

Bill Summary Comparison of Health and Human Services

House File 2128-4
Article 10: Child Protection

Senate File UEH2128-1
Article 11: Child Protection

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HOUSE

SENATE

Section	Article 10: Child Protection		Article 11: Child Protection
		Page R1: Senate only	Article 9, Section 18 (256N.02, subdivision 16) clarifies that to be eligible for Northstar kinship assistance, custody cannot be transferred to a child’s parent or to a shared custody arrangement with the child’s parent. Also clarifies that definition of “relative” does not include a child’s parent.
		Page R1: Senate only	Article 9, Section 19 (256N.02, subdivision 17) clarifies that a child identified as an “at-risk child (Level A)” only applies under adoption assistance.
		Page R1: Senate only	Article 9, Section 20 (256N.22, subdivision 1) clarifies that to be eligible for Northstar kinship assistance, custody cannot be transferred to a child’s parent or to a shared custody arrangement with the child’s parent. Also clarifies that definition of “relative” does not include a child’s parent.
		Page R3: Senate only	Article 9, Section 21 (256N.23, subdivision 2, paragraph (b), clauses (3) and (5)) permits parental consent of a child receiving kinship assistance to satisfy one portion of adoption assistance eligibility, and corrects a cross-reference.
		Page R5: Senate only	Article 9, Section 22 (256N.23, subdivision 6) adds an exception to the prohibition on providing adoption assistance to a child’s legal custodian or guardian who is adopting the child, to permit assistance payments to relatives who are receiving kinship assistance benefits on behalf of the child.
		Pages R5-R7: Senate only	Article 9, Sections 23-28 (256N.24, subdivisions 1, 8, 11, 12, 14; 256N.25, subdivision 1) make technical changes to clarify when Northstar adoption assistance or Northstar kinship assistance applies.

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Section	Article 10: Child Protection		Article 11: Child Protection
		Page R8: Senate only	Article 9, Section 29 [256N.25, subdivision 1a] requires the commissioner to reimburse relative custodians and adoptive parents up to \$2,000 for reasonable and necessary costs incurred while seeking permanent custody of a child with a Northstar kinship agreement, or while seeking adoption of a child who qualifies as having special needs under the Northstar program.
1	Negotiation of agreement. Amends § 256N.25, subd. 2. Removes language relating to offsets for Northstar kinship and adoption payments.	Page R10: House only	
2	Renegotiation of agreement. Amends § 256N.25, subd. 3. Removes language relating to circumstances that require the renegotiation of Northstar kinship or adoption assistance agreements.	Page R12: House only	
3	Child income or income attributed to the child. Amends § 256N.26, subd. 11. Removes language requiring consideration of income and resources attributable to the child during the negotiation process for Northstar kinship and adoption payment agreements.	Page R12: House only	
4	Treatment of retirement survivor’s disability insurance, veteran’s benefits, railroad retirement benefits, and black lung benefits. Amends § 256N.26, subd. 13. Removes language requiring benefits paid to a child to be considered as offsets to Northstar payment amounts, and removes related language detailing how certain benefit payments must be considered.	Page R13: House only	
		Pages R14-R15: Senate only	Article 9, Sections 35, 37, and 39 (259.22, subdivision 4; 259.35, subdivision 1; 259.73) update cross-references

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Section	Article 10: Child Protection		Article 11: Child Protection
			relating to the changes to the Northstar program.
5	<p>Agency and court notice to tribes. Amends § 260.761, subd. 2. Adds “noncaregiver sex trafficking assessment” to provision requiring local social services agency notification provided to an Indian child’s tribe. Specifies that notification must be made within seven days of receiving information that the child may be an Indian child; makes clarifying changes.</p>	Page R15: House only	
6	<p>Egregious harm. Amends § 260C.007, subd. 14. Amends the definition of “egregious harm” by making clarifying changes and adding sex trafficking to conduct that constitutes egregious harm.</p>	Page R16: House only	
		Page R17: Senate only	<p>Article 11, Section 18 (260C.163, subdivision 3) requires a court to appoint counsel to represent each parent, guardian, or custodian before their first hearing and during the proceedings in all child protection matters where: (1) a child risks removal from the care of the parent, guardian, or custodian; and (2) the parent, guardian, or custodian desires counsel and is financially eligible. The section also removes specific statutory qualifications for attorneys retained by the county to represent parents, guardians, or custodians. This section is effective July 1, 2022.</p>
7	<p>Policy. Amends § 260E.01. Adds a noncaregiver sex trafficking assessment to the list of state child protection policies and carves out report alleging sex trafficking by a noncaregiver sex trafficker from sexual abuse or substantial child endangerment investigation requirement.</p>	Page R18: House only	

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8	<p>Establishment of team. Amends § 260E.02, subd. 1. Adds representatives of agencies providing specialized services or responding to youth who experience or are at risk of experiencing sex trafficking or sexual exploitation, to the multidisciplinary child protection team.</p>	Page R19: House only	
9	<p>Noncaregiver sex trafficker. Amends § 260E.03 by adding subd. 15a. Defines “noncaregiver sex trafficker.”</p>	Page R19: House only	
10	<p>Noncaregiver sex trafficking assessment. Amends § 260E.03 by adding subd. 15b. Defines “noncaregiver sex trafficking assessment,” and specifies when the local welfare agency must perform such an assessment.</p>	Page R20: House only	
11	<p>Substantial child endangerment. Amends § 260E.03, subd. 22. Modifies definition of “substantial child endangerment” by adding sex trafficking and making clarifying changes.</p>	Page R20: House only	
12	<p>Sexual abuse. Amends § 260E.14, subd. 2. Makes clarifying change.</p>	Page R21: House only	
13	<p>Law enforcement. Amends § 260E.14, subd. 5. Makes clarifying changes; adds a report alleging child sex trafficking to circumstances under which agencies must coordinate responses.</p>	Page R21: House only	
14	<p>Local welfare agency. Amends § 260E.17, subd. 1. Adds noncaregiver sex trafficking assessment to the local welfare agency responses; makes clarifying</p>	Page R21: House only	

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	changes. Requires the local welfare agency to conduct a noncaregiver sex trafficking assessment when a maltreatment report alleges sex trafficking by a noncaregiver; requires an immediate investigation if there is reason to believe a caregiver, parent, or household member engaged in child sex trafficking or other conduct warranting an investigation.		
15	Notice to child’s tribe. Amends § 260E.18. Makes clarifying change; adds noncaregiver sex trafficking assessment to tribal notice section.	Page R22: House only	
16	Face-to-face contact. Amends § 260E.20, subd. 2. Makes clarifying changes; exempts noncaregiver sex trafficking assessments from requirements regarding face-to-face contact, informing or interviewing the alleged offender, and the alleged offender’s opportunity to make a statement.	Page R22: House only	
17	Determination after family assessment or a noncaregiver sex trafficking assessment. Amends § 260E.24, subd. 2. Adds noncaregiver sex trafficking assessment to subdivision regarding local welfare agency determinations after assessments.	Page R23: House only	
18	Notification at conclusion of family assessment or a noncaregiver sex trafficking assessment. Amends § 260E.24, subd. 7. Adds noncaregiver sex trafficking assessment to subdivision regarding notification of a parent or guardian at the conclusion of an assessment.	Page R23: House only	

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19	<p>Following a family assessment or a noncaregiver sex trafficking assessment. Amends § 260E.33, subd. 1. Specifies that administrative reconsideration does not apply to a noncaregiver sex trafficking assessment.</p>	Page R23: House only	
20	<p>Data retention. Amends § 260E.35, subd. 6. Adds noncaregiver sex trafficking assessment cases to data retention requirements.</p>	Page R23: House only	
		Page R24: Senate only	<p>Article 11, Section 36 (Direction to the Commissioner; Initial Implementation of Court-Appointed Counsel in Child Protection Proceedings) directs the commissioner of human services to collect data from counties regarding use of court-appointed counsel in child protection proceedings, and to report on the data and efforts to assist counties with implementing the court-appointed counsel provisions, by July 1, 2022.</p>