

21-00273 Section	MS Section	Section Description	Federal Requirement/Citation
Article 1			
1	245.4885, subd. 1	Identifies the validated tool used under the Children’s Mental Health Act to determine an appropriate level of care may also be the tool required under 260C.704 when the juvenile treatment screening team has recommended placement in a qualified residential treatment facility.	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT.</p> <p>Technical amendment to align policy considerations and reduce duplication of assessments required for children entering residential care for treatment.</p> <p>Description of qualified residential treatment program placement requirements:</p> <p>475A(c)(1)(A), (B)(i), and (C) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 62-65 ACYF-CB-IM-18-02, attachment C: pg 2-3 ACYF-CB-PI-18-07: pg 10-11</p>
2	260C.007 Subd. 26C	The bill amends the definition of Qualified individual to provide language related to tribal ability to designate a qualified individual who is a trained culturally competent professional or licensed clinician	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT.</p> <p>This provision was developed to ensure that the responsible county social service agency contact the child’s tribe when Indian Child Welfare Act applies to the child’s placement. While not a Family First Prevention Services Act requirement, it is consistent with the placement preference provisions of the Indian Child Welfare Act and requires the County to engage with the tribe to identify a qualified individual for the assessment.</p> <p>25 USC 1915 (c)</p>

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3	260C.007, subd. 31	Amends definition of sexually exploited youth to include an individual who is a victim of commercial sexual exploitation, defined as sex trafficking in 22 U.S. Code 7102 (11)(A) and (12).	<p>THIS IS A FEDERAL REQUIREMENT</p> <p>→ This section aligns the definition of “sexually exploited youth” with federal law (see Section 475(a)(9), which provides this definition: “(9) The term “sex trafficking victim” means a victim of— (A) sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000). 115-123 requires that this definition of sex trafficking be used in this residential service exception.</p> <p>High quality high-quality residential care and supportive services for children and youth who have been found to be, or are at risk of becoming, sex trafficking victims, in accordance with section 471(a)(9)(C) is an exception to the congregate care reimbursement limitations in FFPSA. By aligning the definition in state law, this provision complies with the federal requirement in 115-123 and better ensures that counties will be able to receive IV-E reimbursement from facilities that provide this service for children and youth.</p> <p>Public Law 115-123 (FFPSA) ACYF-CB-PI-18-07: page 8 Social Security Act, section 475(9) 22 USC 7102 (11)(A) and (12)</p>

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4	260C.157, subd. 3	<p>Aligns language with the federal definition of sex trafficked youth to include those who are at risk of sex trafficking, including at risk of commercial exploitation.</p> <p>Includes revisor changes related to age – better aligns existing statute with revisor style; adds clarification that the team is the juvenile screening team.</p> <p>Amends statute to identify juvenile treatment screening teams must conduct screenings for placements in qualified residential treatment programs under voluntary placement.</p> <p>House HS Amendment added 2021.02.25</p> <ul style="list-style-type: none"> • Technical amendment correcting the phrase “emotionally disabled” to conform with existing statute that typically uses the phrase “emotionally disturbed • Technical amendment clarifying that the social services agency must consult with parents regardless of child’s age (existing statutory construction could be construed to apply only when child is 14 or older) • Per advocate request, added language to better ensure parents will be consulted about who is included on the child’s juvenile treatment screening team • Made a technical amendment – “interest” to “interests” 	<p>THIS IS NOT A FEDERAL REQUIREMENT</p> <p>See links for a description of placement settings eligible for federal participation. Description of assessment and family and permanency team assembly requirements for children placed in qualified residential treatment program settings:</p> <p>472(k) of the Social Security Act 475A(c)(1) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 62-66 ACYF-CB-IM-18-02, attachment C: pg. 2-3 ACYF-CB-PI-18-07: pg. 10</p>

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5	260C.212, subd. 1a	<p>Amends statute to clarify court filing requirements when a child is placed in a qualified residential treatment program. Out-of-home placement plan is filed as part of the agency report to court required under section 260C.71.</p> <p>This language was developed in conjunction with the Children’s Justice Initiative to provide more direction to agencies to ensure courts receive all information they need to do new court review.</p>	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT.</p> <p>These provisions were developed in conjunction with the Children’s Justice Initiative as Minnesota’s process for court approval of QRTP placements. These are procedural clarifications in order to fulfill federal requirements for content of court review.</p> <p>Description of qualified residential treatment program placement requirements:</p> <p>475A(c)(1)(A), (B)(i), (C), and (2)(A) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 62-65 ACYF-CB-IM-18-02, attachment C: pg 2-3 ACYF-CB-PI-18-07: pg 10-11</p>
6	260C.212, subd. 13	<p>Amends statute to align with new definition of sexually exploited youth, now including the federal definition of sex trafficking.</p>	<p>THIS IS NOT A FEDERAL REQUIREMENT</p> <p>See comments on 260C.007 subd. 31 modification of “sexually exploited youth” definition. The change to 260C.212 creates alignment necessary for child welfare staff implementation and to eliminate inconsistency with the new definition of sexually exploited youth.</p>

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7	260C.452	<p>Amends statute to include a purpose section to identify services specific to the needs for youth who are not eligible for foster care due to being over 21 years old.</p> <p>In addition:</p> <ul style="list-style-type: none"> • defines case management services youth may receive under this section; • ensures all youth served under this section have an independent living plan regardless of placement status; • replaces “child” with “youth;” • amends age limit for Education and Training Voucher Program to comply with new federal allowances; • removes reference to the Healthy Transitions and Homeless Prevention program (this program is not available statewide); and • clarifies youth must receive written notification of termination of case management services deletes duplicative language. <p>House HS Amendment added 2021.02.25</p> <ul style="list-style-type: none"> • Clarifying amendment to reflect that at times contracted agencies engage in case management services • Per advocate request, added language to reflect why a child/youth in foster care might be discharged from foster care 	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT.</p> <p>Age allowance increased for case management and support services provided under the Chafee Act:</p> <p>Public Law 115-123 477 of the Social Security Act</p>

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8	260C.704	<p>Amends statute to clarify it is the agency’s responsibility to distribute the qualified individual’s assessment and court report as identified under Minnesota Statute, section 260C.71. Also clarifies specific actions the responsible social service agency must take when the qualified individual does or does not recommend placement.</p> <p>House HS Amendment added 2021.02.25</p> <ul style="list-style-type: none"> • Changed existing statute to give the Qualified Individual up to 30 days to completing the child’s assessment (maximum allowed under federal law) to require that the assessment must be completed before the child has been placed unless there is a need for immediate placement due to a crisis. • Clarified that the QI must always provide a copy of the assessment to the child’s parent(s) or legal guardian(s) • Clarified that the responsible social services agency will make referrals to appropriate QRTPs if the agency has placement authority 	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT.</p> <p>These provisions were developed in conjunction with the Children’s Justice Initiative as Minnesota’s process for court approval of QRTP placements. These are procedural clarifications in order to fulfill federal requirements for content of court review, and distribution of the qualified individual’s assessment.</p> <p>Description of assessment requirements for children placed in qualified residential treatment program settings:</p> <p>475A(c)(1)(A), (B)(i), (ii), (iii)(VII), and (C) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 38-40, 62-67</p> <p>ACYF-CB-IM-18-02, attachment C: pg. 2</p> <p>ACYF-CB-PI-18-07: pg. 10-11</p>
9	260C.706	<p>Amends statute to correct inaccurate statutory reference.</p> <p>House HS Amendment added 2021.02.25</p> <ul style="list-style-type: none"> • Per advocate request, changed existing statutory language “endanger” to “present a health and safety risk” • Added language strengthening the authority of the child’s parent(s) to control who is on the family and permanency team. <ul style="list-style-type: none"> ○ Per ongoing discussion with advocates and MACSSA, we will provide an amendment restoring original statutory language and moving this provision to Chapter 260D to ensure that counties are able to engage broadly and in the child’s best interests during permanency work for children in the child protection system 	<p>Technical amendment</p>

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10	260C.708	<p>Amends statute to identify information regarding the family and permanency team to be included in the out-of-home placement plan for children placed in qualified residential treatment programs. Also clarifies out of home placement plan is filed with the court as part of the 60-day court order.</p> <p>House HS Amendment added 2021.02.25</p> <ul style="list-style-type: none"> Per advocate request, clarified that although the family and permanency must recognize the importance of keeping siblings together, that doing so may not be possible if a child has specialized needs 	<p>THIS IS A FEDERAL REQUIREMENT.</p> <p>Description of additional case plan requirements for children placed in qualified residential treatment program settings:</p> <p>475A(c)(1)(B)(iii) and (C), and (3) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 63-65 ACYF-CB-IM-18-02, attachment C: pg. 3</p>
11	260C.71	<p>Clarifies court processes for placement in qualified residential treatment programs:</p> <ul style="list-style-type: none"> Identifies social service agency must obtain a judicial finding within 60 days of placement. Identifies content of agency’s report to court for placement in qualified residential treatment programs. Identifies specific notification requirements for parents and for children aged 10 years or older. Clarifies circumstances when a court hearing must be held, and when the court has the discretion to hold a hearing or issue an order without a hearing. Clarifies how court must consider the qualified individual’s assessment, and the content of the resulting court order. Clarifies the actions the responsible social service agency must take when the qualified individual does not recommend placement in a qualified residential treatment program. Identifies the responsible social service agency must file the qualified individual’s assessment determination at the next required hearing. 	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT. These provisions were developed in conjunction with the Children’s Justice Initiative as Minnesota’s process for court approval of QRTP placements. These are procedural clarifications not specifically dictated by federal requirements.</p> <p>Description of court approval process for children placed in qualified residential treatment program settings:</p> <p>475A(c)(2) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 32-33 ACYF-CB-IM-18-02, attachment C: pg. 3-4 ACYF-CB-PI-18-07: pg. 11</p>

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12	260C.712	Amends statute to identify if a child is placed in an out-of-state qualified residential treatment program the responsible social service agency must identify compelling reasons to the court at each permanency hearing as to why the child’s needs cannot be met by an in state placement, and identifies additional statutory references to court reviews where the responsible social service agency must submit evidence regarding ongoing need for placement in a qualified residential treatment program.	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT. <u>These provisions were developed in conjunction with the Children’s Justice Initiative as Minnesota’s process for court approval of QRTP placements. These are procedural clarifications not specifically dictated by federal requirements.</u></p> <p>Description of ongoing court oversight requirements for children placed in qualified residential treatment program settings:</p> <p>475A(c)(4) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 32-33 ACYF-CB-IM-18-02, attachment C: pg. 3-4 ACYF-CB-PI-18-07: pg. 11</p>
13	260C.714	Amend statute to correct inaccurate statutory reference.	Technical amendment

21-00273 Section	MS Section	Section Description	Federal Requirement/Citation
14	260E.36, NEW subd. 1b	Amend statute to include new subdivision that provides training requirement for child protection workers and social services staff on sex trafficking and sexual exploitation.	<p>THIS IS NOT A FEDERAL REQUIREMENT UNDER FFPSA, BUT IT ALIGNS WITH FFPPSA REQUIREMENTS</p> <p>Public Law 115-123</p> <p>Implementation of P.L. 115-123 requires child welfare staff to accurately identify youth who have been or are at risk for being sex trafficked or commercially sexually exploited. Because sex trafficking and the definition of “at risk” are newly developed under P.L. 115-123, the child welfare workforce must be trained on these definitions and how to identify these youth so they can implement P.L. 115-123.</p> <p>Public Law 114-22</p> <p>HOWEVER, THIS CHANGE IS A FEDERAL REQUIREMENT UNDER PUBLIC LAW 114-22.</p> <p>This statutory change brings MN into alignment with CAPTA amendments in the Justice for Victims of Trafficking Act, which states in Title VIII, Section 802:</p> <ul style="list-style-type: none"> ➔ “(xxv) provisions and procedures for training child protective services workers about identifying, assessing, and providing comprehensive services for children who are sex trafficking victims, including efforts to coordinate with State law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters to serve this population;”

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Article 2			
1	260D.01	Amends statute to identify placements made under 260D must follow placement requirements for qualified residential treatment programs when a juvenile treatment screening team recommends placement in this setting type. Also identifies ongoing planning requirements pertaining to the family and permanency team assembly.	<p>THIS IS A FEDERAL REQUIREMENT (applies FFPSA to 260D) Description of placement settings eligible for federal participation. Description of assessment and family and permanency team assembly requirements for children placed in qualified residential treatment program settings:</p> <p>472(k)(1) and (2) of the Social Security Act 475A(c)(1) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 19-21, and 62-67 ACYF-CB-IM-18-02, attachment C: pg. 1-3</p>
2	260D.05	Amends statute to identify court processes required when a child is placed in a qualified residential treatment program setting.	<p>THIS IS A FEDERAL REQUIREMENT (applies FFPSA court process requirement to 260D).</p> <p>These provisions were developed in conjunction with the Children’s Justice Initiative as Minnesota’s process for court approval of QRTP placements. These are procedural clarifications in order to fulfill federal requirements for content of court review.</p> <p>Description of court approval process for children placed in qualified residential treatment program settings:</p> <p>475A(c)(2) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 32-33 ACYF-CB-IM-18-02, attachment C: pg. 3-4 ACYF-CB-PI-18-07: pg. 11</p>

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3	260D.06, subd. 2	Amends statute to identify content of court report when a child is placed in a qualified residential treatment program.	<p>THIS IS A FEDERAL REQUIREMENT (applies court process requirement to 260D).</p> <p>These provisions were developed in conjunction with the Children’s Justice Initiative as Minnesota’s process for court approval of QRTP placements. These are procedural clarifications in order to fulfill federal requirements for content of court review.</p> <p>Description of court approval process for children placed in qualified residential treatment program settings:</p> <p>475A(c)(2) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 32-33 ACYF-CB-IM-18-02, attachment C: pg. 3-4 ACYF-CB-PI-18-07: pg. 11</p>
4	260D.07	Amends statute to identify content of petition when a child is placed in a qualified residential treatment program.	<p>THIS IS A FEDERAL REQUIREMENT (applies court process requirement to 260D).</p> <p>These provisions were developed in conjunction with the Children’s Justice Initiative as Minnesota’s process for court approval of QRTP placements. These are procedural clarifications in order to fulfill federal requirements for content of court review.</p> <p>Description of court approval process for children placed in qualified residential treatment program settings:</p> <p>475A(c)(2) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 32-33 ACYF-CB-IM-18-02, attachment C: pg. 3-4 ACYF-CB-PI-18-07: pg. 11</p>

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5	260D.08	Amends statute to identify information the court must consider at an annual review when a child is placed in a qualified residential treatment program setting.	<p>THIS IS A FEDERAL REQUIREMENT (applies court process requirement to 260D).</p> <p>These provisions were developed in conjunction with the Children’s Justice Initiative as Minnesota’s process for court approval of QRTP placements. These are procedural clarifications in order to fulfill federal requirements for content of court review.</p> <p>Description of court approval process for children placed in qualified residential treatment program settings:</p> <p>475A(c)(2) of the Social Security Act Agency plan for Title IV-E Preprint: pg. 32-33 ACYF-CB-IM-18-02, attachment C: pg. 3-4 ACYF-CB-PI-18-07: pg. 11</p>
6	260D.14	Amend statute to change “child” to “youth” for consistency and technical amendment to fix age requirement for court reviews.	<p>THIS IS A FEDERAL REQUIREMENT.</p> <p>This is a technical change to align with the requirement under the Chafee Act of reviewing the independent living plan starting at age 14.</p> <p>477 of the Social Security Act Public Law 115-123</p>

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Article 3			
1	245A.02, subd. 3c	Amends statute to include definition of “at risk of becoming a victim of sex trafficking or commercial sexual exploitation.”	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT.</p> <p>Public Law 115-123 ACYF-CB-PI-18-07: top of page 8 requires States to develop their own definition of this term in order to implement Public Law 115-123.</p> <p>→ “The statute does not define ‘a setting that provides high quality residential care and supportive services to children and youth who have been or found to be or are at risk of being, sex trafficking victims’ and ACF is not defining it further. This means title IV-E agencies have flexibility in determining... which children are ‘found to be or are at at-risk of becoming’ victims of sex trafficking (consistent with the definition of “victim of sex trafficking” noted in section 475(9) of the Act).”</p> <p>The State’s definition has been finalized and will be published in agency policy.</p>
2	245A.02, subd. 4a	Amends statute to include definition of “children’s residential facility.”	Technical amendment referencing to Minnesota Rules, chapter 2960.
3	245A.02, subd. 6d	Amends statute to include definition of “foster family setting.”	Technical amendment referencing to Minnesota Rules, chapter 2960.
4	245A.02, subd. 6e	Amends statute to include definition of “foster residence setting.”	Technical amendment referencing to Minnesota Rules, chapter 2960.
5	245A.02, subd. 18a	Amends statute to include definition of “trauma.”	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT.</p> <p>This provision is the department’s choice for standard language for the term “trauma.” It is not a specific federal requirement, but it enables the department to develop uniform expectations of providers.</p> <p>Description of QRTP placement setting.</p> <p>472(k)(1) and (2) of the Social Security Act</p>

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6	245A.02, subd. 23	Amends statute to include definition of “victim of sex trafficking or commercial sexual exploitation.”	Public Law 115-123 ACYF-CB-PI-18-07 : page 8 22 USC 7102 (11)(A) and (12)
7	245A.02, subd. 24	Amends statute to include definition of “youth.”	Technical amendment referencing to Minnesota Statutes, chapter 260C.
8	245A.041, subd. 6	Amends statute to identify requirement that children’s residential facilities and foster residence settings must document the first date a background study subject begins working in a facility or setting.	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT (the documentation of the date enables Licensing to determine if background study was completed timely).</p> <p>Description of background study requirements for congregate care settings for children:</p> <p>471(a)(20)(D) of the Social Security Act</p>

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9	245A.25	<p>Amends statute to create new section outlining new set of department of human services and department of corrections license holder certifications. Certifications may be obtained by children’s residential facilities and foster residence settings for the purposes of assisting in determining Title IV-E funding requirements for these program types are met:</p> <ul style="list-style-type: none"> • qualified residential treatment programs, • residential settings for youth who have been or at risk of becoming a victim of sex trafficking or commercial sexual exploitation, and • residential settings specializing in providing prenatal, post-partum, or parenting supports for youth. <p>Describes process for programs to request these certifications and creates certification requirements.</p> <p>Allows the department of human services to issue certifications and monitor certificaion requirments for programs licensed by the department of human services as well programs that will continue to be licensed by the department of corrections, counties, and private licensing agencies.</p> <p>Gives authority to allows the department of human services to monitor program compliance with certification requirements and issue correction orders or decertify programs for non-compliance.</p> <p>Establishes process for license holders to request reconsideration of correction orders or decertifications; and establishes authority to issue variances to requirements in the section.</p>	<p>THIS IS NECESSARY FOR IMPLEMENTATION, NOT A FEDERAL REQUIREMENT. These provisions were developed as the department’s implementation of Minnesota’s Title IV-E plan. They will assist the department in determining if a residential facility has met Title IV-E compliance. It will be a substantial part of a two-step process for determining if a setting is Title IV-E eligible.</p> <p>472(k)(1), (2), and (4) of the Social Security Act</p>