

**Subject** Family foster setting licensure and background studies

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**Date** March 3, 2021

## Overview

This bill modifies provisions relating to licensure and background studies for individuals applying for family foster setting licenses. The bill creates new disqualification criteria for individuals seeking family foster setting licensure, and allows for licensure denial and licensing action for specified non-disqualifying background study information that reflects on an applicant's ability to safely care for children. It also makes conforming changes in relevant sections of statute, and requires the commissioner of human services to establish family foster setting licensing guidelines for county and private licensing agencies.

## Summary

Section	Description
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<b>1</b>	<b>Denial of application.</b>
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Amends § 245A.05. Specifies that the commissioner of human services may deny an applicant for a family foster setting license if the applicant has non-disqualifying background study information that reflects on the applicant's ability to safely care for foster children.

Makes this section effective July 1, 2022.

<b>2</b>	<b>Sanctions; appeals; license.</b>
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Amends § 245A.07, subd. 1. Allows the commissioner of human services to take adverse licensing action if a license holder has non-disqualifying background study information that reflects on the applicant's ability to safely care for foster children.

Makes this section effective July 1, 2022.

<b>3</b>	<b>Licensed family foster settings.</b>
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Amends § 245A.16 by adding subd. 9. Requires a county agency or private agency to review specified information relating to non-disqualifying background study results before recommending to grant, deny, or revoke a family foster setting license. Lists

Section	Description
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information that must be reviewed; lists what constitutes “evidence of rehabilitation.”

Requires the commissioner to consider relative relationships as a significant factor in determining a licensing decision; requires the county or private licensing agency to send a summary of the completed review to the commissioner and to include a recommendation for licensing action.

Makes this section effective July 1, 2022.

**4 Privacy notice to background study subject.**

Amends § 245C.05, subd. 2c. Removes provision stating that the FBI will only keep fingerprints from national criminal history background checks if the subject has a criminal history; states that the FBI will not retain fingerprints.

**5 Fingerprint data notification.**

Amends § 245C.05, subd. 2d. Removes provision stating that the FBI will only keep fingerprints from national criminal history background checks if the subject has a criminal history; states that the FBI will not retain fingerprints.

**6 Electronic transmission.**

Amends § 245C.05, subd. 4. Adds a summary of nondisqualifying background study results and relevant underlying investigative information to the information that DHS must transmit electronically to county and private agencies for child foster care.

Makes this section effective July 1, 2022.

**7 Arrest and investigative information.**

Amends § 245C.08, subd. 3. Removes language prohibiting the sharing of national criminal history check information with county and private agencies.

Makes this section effective July 1, 2021.

**8 Disqualification from direct contact.**

Amends § 245C.14, subd. 1. Specifies that the commissioner must disqualify an individual applying for family foster setting licensure from any position allowing direct contact with persons served, if the background study contains disqualifying information, as listed in section 245C.15, subdivision 4a (new subdivision).

Makes this section effective July 1, 2022.

Section	Description
9	<p data-bbox="318 264 935 296"><b>Licensed family foster setting disqualifications.</b></p> <p data-bbox="318 310 1403 380">Amends § 245C.15, by adding subd. 4a. Paragraph (a) lists felony-level convictions that permanently disqualify an individual applying for a family foster setting license.</p> <p data-bbox="318 422 1333 491">Paragraph (b) lists additional crimes or conduct that permanently disqualify an individual applying for a family foster setting license.</p> <p data-bbox="318 533 1425 602">Paragraph (c) specifies that an individual whose parental rights have been terminated is disqualified from family foster setting licensure for 20 years.</p> <p data-bbox="318 644 1411 714">Paragraph (d) lists felony-level convictions that disqualify an individual applying for a family foster setting license for five years.</p> <p data-bbox="318 753 1411 823">Paragraph (e) lists additional crimes or conduct that disqualify an individual applying for a family foster setting license for five years.</p> <p data-bbox="318 865 1403 934">Paragraph (f) specifies that for purposes of this subdivision, a disqualification begins from:</p> <ol data-bbox="415 953 1419 1150" style="list-style-type: none"><li data-bbox="415 953 1344 984">1) the date of the alleged violation, if the individual was not convicted;</li><li data-bbox="415 995 1419 1108">2) the date of the conviction or date on which the felony sentence or stay of imposition expired or was discharged, whichever is later, if the sentence was not executed; or</li><li data-bbox="415 1119 1365 1150">3) the date of the expiration of the individual's sentence or final release.</li></ol> <p data-bbox="318 1190 1390 1260">Paragraph (g) contains language regarding disqualifications for aiding and abetting, attempt, or conspiracy to commit listed offenses.</p> <p data-bbox="318 1299 1354 1369">Paragraph (h) contains language regarding disqualifications for offenses in other states or countries.</p> <p data-bbox="318 1409 846 1440">Makes this section effective July 1, 2022.</p>
10	<p data-bbox="318 1482 919 1514"><b>Permanent bar to set aside a disqualification.</b></p> <p data-bbox="318 1528 1419 1717">Amends § 245C.24, subd. 2. Prohibits the commissioner from setting aside or granting a variance for a disqualification under section 245C.15, subdivision 4a, paragraphs (a) and (b), for an individual 18 years of age or older. Allows a variance to a disqualification for an individual who is under 18 years of age when the background study is submitted.</p> <p data-bbox="318 1757 846 1789">Makes this section effective July 1, 2022.</p>

<b>Section</b>	<b>Description</b>
11	<p><b>Ten-year bar to set aside disqualification.</b></p> <p>Amends § 245C.24, subd. 3. Removes family foster setting providers from subdivision prohibiting set asides of disqualifications for ten years.</p> <p>Makes this section effective July 1, 2022.</p>
12	<p><b>Seven-year bar to set aside disqualification.</b></p> <p>Amends § 245C.24, subd. 4. Removes family foster setting providers from subdivision prohibiting set asides of disqualifications for seven years.</p> <p>Makes this section effective July 1, 2022.</p>
13	<p><b>Five-year bar to set aside disqualification; family foster setting.</b></p> <p>Amends § 245C.24 by adding subd. 6. Specifies that that the commissioner must not set aside a disqualification for any of the crimes or actions listed in section 245C.15, subdivision 4a, paragraph (d), committed within the past five years, for anyone 18 or older in connection with a family foster setting license. Allows the commissioner to set aside or grant a variance to a disqualification if the individual is under 18 years of age at the time the background study is submitted.</p> <p>Makes this section effective July 1, 2022.</p>
14	<p><b>Duties of commissioner.</b></p> <p>Amends § 260C.215, subd. 4. Adds paragraph requiring the commissioner of human services to establish family foster setting licensing guidelines for county and private licensing agencies; specifies that the guidelines are directives of the commissioner.</p> <p>Makes this section effective July 1, 2023.</p>
15	<p><b>Child foster care licensing guidelines.</b></p> <p>Directs the commissioner of human services, in consultation with specified stakeholders, to develop family foster setting licensing guidelines for county and private licensing agencies, by July 1, 2023.</p>
16	<p><b>Appropriation; family foster setting background study administration.</b></p> <p>Appropriates money from the general fund to the commissioner of human services for costs related to implementing the new foster family setting background study requirements. Specifies assumed federal financial participation in fiscal years 2022 and 2023.</p>



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