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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1521

02/09/2023 Authored by Hanson, J., The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to human services; making technical changes to Northstar Care for Children
1.3 assessment rate effective dates, relative search requirements, and termination of
1.4 parental rights; making technical corrections to child support provision; amending
1.5 Minnesota Statutes 2022, sections 256N.24, subdivision 12; 260C.221, subdivision
1.6 1; 260C.317, subdivision 3; 518A.43, subdivision 1b; repealing Minnesota Statutes
1.7 2022, sections 256D.63, subdivision 1; 518A.59.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2022, section 256N.24, subdivision 12, is amended to read:

1.10 Subd. 12. Approval of initial assessments, special assessments, and reassessments. (a)

1.11 Any agency completing initial assessments, special assessments, or reassessments must
1.12 designate one or more supervisors or other staff to examine and approve assessments
1.13 completed by others in the agency under subdivision 2. The person approving an assessment
1.14 must not be the case manager or staff member completing that assessment.

1.15 (b) In cases where a special assessment or reassessment for Northstar kinship assistance
1.16 and adoption assistance is required under subdivision 8 or 11, the commissioner shall review
1.17 and approve the assessment as part of the eligibility determination process outlined in section
1.18 256N.22, subdivision 7, for Northstar kinship assistance, or section 256N.23, subdivision
1.19 7, for adoption assistance. The assessment determines the maximum of the negotiated
1.20 agreement amount under section 256N.25.

1.21 (c) The effective date of the new rate is effective the calendar month that the assessment
1.22 ~~is approved, or the effective date of the agreement, whichever is later.~~ determined as follows:

2.1 (1) for initial assessments of children in foster care, the new rate is effective based on
2.2 the emergency foster care rate for initial placement pursuant to section 256N.26, subdivision
2.3 6;

2.4 (2) for special assessments, the new rate is effective the date of the finalized adoption
2.5 decree or the date of the court order that transfers permanent legal and physical custody to
2.6 a relative;

2.7 (3) for postpermanency reassessments, the new rate is effective the date that the
2.8 commissioner signs the amendment to the Northstar Adoption Assistance or Northstar
2.9 Kinship Assistance benefit agreement.

2.10 Sec. 2. Minnesota Statutes 2022, section 260C.221, subdivision 1, is amended to read:

2.11 Subdivision 1. **Relative search requirements.** (a) The responsible social services agency
2.12 shall exercise due diligence to identify and notify adult relatives, as defined in section
2.13 260C.007, subdivision 27, and current caregivers of a child's sibling, prior to placement or
2.14 within 30 days after the child's removal from the parent, regardless of whether a child is
2.15 placed in a relative's home, as required under subdivision 2. The relative search required
2.16 by this section shall be comprehensive in scope.

2.17 (b) The relative search required by this section shall include both maternal and paternal
2.18 adult relatives of the child; all adult grandparents; all legal parents, guardians, or custodians
2.19 of the child's siblings; and any other adult relatives suggested by the child's parents, subject
2.20 to the exceptions due to family violence in subdivision 5, paragraph (b). The search shall
2.21 also include getting information from the child in an age-appropriate manner about who the
2.22 child considers to be family members and important friends with whom the child has resided
2.23 or had significant contact. The relative search required under this section must fulfill the
2.24 agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the
2.25 breakup of the Indian family under United States Code, title 25, section 1912(d), and to
2.26 meet placement preferences under United States Code, title 25, section 1915.

2.27 (c) The responsible social services agency has a continuing responsibility to search for
2.28 and identify relatives of a child and send the notice to relatives that is required under
2.29 subdivision 2, unless the court has relieved the agency of this duty under subdivision 5,
2.30 paragraph (e).

3.1 Sec. 3. Minnesota Statutes 2022, section 260C.317, subdivision 3, is amended to read:

3.2 Subd. 3. **Order; retention of jurisdiction.** (a) A certified copy of the findings and the
 3.3 order terminating parental rights, and a summary of the court's information concerning the
 3.4 child shall be furnished by the court to the commissioner or the agency to which guardianship
 3.5 is transferred.

3.6 (b) The orders shall be on a document separate from the findings. The court shall furnish
 3.7 the guardian a copy of the order terminating parental rights.

3.8 (c) When the court orders guardianship pursuant to this section, the guardian ad litem
 3.9 and counsel for the child shall continue on the case until an adoption decree is entered. An
 3.10 in-court appearance hearing must be held every 90 days following termination of parental
 3.11 rights for the court to review progress toward an adoptive placement and the specific
 3.12 recruitment efforts the agency has taken to find an adoptive family for the child and to
 3.13 finalize the adoption or other permanency plan. Review of the progress toward adoption of
 3.14 a child under guardianship of the commissioner of human services shall be conducted
 3.15 according to section 260C.607.

3.16 (d) Upon terminating parental rights or upon a parent's consent to adoption under
 3.17 ~~Minnesota Statutes 2010, section 260C.201, subdivision 11, or section 260C.515, subdivision~~
 3.18 ~~5 3~~, resulting in an order for guardianship to the commissioner of human services, the court
 3.19 shall retain jurisdiction:

3.20 (1) until the child is adopted;

3.21 (2) through the child's minority; or

3.22 (3) as long as the child continues in or reenters foster care, until the individual becomes
 3.23 21 years of age according to sections 260C.193, subdivision 6, and 260C.451.

3.24 Sec. 4. Minnesota Statutes 2022, section 518A.43, subdivision 1b, is amended to read:

3.25 Subd. 1b. **Increase in income of custodial parent.** In a modification of support under
 3.26 section 518A.39, the court may deviate from the presumptive child support obligation under
 3.27 section 518A.34 when the only change in circumstances is an increase to the custodial
 3.28 parent's income ~~and:~~

3.29 ~~(1)~~ 2, the basic support increases; and:

3.30 ~~(2)~~ (1) the parties' combined gross income is \$6,000 or less; or

3.31 ~~(3)~~ (2) the obligor's income is \$2,000 or less.

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

4.2 Sec. 5. **REPEALER.**

4.3 Minnesota Statutes 2022, sections 256D.63, subdivision 1; and 518A.59, are repealed.

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

256D.63 EXPIRATION OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS AND REPORTING REQUIREMENTS.

Subdivision 1. **Expiration of SNAP benefits.** Supplemental Nutrition Assistance Program (SNAP) benefits shall not be stored off line or expunged from a recipient's account unless the benefits have not been accessed for 12 months after the month they were issued.

518A.59 NOTICE OF INTEREST ON LATE CHILD SUPPORT.

Any judgment or decree of dissolution or legal separation containing a requirement of child support and any determination of parentage, order under chapter 518C, order under section 256.87, or order under section 260B.331 or 260C.331 must include a notice to the parties that section 548.091, subdivision 1a, provides for interest to begin accruing on a payment or installment of child support whenever the unpaid amount due is greater than the current support due.