 (4) improves accessibility to child care for families in greater Minnesota and in the
- 118.20 metropolitan area;
- 118.21 (5) improves the quality of available child care;
- 118.22 (6) eliminates assistance rate disparities between greater Minnesota and the metropolitan
- 118.23 area;
- 118.24 (7) ensures future access to assistance and child care for families in greater Minnesota
- 118.25 and in the metropolitan area;
- 118.26 (8) develops additional options for providers to complete required training including
- 118.27 through online or remote access;
- 118.28 (9) improves ease of provider access to required training and quality improvement
- 118.29 resources;
- 118.30 (10) reforms the Parent Aware program, including by removing barriers to participation
- 118.31 for family child care providers, by implementing a method for evaluating the quality and
- 119.1 effectiveness of four-star rated programs, and by incorporating licensing violations, sanctions,
- 119.2 or maltreatment determinations into the star-rating program standards;
- 119.3 (11) proposes legislation that codifies Parent Aware program standards;
- 119.4 (12) implements a licensing and inspection structure based on differential monitoring;
- 119.5 (13) amends licensing requirements that have led to closure of child care programs,
- 119.6 especially family child care programs;
- 119.7 (14) recommends business development and technical assistance resources to promote
- 119.8 provider recruitment and retention;
- 119.9 (15) allows for family child care licensing alternatives, including permitting multiple
- 119.10 family child care providers to operate in a commercial or other building other than the
- 119.11 providers' residences; and
- 119.12 (16) improves family child care licensing efficiencies, including by adding a variance
- 119.13 structure and updating child ratios.
- 119.14 (b) The commissioner shall seek all necessary federal waivers to implement the proposed
- 119.15 redesign described in paragraph (a), including to authorize use of existing federal funding.

54.9 Sec. 50. **REPEALER.**

54.10 (a) Minnesota Statutes 2018, sections 119B.16, subdivision 2; and 245E.06, subdivisions
54.11 2, 4, and 5, and Minnesota Rules, part 3400.0185, subpart 5, are repealed effective February
54.12 26, 2021.

54.13 (b) Minnesota Rules, part 2960.3030, subpart 3, is repealed.

123.9 Sec. 48. **REVISOR INSTRUCTION.**

123.10 The revisor of statutes, in consultation with the Department of Human Services, House
123.11 Research Department, and Senate Counsel, Research and Fiscal Analysis shall change the
123.12 terms "food support" and "food stamps" to "Supplemental Nutrition Assistance Program"
123.13 or "SNAP" in Minnesota Statutes when appropriate. The revisor may make technical and
123.14 other necessary changes to sentence structure to preserve the meaning of the text.

123.15 Sec. 49. **REVISOR INSTRUCTION.**

123.16 The revisor of statutes shall remove the terms "child care assistance program," "basic
123.17 sliding fee child care," and "MFIP child care," or similar terms wherever the terms appear
123.18 in Minnesota Statutes. The revisor shall also make technical and other necessary changes
123.19 to sentence structure to preserve the meaning of the text.

123.20 **EFFECTIVE DATE.** This section is effective July 1, 2020.

UEH2414-1 ARTICLE 2, SECTIONS 50-52 SEE ARTICLE 1 OPERATIONS

124.21 Sec. 53. **REPEALER.**

124.22 (a) Minnesota Statutes 2018, sections 119B.011, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
124.23 10a, 11, 12, 13, 13a, 14, 15, 16, 17, 18, 19, 19a, 19b, 20, 20a, 21, and 22; 119B.02; 119B.025,
124.24 subdivisions 1, 2, 3, and 4; 119B.03, subdivisions 1, 2, 3, 4, 5, 6, 6a, 6b, 8, 9, and 10;
124.25 119B.035; 119B.04; 119B.05, subdivisions 1, 4, and 5; 119B.06, subdivisions 1, 2, and 3;
124.26 119B.08, subdivisions 1, 2, and 3; 119B.09, subdivisions 1, 3, 4, 4a, 5, 6, 7, 8, 9, 9a, 10,
124.27 11, 12, and 13; 119B.095; 119B.097; 119B.10, subdivisions 1, 2, and 3; 119B.105; 119B.11,
124.28 subdivisions 1, 2a, 3, and 4; 119B.12, subdivisions 1 and 2; 119B.125; 119B.13, subdivisions
124.29 1, 1a, 3, 3a, 3b, 3c, 4, 5, 6, and 7; 119B.14; 119B.15; and 119B.16, are repealed effective
124.30 July 1, 2020.

124.31 (b) Minnesota Rules, parts 3400.0010; 3400.0020, subparts 1, 4, 5, 8, 9a, 10a, 12, 17a,
124.32 18, 18a, 20, 24, 25, 26, 28, 29a, 31b, 32b, 33, 34a, 35, 37, 38, 38a, 38b, 39, 40, 40a, and
124.33 44; 3400.0030; 3400.0035; 3400.0040, subparts 1, 3, 4, 5, 5a, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12,
125.1 13, 14, 15, 15a, 17, and 18; 3400.0060, subparts 2, 4, 5, 6, 6a, 7, 8, 9, and 10; 3400.0080,
125.2 subparts 1, 1a, 1b, and 8; 3400.0090, subparts 1, 2, 3, and 4; 3400.0100, subparts 2a, 2b,
125.3 2c, and 5; 3400.0110, subparts 1, 1a, 2, 2a, 3, 4a, 7, 8, 9, 10, and 11; 3400.0120, subparts
125.4 1, 1a, 2, 2a, 3, and 5; 3400.0130, subparts 1, 1a, 2, 3, 3a, 3b, 5, 5a, and 7; 3400.0140, subparts
125.5 1, 2, 4, 5, 6, 7, 8, 9, 9a, 10, and 14; 3400.0150; 3400.0170, subparts 1, 3, 4, 6a, 7, 8, 9, 10,
125.6 and 11; 3400.0180; 3400.0183, subparts 1, 2, and 5; 3400.0185; 3400.0187, subparts 1, 2,
125.7 3, 4, and 6; 3400.0200; 3400.0220; 3400.0230, subpart 3; and 3400.0235, subparts 1, 2, 3,
125.8 4, 5, and 6, are repealed are effective July 1, 2020.

125.9 (c) Laws 2017, First Special Session chapter 6, article 7, section 34, is repealed effective
125.10 July 1, 2019.