

1.1 moves to amend H.F. No. 1340, the second engrossment, as follows:

1.2 Page 3, line 14, after "260C.708" insert "and chapter 260D"

1.3 Page 3, line 18, strike "chapter" and insert "chapters"

1.4 Page 3, line 19, before the period, insert "and 260D"

1.5 Page 3, after line 20, insert:

1.6 "Sec. Minnesota Statutes 2020, section 256.01, subdivision 14b, is amended to read:

1.7 Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human
1.8 services may authorize projects to initiate tribal delivery of child welfare services to American
1.9 Indian children and their parents and custodians living on the reservation. The commissioner
1.10 has authority to solicit and determine which tribes may participate in a project. Grants may
1.11 be issued to Minnesota Indian tribes to support the projects. The commissioner may waive
1.12 existing state rules as needed to accomplish the projects. The commissioner may authorize
1.13 projects to use alternative methods of (1) screening, investigating, and assessing reports of
1.14 child maltreatment, and (2) administrative reconsideration, administrative appeal, and
1.15 judicial appeal of maltreatment determinations, provided the alternative methods used by
1.16 the projects comply with the provisions of section 256.045 and chapter 260E that deal with
1.17 the rights of individuals who are the subjects of reports or investigations, including notice
1.18 and appeal rights and data practices requirements. The commissioner shall only authorize
1.19 alternative methods that comply with the public policy under section 260E.01. The
1.20 commissioner may seek any federal approval necessary to carry out the projects as well as
1.21 seek and use any funds available to the commissioner, including use of federal funds,
1.22 foundation funds, existing grant funds, and other funds. The commissioner is authorized to
1.23 advance state funds as necessary to operate the projects. Federal reimbursement applicable
1.24 to the projects is appropriated to the commissioner for the purposes of the projects. The

2.1 projects must be required to address responsibility for safety, permanency, and well-being
2.2 of children.

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

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

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

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

2.9 (3) have a substantial number of children for whom determinations of maltreatment have
2.10 occurred;

2.11 (4)(i) have capacity to respond to reports of abuse and neglect under chapter 260E; or

2.12 (ii) have codified the tribe's screening, investigation, and assessment of reports of child
2.13 maltreatment procedures, if authorized to use an alternative method by the commissioner
2.14 under paragraph (a);

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

2.16 (6) have a tribal-state title IV-E agreement in effect; and

2.17 (7) enter into host tribal contracts pursuant to section 256.0112, subdivision 6.

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

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

2.22 (2) family preservation;

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

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

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

2.28 (e) When a tribe has initiated a project and has been approved by the commissioner to
2.29 assume child welfare responsibilities for American Indian children of that tribe under this
2.30 section, the affected county social service agency is relieved of responsibility for responding
2.31 to reports of abuse and neglect under chapter 260E for those children during the time within

3.1 which the tribal project is in effect and funded. The commissioner shall work with tribes
3.2 and affected counties to develop procedures for data collection, evaluation, and clarification
3.3 of ongoing role and financial responsibilities of the county and tribe for child welfare services
3.4 prior to initiation of the project. Children who have not been identified by the tribe as
3.5 participating in the project shall remain the responsibility of the county. Nothing in this
3.6 section shall alter responsibilities of the county for law enforcement or court services.

3.7 (f) Participating tribes may conduct children's mental health screenings under section
3.8 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the
3.9 initiative and living on the reservation and who meet one of the following criteria:

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

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

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

3.13 Tribes may access reimbursement from available state funds for conducting the screenings.
3.14 Nothing in this section shall alter responsibilities of the county for providing services under
3.15 section 245.487.

3.16 (g) Participating tribes may establish a local child mortality review panel. In establishing
3.17 a local child mortality review panel, the tribe agrees to conduct local child mortality reviews
3.18 for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes
3.19 with established child mortality review panels shall have access to nonpublic data and shall
3.20 protect nonpublic data under subdivision 12, paragraphs (c) to (e). The tribe shall provide
3.21 written notice to the commissioner and affected counties when a local child mortality review
3.22 panel has been established and shall provide data upon request of the commissioner for
3.23 purposes of sharing nonpublic data with members of the state child mortality review panel
3.24 in connection to an individual case.

3.25 (h) The commissioner shall collect information on outcomes relating to child safety,
3.26 permanency, and well-being of American Indian children who are served in the projects.
3.27 Participating tribes must provide information to the state in a format and completeness
3.28 deemed acceptable by the state to meet state and federal reporting requirements.

3.29 (i) In consultation with the White Earth Band, the commissioner shall develop and submit
3.30 to the chairs and ranking minority members of the legislative committees with jurisdiction
3.31 over health and human services a plan to transfer legal responsibility for providing child
3.32 protective services to White Earth Band member children residing in Hennepin County to
3.33 the White Earth Band. The plan shall include a financing proposal, definitions of key terms,

4.1 statutory amendments required, and other provisions required to implement the plan. The
4.2 commissioner shall submit the plan by January 15, 2012.

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

4.4 Sec. Minnesota Statutes 2020, section 256.0112, subdivision 6, is amended to read:

4.5 Subd. 6. **Contracting within and across county lines; lead county contracts; lead**
4.6 **tribal contracts.** Paragraphs (a) to (e) govern contracting within and across county lines
4.7 and lead county contracts. Paragraphs (a) to (e) govern contracting within and across
4.8 reservation boundaries and lead tribal contracts for initiative tribes under section 256.01,
4.9 subdivision 14b. For purposes of this subdivision, "local agency" includes a tribe or a county
4.10 agency.

4.11 (a) Once a local agency and an approved vendor execute a contract that meets the
4.12 requirements of this subdivision, the contract governs all other purchases of service from
4.13 the vendor by all other local agencies for the term of the contract. The local agency that
4.14 negotiated and entered into the contract becomes the lead tribe or county for the contract.

4.15 (b) When the local agency in the county or reservation where a vendor is located wants
4.16 to purchase services from that vendor and the vendor has no contract with the local agency
4.17 or any other tribe or county, the local agency must negotiate and execute a contract with
4.18 the vendor.

4.19 (c) When a local agency ~~in one county~~ wants to purchase services from a vendor located
4.20 in another county or reservation, it must notify the local agency in the county or reservation
4.21 where the vendor is located. Within 30 days of being notified, the local agency in the vendor's
4.22 county or reservation must:

4.23 (1) if it has a contract with the vendor, send a copy to the inquiring local agency;

4.24 (2) if there is a contract with the vendor for which another local agency is the lead tribe
4.25 or county, identify the lead tribe or county to the inquiring agency; or

4.26 (3) if no local agency has a contract with the vendor, inform the inquiring agency whether
4.27 it will negotiate a contract and become the lead tribe or county. If the agency where the
4.28 vendor is located will not negotiate a contract with the vendor because of concerns related
4.29 to clients' health and safety, the agency must share those concerns with the inquiring local
4.30 agency.

4.31 (d) If the local agency in the county where the vendor is located declines to negotiate a
4.32 contract with the vendor or fails to respond within 30 days of receiving the notification

5.1 under paragraph (c), the inquiring agency is authorized to negotiate a contract and must
5.2 notify the local agency that declined or failed to respond.

5.3 (e) When the inquiring ~~county~~ local agency under paragraph (d) becomes the lead tribe
5.4 or county for a contract and the contract expires and needs to be renegotiated, that tribe or
5.5 county must again follow the requirements under paragraph (c) and notify the local agency
5.6 where the vendor is located. The local agency where the vendor is located has the option
5.7 of becoming the lead tribe or county for the new contract. If the local agency does not
5.8 exercise the option, paragraph (d) applies.

5.9 (f) This subdivision does not affect the requirement to seek county concurrence under
5.10 section 256B.092, subdivision 8a, when the services are to be purchased for a person with
5.11 a developmental disability or under section 245.4711, subdivision 3, when the services to
5.12 be purchased are for an adult with serious and persistent mental illness.

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

5.14 Page 3, line 24, strike "not" and insert "qualified to conduct the assessment approved
5.15 by the commissioner. The qualified individual must not be"

5.16 Page 6, line 10, after "with" insert "the child's parent or legal guardian,"

5.17 Page 6, line 11, strike "the child's parents"

5.18 Page 8, after line 27, insert:

5.19 "Sec. Minnesota Statutes 2020, section 260C.4412, is amended to read:

5.20 **260C.4412 PAYMENT FOR RESIDENTIAL PLACEMENTS.**

5.21 (a) When a child is placed in a foster care group residential setting under Minnesota
5.22 Rules, parts 2960.0020 to 2960.0710, a foster residence licensed under chapter 245A that
5.23 meets the standards of Minnesota Rules, parts 2960.3200 to 2960.3230, or a children's
5.24 residential facility licensed or approved by a tribe, foster care maintenance payments must
5.25 be made on behalf of the child to cover the cost of providing food, clothing, shelter, daily
5.26 supervision, school supplies, child's personal incidentals and supports, reasonable travel for
5.27 visitation, or other transportation needs associated with the items listed. Daily supervision
5.28 in the group residential setting includes routine day-to-day direction and arrangements to
5.29 ensure the well-being and safety of the child. It may also include reasonable costs of
5.30 administration and operation of the facility.

5.31 (b) The commissioner of human services shall specify the title IV-E administrative
5.32 procedures under section 256.82 for each of the following residential program settings:

6.1 (1) residential programs licensed under chapter 245A or licensed by a tribe, including:

6.2 (i) qualified residential treatment programs as defined in section 260C.007, subdivision
6.3 26d;

6.4 (ii) program settings specializing in providing prenatal, postpartum, or parenting supports
6.5 for youth; and

6.6 (iii) program settings providing high-quality residential care and supportive services to
6.7 children and youth who are, or are at risk of becoming, sex trafficking victims;

6.8 (2) licensed residential family-based substance use disorder treatment programs as
6.9 defined in section 260C.007, subdivision 22a; and

6.10 (3) supervised settings in which a foster child age 18 or older may live independently,
6.11 consistent with section 260C.451.

6.12 (c) A lead county contract under section 256.0112, subdivision 6, is not required to
6.13 establish the foster care maintenance payment in paragraph (a) for foster residence settings
6.14 licensed under chapter 245A that meet the standards of Minnesota Rules, parts 2960.3200
6.15 to 2960.3230. The foster care maintenance payment for these settings must be consistent
6.16 with section 256N.26, subdivision 3, and subject to the annual revision as specified in section
6.17 256N.26, subdivision 9."

6.18 Page 15, line 5, reinstate "and request"

6.19 Page 15, line 6, reinstate "input from" and delete the new language

6.20 Page 15, line 7, delete the new language

6.21 Page 15, delete lines 8 to 12

6.22 Page 15, line 13, delete the new language

6.23 Page 19, line 3, after the second comma, insert "the child's parent or legal guardian,"

6.24 Page 19, line 4, delete "a child's parent,"

6.25 Page 19, line 20, after "inform" insert "the child's parent or legal guardian and" and
6.26 delete "and the child's parent"

6.27 Page 19, line 22, after "inform" insert "the child's parent or legal guardian and" and
6.28 delete "and the child's parent"

6.29 Page 23, line 18, before the period, insert ", except as modified under this chapter"

6.30 Page 24, line 21, delete "and"

7.1 Page 24, line 23, after "members" insert ". For purposes of voluntary placement of a
 7.2 child in foster care for treatment under chapter 260D, prior to forming the child's family
 7.3 and permanency team, the responsible social services agency must consult with the child's
 7.4 parent or legal guardian, the child if the child is 14 years of age or older, and, if applicable,
 7.5 the child's tribe to obtain recommendations regarding which individuals to include on the
 7.6 team and to ensure that the team is family-centered and will act in the child's best interests.
 7.7 If the child, child's parents, or legal guardians raise concerns about specific relatives or
 7.8 professionals, the team should not include those individuals unless the individual is a treating
 7.9 professional or an important connection to the youth as outlined in the case or crisis plan;
 7.10 and" and delete "and if"

7.11 Page 24, delete lines 24 to 27

7.12 Page 24, before line 28, insert:

7.13 "(5) For a voluntary placement under this chapter in a qualified residential treatment
 7.14 program, as defined in section 260C.007, subdivision 26d, for purposes of engaging in a
 7.15 relative search as provided in section 260C.221, the county agency must consult with the
 7.16 child's parent or legal guardian, the child if the child is 14 years of age or older, and, if
 7.17 applicable, the child's tribe to obtain recommendations regarding which adult relatives
 7.18 should be notified. If the child, child's parents, or legal guardians raise concerns about
 7.19 specific relatives, the county agency should not notify those relatives."

7.20 Page 34, line 20, delete "or"

7.21 Page 34, line 22, delete the period and insert "; or"

7.22 Page 34, after line 22, insert:

7.23 "(4) a supervised independent living setting for youth who are 18 years of age or older."

7.24 Page 35, delete lines 4 to 7

7.25 Page 35, line 8, after "(a)" insert "By July 1, 2021,"

7.26 Page 35, line 9, delete "may issue" and insert "must offer"

7.27 Page 35, line 14, delete "and"

7.28 Page 35, line 16, delete the period and insert "; and"

7.29 Page 35, after line 16, insert:

7.30 "(4) supervised independent living settings for youth who are 18 years of age or older."

7.31 Page 36, line 17, after "treatment" insert "or service"

8.1 Page 38, line 15, delete "or available"

8.2 Page 38, line 16, delete "accessible" and insert "available"

8.3 Page 41, line 1, after the semicolon, insert "and"

8.4 Page 41, line 4, delete "youth's" and insert "child's"

8.5 Page 41, line 23, delete "youth's" and insert "child's"

8.6 Page 42, after line 17, insert:

8.7 "Subd. 7. Supervised independent living settings for youth 18 years of age or older;
8.8 certification requirements. (a) To be certified as a supervised independent living setting
8.9 for youth who are 18 years of age or older, a license holder must meet the requirements of
8.10 this subdivision.

8.11 (b) The license holder must provide training, counseling, instruction, supervision, and
8.12 assistance for independent living, according to the needs of the youth being served.

8.13 (c) The license holder may provide services to assist the youth with locating housing,
8.14 money management, meal preparation, shopping, health care, transportation, and any other
8.15 support services necessary to meet the youth's needs and improve the youth's ability to
8.16 conduct such tasks independently.

8.17 (d) The service plan for the youth must contain an objective of independent living skills.

8.18 (e) The license holder must maintain a service delivery plan that describes how the
8.19 program provides services according to the requirements in paragraphs (b) to (d)."

8.20 Page 42, line 18, delete "7" and insert "8"

8.21 Page 43, line 17, delete "8" and insert "9"

8.22 Page 44, line 1, delete "9" and insert "10"

8.23 Page 44, after line 5, insert:

8.24 "Sec. DIRECTION TO THE COMMISSIONER; QUALIFIED RESIDENTIAL
8.25 TREATMENT TRANSITION SUPPORTS.

8.26 The commissioner of human services shall consult with stakeholders to develop policies
8.27 regarding aftercare supports for the transition of a child from a qualified residential treatment
8.28 program, as defined in Minnesota Statutes, section 260C.007, subdivision 26d, to
8.29 reunification with the child's parent or legal guardian, including potential placement in a
8.30 less restrictive setting prior to reunification that aligns with the child's permanency plan and

9.1 person-centered support plan, when applicable. The policies must be consistent with
9.2 Minnesota Rules, part 2960.0190, and Minnesota Statutes, section 245A.25, subdivision 4,
9.3 paragraph (i), and address the coordination of the qualified residential treatment program
9.4 discharge planning and aftercare supports where needed, the county social services case
9.5 plan, and services from community-based providers, to maintain the child's progress with
9.6 behavioral health goals as defined in the child's treatment plan. The commissioner must
9.7 complete development of the policy guidance by December 31, 2022."

9.8 Renumber the sections in sequence

9.9 Amend the title accordingly