

Title	21-02972 Section	MS Section	Section Description
Northstar Care for Children Clarifications	1	256N.02, subd. 16	Updates definition of “permanent legal and physical custody” under Chapter 256N to clarify that for purposes of establishing Northstar Kinship Assistance eligibility, a child’s custody cannot be transferred to a child’s parent, nor can a child’s parent share custody (legal and/or physical) with a child’s relative custodian, consistent with federal and state law. <i>Housekeeping – definition is currently unclear.</i>
CSP Technical Changes	2	256N.02, Subd. 17	Removes “guardianship” to clarify that an at-risk child (Level A) only applies to adoption assistance. <i>Housekeeping – this was a mistake from when Northstar Care for Children was introduced/enacted in 2013. There is no at-risk designation for Northstar Kinship Assistance (it does not exist).</i>
Northstar Care for Children Correction	3	256N.22, subd. 1(a):	Clarifies that for purposes of establishing Northstar Kinship Assistance eligibility, a transfer of permanent legal and physical custody must be ordered to a relative who is not a parent of the child. Moreover, a child whose parent shares permanent legal and physical custody with another relative is not eligible for Northstar Kinship Assistance. <i>Housekeeping – TPLPC eligibility requirement is unclear regarding shared custody arrangements. State and federal law do not allow shared custody as a permanency option for Northstar Kinship Assistance.</i>
Northstar Care for Children Clarifications	4	256N.23, subd. 2	<p>Allows a privately executed consent of parent to adoption of their child to be used to satisfy one criterion of Northstar Adoption Assistance eligibility, only in instances where a relative custodian, who is receiving Northstar Kinship Assistance benefits for a child in their care, wishes to adopt that child. <i>Housekeeping – relative custodians pursuing adoption likely aren’t involved in juvenile protection proceedings, and wouldn’t have access to consents to adoption accepted by the court under chapter 260C, so adding an option for consents to adoption executed under private adoption laws helps relative custodians work with birth parents to establish more permanent permanency (via adoption) for children.</i></p> <p>Also corrects a mistake regarding voluntary relinquishments to private child-placing agencies by removing a reference to the direct adoptive placement section (which is not a voluntary relinquishment to a private child-placing agency). <i>Housekeeping and technical – we are also barred from entering into adoption assistance benefit agreements when the child is the subject of a direct adoptive placement (upheld in a precedential opinion from the COA).</i></p>
Northstar Care for Children Clarifications	5	256N.23, subd. 6	In conformance with Title IV-E, allows a relative custodian, who is currently receiving Northstar Kinship Assistance benefits on behalf of a child, to potentially be eligible to receive Northstar Adoption Assistance benefits on behalf of that same child, if they pursue adoption of that child. <i>Housekeeping – this was an oversight when Northstar Care for Children was enacted. Federal and state law allow relative custodians to access adoption assistance. This could potentially be seen as a federal compliance issue too, if not corrected.</i>
CSP Technical Changes	6	256N.24, subd. 1	Removes “kinship assistance under section 256N.22” to clarify that the term at-risk child only applies to Northstar Adoption Assistance. <i>See notes for Section 2.</i>
CSP Technical Changes	7	256N.24, subd. 8	Removes language related to at-risk child from a provision about Northstar Kinship Assistance. At-risk child only applies to Northstar Adoption Assistance. <i>See notes for Section 2.</i>
CSP Technical Changes	8	256N.24, subd. 11	Removes language about Northstar Kinship Assistance from a provision about at-risk child. At-risk child only applies to Northstar Adoption Assistance. <i>See notes for Section 2.</i>

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CSP Technical Changes	9	256N.24, subd. 12	Removes “guardian” and adds “Northstar kinship” to clarify the correct name of the benefit. (The feds call it guardianship assistance program; MN calls it “Northstar kinship assistance.”) <i>Housekeeping and technical – Initial Northstar language in 2013 called the program guardian/guardianship assistance, but legislative changes in 2014 updated the program name to kinship assistance. Not all instances of “guardian/guardianship” were caught.</i>
CSP Technical Changes	10	256N.24, subd. 14	Removes “guardian” and adds “Northstar kinship” to clarify the correct name of the benefit. (The feds call it guardianship assistance program; MN calls it “Northstar kinship assistance.”) <i>See notes for Section 9.</i>
Northstar Care for Children Clarifications	11	256N.25, subd. 1	Adds reference to new subdivision regarding reimbursement of nonrecurring expenses associated with finalizing adoption or TPLPC of a child, as part of terms of a benefit agreement.
Northstar Care for Children Clarifications	12	NEW subd. 256N.25, subd. 1a	Adds new subdivision outlining administration of existing nonrecurring adoption and kinship expense reimbursement programs for adoptive parents and relative custodians of eligible children. <i>Housekeeping – while this is a new subdivision, the NRAE reimbursement program requirements are basically the same as is currently found in Chapter 259A. The 2013 Northstar language should have included NRAE/NRKE language. This new subdivision is moving NRAE from Chapter 259A to the current NAA program under Chapter 256N, and adding NRKE reimbursement program requirements, consistent with federal law/regulations and with existing DHS practice.</i>
Northstar Care for Children Clarifications	13	259.22, subd. 4	Replaces citation to former nonrecurring adoption expense reimbursement program section with a citation to the new section under Chapter 256N. <i>Housekeeping – this change is needed as long as the rest of the NRAE/NRKE changes are included.</i>
Adoption Clarifications	14	256.241	Clarifies that youth in extended foster care may consent to their own adoption as adults. Removes references to termination of sibling relationship upon an adult adoption. <i>Housekeeping – this is a clarifying change because it is currently unclear whether youth in extended foster care can consent to their own adoptions, even though an agency’s responsibilities toward a youth in extended foster care include planning for their permanency, including adoption. Additionally, many courts allow youth in extended foster care to be adopted as adults and will grant their adult adoption petitions.</i>
CSP Technical Changes	15	259.35, sub. 1	Clarifies the correct statutory chapter citation for Northstar Adoption Assistance (chapter 256N, not 259A).
Adoption Clarifications	16	259.53, subd. 4	Adds “under this chapter” to clarify that the requirement that a child live for 3 months in the proposed adoptive home only applies to private adoptions. <i>Housekeeping – when public/private adoptions were separated into 260C and 259, the 3-month requirement intentionally did not get included for public adoptions, because there are instances when children do not actually physically reside in the adoptive home when they are adopted, but rather, in a group home or residential treatment facility, etc. However, some courts still mistakenly require children to have lived in the proposed adoptive home for at least 3 months, even though the requirement only lives in Chapter 259 (for private adoptions). This will make it clear that the 3-month requirement only applies to private adoptions.</i>

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Northstar Care for Children Clarifications	17	259.73	Replaces citation to former nonrecurring adoption expense reimbursement program section with a citation to the new section under Chapter 256N. <i>Technical – only applicable if the NRAE program moves to 256N.</i>
Adoption Clarifications	18	259.75, subd. 5	Clarifies that when a child is not under guardianship of the commissioner and is also not seeking an adoptive home anymore, that the child can be removed from the state adoption exchange. <i>Housekeeping – youth should also not be listed on the SAE if they are no longer under guardianship and no longer seeking an adoptive home (e.g., if they aged out of foster care and did not enter extended foster care, or they are in extended foster care [no longer under guardianship] but are not seeking an adoptive home).</i>
Adoption Clarifications	19	259.75, subd. 6	Allows the commissioner to determine that a child who is available for adoption, and who is currently not registered on the state adoption exchange, must be registered. Requires periodic reviews of all children registered on the exchange to determine progress toward adoption. Removes the requirement that the reviews only occur semiannually. <i>Housekeeping – the commissioner reviews statuses more than just semiannually, and for all children who should be registered on the SAE, whether they have received inquiries or not. This allows the commissioner to identify cases where a child should be registered but has not, to make sure children’s registration statuses are up-to-date, and to assist agencies in reviewing progress towards adoption. It is in line with required agency recruitment activities for children for whom an adoptive family has not been identified. See, for example, 260C.605, subd. 1(d)(3)(iv)(A) and subd. 2.</i>
Adoption Clarifications	20	259.75, subd. 9	Adds provision that meets current program practice of contracting for a portion of the state adoption exchange service. We currently contract with an agency to oversee the web-based platform. <i>Housekeeping – the commissioner is authorized by current law to enter into contracts with agencies, especially for adoption services. See, for example, 256.01, subd. 36. Additionally, 256N.261 establishes permanency support services, which includes information, recruitment, and referral services. MN ADOPT (the agency DHS contracts to provide this service) receives a mix of Adoption and Foster Care Recruitment Funding (which would meet the language requirement), federal D-Link Savings (related to delinking AFDC requirements from adoption assistance eligibility requirements), and federal Adoption and Guardianship Incentive Funds.</i>
Adoption Clarifications	21	259.83, subd. 1a	Adds statutory reference to section 260C.212, subd. 15, to clarify there are two versions of the social and medical history form, and agencies should use the applicable version. <i>Technical – applicable only if the new subdivision 15 under 260C.212 is also implemented.</i>
Adoption Clarifications	22	259A.75, subd. 1	Allows Minnesota tribal agencies to access adoption services through the commissioner of human services in the same way county agencies can.
CSP Technical Changes & Adoption Clarifications	23	259A.75, subd. 2	Corrects a statutory reference to adoption assistance eligibility criteria (from 259A to 256N); 256N is the current adoption assistance program chapter. Removes the requirement that a child already have a fully executed adoption placement agreement to be eligible for adoption services (since adoption services can be used for recruitment).
Adoption Clarifications	24	259A.75, subd. 3	Allows Minnesota tribal agencies to access adoption services through the commissioner of human services in the same way county agencies can.

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Adoption Clarifications	25	259A.75, subd. 4	Allows Minnesota tribal agencies to access adoption services through the commissioner of human services in the same way county agencies can.
SUD Co-location Clarification	26	260C.007, subd. 22a	Adds tribally licensed or approved residential substance use disorder treatment programs to those in which a child may be co-located in foster care with a parent in a family-based substance use disorder treatment program; cleans up statutory reference.
Adoption Clarifications	27	260C.212, subd. 1	Clarifies agency responsibility to share a child's social and medical history with a child upon discharge from foster care. <i>Housekeeping – various parts of Chapter 260C refer to sharing a child's social and medical history and/or health and education record (which is also part of a child's social and medical history) with the child. This update ensures consistency across Chapter 260C regarding giving a child a copy of their social and medical history.</i>
Adoption Clarifications	28	260C.212, subd. 2	Adds to the relative placement preference order “the legal parent, guardian, or custodian of the child's siblings” to be consistent with the definition of relative in section 260C.007. <i>Housekeeping – this was an inadvertent omission when the definition of relative changed a few years ago to include legal parents/guardians/custodians of a child's sibling.</i>
Adoption Clarifications	29	NEW subd. 260C.212, subd. 15	Adds a new subdivision to clarify agency responsibility around the completion of a child's social and medical history while a child is in foster care. (This information was previously in section 260C.609.) <i>Housekeeping/technical – the information in this subdivision did not change from 260C.609. It also includes components of 259.43, which is where 260C.609 currently refers back to. Moving it to this part of Chapter 260C will help county agencies begin working on social and medical histories earlier, rather than waiting until the child is under guardianship of the commissioner. Additionally, social and medical histories are not just for kids under guardianship of the commissioner. There is also clarifying language that some information must be redacted.</i>
Adoption Clarifications	30	260C.219, subd. 5	Clarifies agency responsibility to share a child's social and medical history with a child upon discharge from foster care, and that it must also include the child's health and education report. <i>Technical – no policy change whatsoever, just making this particular subdivision clearer.</i>
CSP Technical Changes	31	260C.503, subd. 2(d)(1)	Corrects a mistake regarding statutory cross-reference (260C.515, subd. 4, NOT subd. 3; subd. 3 is for guardianship to the commissioner, whereas subd. 4 is for transfer of permanent legal and physical custody to a relative).
Adoption Clarifications	32	260C.515, subd. 3	Allows a court to terminate parental rights of a parent when the county agency determines the prospective adoptive parent named in the parent's consent of adoption is not going to adopt the child and must pursue adoptive placement in another home. <i>Housekeeping – when the separation of public and private adoption statutes occurred, the ability to terminate parental rights when a consent to adopt is executed but the identified adoptive parent does not adopt was left out of public adoption statutes. Private adoption statutes allow for TPRs in this instance. Note that it does not require courts to do so; it just gives them the option.</i>
CSP Technical Changes	33	260C.605, subd. 1	Corrects statutory citation from section 259.43 to the new 260C.212, subd. 15, and from chapter 259A to chapter 256N.
CSP Technical Changes	34	260C.607, subd. 6	Corrects statutory citation (from chapter 259A to chapter 256N).

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Adoption Clarifications	35	260C.609	Deletes text that has been moved to a new subdivision (section 260C.212, subd. 15). Clarifies when a prospective adoptive parent must receive a child’s social and medical history and what must be redacted, and that the parent must return the documents to the agency if they are not pursuing adoption of that child. Clarifies agency responsibility regarding submitting social and medical histories to the department of human services and to the court. <i>Housekeeping – there is currently no provision requiring prospective adoptive parents to return children’s private social and medical history documentation to the agency, if they decide they no longer wish to adopt (though agencies should require individuals to do this). There was also an oversight when this section was initially drafted in 2012 – the commissioner should also receive copies of children’s social and medical histories, as needed for adoption assistance eligibility, but also to ensure agencies are providing full disclosure to prospective adoptive families as required by law and to ensure children’s adoptive placements are in their best interests.</i>
CSP Technical Changes & Adoption Clarifications	36	260C.615	Corrects statutory citation (from chapter 259A to chapter 256N). Clarifies the commissioner’s role in reviewing adoption placement agreements. Clarifies the commissioner’s supervisory role in delegated agency responsibilities for children under guardianship of the commissioner. <i>Housekeeping – while the commissioner holds a supervisory role regarding adoption services for children under guardianship of the commissioner, including ensuring compliance with federal and state laws, this section reads as unclear regarding the commissioner’s role. See 393.07, subds. 1 and 2, as well as 256.01, subd. 2(a), (c), and (h).</i>
Northstar Care for Children Clarifications	37	259A.70	Repeals 259A.70 because the nonrecurring adoption expense reimbursement program should be in Chapter 256N. <i>Technical – this should only happen if the NRAE/NRKE changes are implemented.</i>