

House Research Act Summary

CHAPTER: 178

SESSION: 2001 Regular Session

TOPIC: Child Placement, Data Practices, and Child Maltreatment

Date: May 31, 2001

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Overview

Article 1 of this act clarifies and updates provisions in chapter 260C relating to child protection proceedings and child welfare permanency planning for children in out-of-home placement, and amends state law to conform with certain federal requirements. Article 1 also requires the commissioner of health to give the commissioner of human services access to birth record data and data contained in recognitions of parentage to enable the commissioner of human services to identify a child who is subject to threatened injury by a person responsible for the child's care, and modifies certain requirements relating to termination of parental rights. Article 1 also permits the commissioner of human services to contract with Minnesota tribal social services agencies to provide adoption services for children under the guardianship of the commissioner. Article 1 also provides for family group decision-making conferences and agreements.

Article 2 of this act makes conforming amendments to process and data classifications to conform to legislation enacted last biennium that provides for the Department of Children, Families, and Learning (CFL) to handle child abuse complaints in educational settings.

Article 1 - Child Placement

- Commissioner of health; duties.** Amends § 144.225, by adding subd. 2b. Requires the commissioner of health to give the commissioner of human services access to birth record data and data contained in recognitions of parentage to enable the commissioner of human services to identify a child who is subject to threatened injury by a person responsible for the child's care.
- Specific powers.** Amends § 256.01, subd. 2. Authorizes the commissioner of human services to contract with a Minnesota tribal social services agency to provide adoption services for children under the guardianship of the commissioner.
- Family group decision-making.** Adds § 256F.14. Replaces provisions under section 626.5565 relating to relative care agreements and relative care conferences, which are repealed by this act.

Subd. 1. Definitions. Defines relative, relative care, and relative care agreement.

Subd. 2. Family group decision-making meeting. Provides that a social services agency may convene a meeting of a child's parents and relatives to develop a plan to provide for the safety and stability of the child any time the meeting is in the best interests of the child. Provides that an agency may select a facilitator to convene and facilitate the meeting.

Also provides that the parents, relatives, child, and social services agency may enter a relative care agreement or other agreement that addresses the safety and permanency needs of the child.

Subd. 3. Facilitator training; immunity. Requires a facilitator to receive 12 hours of training in family group decision-making before facilitating a meeting. Gives immunity from criminal and civil liability to a facilitator who complies with the training requirements and acts in good faith.

4 **Duty to ensure placement prevention and family reunification; reasonable efforts.** Amends § 260.012. Provides that reasonable efforts for rehabilitation and reunification of a child with the child's family are not required when a court determines that a termination of parental rights petition has been filed stating that the parent's custodial rights to another child have been involuntarily transferred to a relative.

5 **Case plan.** Amends § 260C.007, by adding subd. 2a. Defines case plan.

6 **Child in need of protection or services.** Amends § 260C.007, subd. 4. Clarifies definition of child in need of protection or services. Strikes obsolete cross reference.

7 **Compelling reasons.** Amends § 260C.007, by adding subd. 5a. Defines compelling reasons.

8 **Developmentally disability.** Amends § 260C.007, by adding subd. 7a. Defines developmentally disabled.

9 **Relative.** Amends § 260C.007, subd. 14. Clarifies definition of relative.

10 **Emotionally disturbed.** Adds § 260C.007, subd. 27. Defines emotionally disturbed.

11 **Review of foster care status.** Amends § 260C.141, subd. 2. Provides that a social services agency responsible for the voluntary placement of a child in a residential facility must proceed in juvenile court to review the foster care status of the child. (Residential facility means any group home, family foster home, or other publicly supported out-of-home residential facility.) Strikes redundant language.

(a) Clarifies the procedures for the review of a voluntary placement of a child who is not in placement due solely to the child's developmental disability or emotional disturbance, by adding the following:

requires the responsible social services agency to file a petition within 90 days of the date of a child's voluntary placement agreement alleging the child to be in need of protection or services, seeking termination of parental rights, or other permanent out-of-home placement;

in the case of a petition alleging a child to be in need of protection or services, requires a court to make a finding that reasonable efforts are being made to reunify the child and the parent or guardian. Also changes the number of months in which the child will be returned home from six months to three months; and

if the court approves the voluntary placement of the child, changes the number of months in which the court must continue the matter from six months to three months.

(b) Establishes procedures that must be followed for a child who is in voluntary placement due solely to the child's developmental disability or emotional disturbance. The following procedures also conform state law to federal permanency requirements:

(1) Report to court. Provides that, unless a county attorney files a petition alleging the child to be in need of protection or services, the following must occur:

a written report must be submitted to the court within 165 days of the date of the voluntary placement agreement that contains information necessary for the court to review the child's placement;

the responsible social services agency must notify, where appropriate, the child, parent or guardian, foster parent, or residential facility of the right to submit information to the court, the right to request a hearing, and that a hearing will not be held unless requested by a child, parent or guardian, or foster parent;

a court must determine within ten days of receiving the report whether the placement is in the child's best interests and whether the parent and agency are appropriately planning for the child. Provides that a court may make its determination without a hearing; and

a court must issue an order containing explicit, individualized findings supporting its determination regarding whether the placement is in the child's best interests, and send a copy of the order to the county attorney, responsible social services agency, parent or guardian, foster parents, and the child.

(2) Permanency review by petition. Provides that, if a child with a developmental disability or emotional disturbance continues in out-of-home placement for 13 months from the date of voluntary placement, the following must occur:

a petition alleging the child to be in need of protection or services, seeking termination of parental rights, or permanent placement of the child, must be filed;

a court must conduct a permanency hearing on the petition no later than 14 months after the date of voluntary placement to determine the need for an order for permanent placement or if there are compelling reasons to continue voluntary placement;

in the case of a petition alleging a child to be in need of protection or services, a court may find that there are compelling reasons to continue voluntary placement. Requires the court to maintain jurisdiction over the matter to review the child's continued voluntary placement every 12 months as long as the child remains in placement; and

in the case of a petition for termination of parental rights, transfer of custody to a relative, long-term foster care, or foster care for a specified period of time, requires the court to proceed under section 260C.201, subd. 11.

12 **Immediate custody.** Amends § 260C.151, subd. 6. Provides that a court may order a child taken into immediate custody if the court makes individualized, explicit findings that the child is in surroundings or conditions that endanger the child's health, safety, and welfare, and the child's continued custody with the parent or guardian is contrary to the child's welfare. Conforms state law to federal requirements.

13 **Hearing and release requirements.** Amends § 260C.178, subd. 1. **(b)** Strikes unnecessary language.

(c) Strikes language requiring a court to determine whether reasonable efforts were made to reunite a child with a child's family. Provides that a court may determine reasonable efforts to prevent placement are not required if the court determines that there is a termination of parental rights petition or other petition pending that alleges a prima facie case that rehabilitation and reunification services are futile and unreasonable under the circumstances.

(d) Provides that a court may not order placement of a child in foster care or continued foster care unless the court makes individualized, explicit findings that a child's continued custody with a parent or guardian is contrary to the child's welfare. Conforms state law to federal requirements.

(e) Provides that a court may determine at any time during the course of the proceeding (rather than prior to an adjudicatory hearing) whether a termination of parental rights petition has been filed that states a prima facie case, a county attorney has determined not to file a petition for termination of parental rights, or a petition that has been filed states a prima facie case that rehabilitation and reunification services are futile and unreasonable under the circumstances.

(f) Makes conforming language change.

(g) Provides that, if a child ordered into out-of-home placement has siblings who are also ordered into out-of-home placement, a court must examine the responsible social services agency's efforts to place the children together, if placement together is in the best interest of the children. Requires the agency to develop a plan for sibling visitation if the siblings are not placed together.

14 **Out-of-home placement plan.** Amends § 260C.178, subd. 7. (a) Provides that an out-of-home placement plan must be filed with a petition to review a voluntary foster care placement.

(b) Requires a court to give notice of the approval of an out-of-home placement plan to all parties and the county attorney.

(c) Makes conforming language changes.

(d) Provides that a court may find a responsible social services agency has made reasonable reunification efforts if the agency makes efforts to implement the out-of-home placement plan.

15 **Best interest of the child in foster care or residential care.** Amends § 260C.193, subd. 3. (a) Clarifies that the best interests of a child in foster care or residential care are met by requiring an individualized determination of the needs of a child under section 260C.212, subd. 2, para. (b). Conforms state law to federal requirements. Strikes language that states the factors to consider in determining the needs of a child in foster care placement. Stricken language is relocated in section 260C.212, subd. 2, para. (b).

(b) Requires a court to review whether a responsible social services agency made efforts to place a child with the child's relatives and an individualized determination of how a placement meets the needs of the child. Provides that a court may order placement with the relative if an agency fails to make efforts to place the child with the relative when there is a relative who qualifies for family foster care licensure.

(c) Requires a court to honor a birth parent's explicit request that the child not be placed with a particular relative or important friend, if it is in the child's best interest. Also requires a court to order placement of a child in a home with the same or similar religious background as the birth parent if a birth parent expresses that preference.

(e) Requires a responsible social services agency, when siblings are not placed together, to report to the court on continuing efforts to place the siblings together and why those efforts were not successful. Provides that a court may order an agency to make further efforts to place the siblings together. Requires a court to review an agency's plan for visitation among siblings.

16 **Dispositions.** Amends § 260C.201, subd. 1. (a) Provides that, if a court finds a child in need of protection or services or neglected and in foster care and orders legal custody of the child transferred to a responsible social services agency, the agency must make an individualized determination of how the placement is in the child's best interests. Conforms state law to federal requirements.

(e) Provides that a court may order a responsible social services agency to monitor a parent's continued ability to maintain a child safely at home after the parent has complied with the case plan and the child has returned home.

17 **Written findings.** Amends § 260C.201, subd. 2. (a) Clarifies that a court's written findings include, when the court transfers legal custody of the child to a child placing agency or

responsible social services agency, how the agency's placement meets the needs of the child. Strikes obsolete cross reference.

(c) If a child is the subject of concurrent permanency planning, requires a court to review and make written findings on whether the responsible social services agency made reasonable efforts to place the child in a permanent home, in the event that reunification efforts fail.

18 **Visitation.** Amends § 260C.201, subd. 5. Corrects cross reference. Requires that a court set reasonable rules for visitation with siblings of a child.

19 **Case plan.** Amends § 260C.201, subd. 6. (a) Provides that a responsible social services agency must prepare an out-of-home placement plan under section 260C.212, subdivision 1 for each disposition in which a child is placed with a person other than a parent or guardian. Strikes language that is relocated or duplicates provisions in section 260C.212, subdivision 1.

(b) For dispositions in which a child is not placed out of the home or is placed with a custodial parent, requires a responsible social services agency to prepare a plan for the delivery of social services to the child and custodial parent under section 626.556, subdivision 10, or other case plan that meets the needs of the child. (Section 626.556, subdivision 10, requires a local welfare agency to assess and provide protective social services to a child when the agency receives a report alleging neglect, physical abuse, or sexual abuse of the child.) Also provides that the plan must be designed to maintain the safety of a child in the home or to reunite a child with the child's custodial parent.

(c) Permits a court to approve a case plan as presented or to modify it after hearing from the parties. Requires a court to order all parties to comply with an approved case plan and attach the plan to the order.

20 **Order duration.** Amends § 260C.201, subd. 7. Clarifies that a responsible social services agency that receives legal custody of a child must report to the court as required by juvenile court rules.

21 **Court review of out-of-home placements.** Amends § 260C.201, subd. 10. (a) Clarifies that a court must review a child's placement in a residential facility as required by juvenile court rules. (Juvenile court rules require a court review of a disposition awarding legal custody to an agency at least every 90 days.)

(b) Provides that a court must review an agency's efforts to find a placement that meets the child's needs no later than six months after a child's placement.

(c) Makes conforming language changes.

(d) Clarifies that a court ordering out-of-home placement must notify the parents of the provisions relating to permanent placement determination hearings.

22 **Review of court ordered placements; permanent placement determinations.** Amends § 260C.201, subd. 11. (a) Strikes incorrect cross reference to federal law and clarifies language. Except for cases where a child is in placement due solely to the child's developmental disability or emotional disturbance, adds a requirement that a court find compelling reasons not to terminate parental rights or transfer custody of a child to a relative before conducting a permanent placement determination hearing. Strikes provisions regarding permanency requirements for children under age eight that are relocated in this act.

(c) Clarifies that, at the conclusion of a permanency hearing, a court must order a child returned to the care of a parent or guardian or order permanent placement of the child. Provides that transfer of legal custody, termination of parental rights, or guardianship and legal custody to the commissioner through a consent to adopt, are preferred permanent placement options for a child who cannot be returned home. Strikes permanency requirements relating to children under age eight years of age that are relocated in this act.

(d) Clarifies the requirements for dispositions a court must order if a child is not returned home in the following ways:

(1) adds items to the list of conditions for ordering permanent legal and physical custody of a child to a relative. Provides that a court must review the suitability of the prospective relative custodian. Clarifies that the court must follow the procedures in chapters 260 and 518, and in the juvenile court rules, in transferring custody to a relative. Also permits a juvenile court to maintain jurisdiction over the matter to ensure that appropriate services are provided or the conditions ordered by the court are met;

(2) makes minor technical changes to clarify requirements for ordering termination of parental rights;

(3) provides that a court must find compelling reasons for not awarding permanent custody to a relative or ordering termination of parental rights if the court orders long-term foster care for a child. Makes minor technical changes;

(4) provides that a court must find compelling reasons for not awarding permanent custody with a relative or terminating parental rights if the court orders foster care for a specified period of time. Also provides that a court may not order a foster care placement for a period exceeding one year; and

(5) permits a court to order permanent placement of a child in the guardianship and legal custody of the commissioner of human services for adoptive placement under the following circumstances:

there is a prospective adoptive home that has agreed to adopt the child and the child's parents have consented to the adoption;

the court must review the matter at least every 90 days until the adoption is final;

a consent to adopt vests all legal authority regarding the child with the commissioner;

the court must send a copy of the consent and order to the commissioner; and

if the adoption is not final within 12 months, the commissioner must pursue other adoptive placements for the child, unless failure to finalize adoption is not the fault of the prospective adoptive parent.

(f) Clarifies and adds circumstances in which further court review of a permanent placement determination is required. Adds provision under which further court review may take place if the court has retained jurisdiction of a transfer of permanent legal and physical custody matter. Requires further court review if long-term foster care or foster care for a specified period of time are ordered.

(g) Adds provisions regarding court review of orders for long-term foster care or foster care for a specified period of time. Requires court review at least annually. Requires a review of the child's out-of-home placement plan and the responsible social services agency's actions to ensure an appropriate placement, services, and plan for the child.

(h) Clarifies circumstances in which a parent may seek modification of an order for long-term foster care.

23 **Permanency review for children under eight.** Amends § 260C.201, by adding subd. 11a. Clarifies and relocates requirements for permanent placement determination hearings for a child under eight years of age.

(a) **Hearing to review progress of case.** Requires a court to conduct a permanency hearing no later than six months after a child's out-of-home placement if the child is under eight years of age at the time the petition is filed alleging the child is in need of protection and services. Provides that the purpose of the hearing is to review the progress of the case and provision of services.

(b) County attorney and responsible agency's duties. Requires a responsible social services agency to assess the progress on the out-of-home placement plan and ask the county attorney to file a petition for termination of parental rights, a petition to transfer permanent custody to a relative, or the report required under juvenile court rules.

(c) Court's findings. Provides that, if a court finds a child would benefit from reunification with the parent, a court may return the child home or continue the matter for up to six additional months. Provides that a court may order a responsible social services agency to develop a plan and petition for permanent placement of the child away from the parent if the court finds the parent is not complying with the out-of-home placement or visitation plan.

(d) Responsible agency's or county attorney's duties. Specifies a responsible social services agency's or county attorney's duties following a court's review. Provides that, if a court orders the child returned home or continues the matter for up to six months, the agency shall continue to provide services and make reasonable efforts to reunify the child and parent. Provides that, if a court orders an agency to develop a plan to transfer permanent custody of a child to a relative, a petition supporting the plan be filed within 30 days of the permanency hearing and a trial scheduled 30 days after the pleadings are filed. Provides that, if a court orders the agency to file a petition to terminate parental rights, the petition must be filed within 30 days of the permanency hearing and a trial held within 90 days of the filing of the petition.

24 **Dispositions; voluntary foster care placements.** Amends § 260C.205. If a court finds compelling reasons to continue the placement of a child whose placement is due solely to the child's developmental disability or emotional disturbance, requires the court to give notice to the child's parents of the review requirements under section 260C.141, subdivision 2.

25 **Out-of-home placement; plan.** Amends § 260C.212, subd. 1. **(a)** Makes conforming language changes.

(b) Strikes provisions regarding a responsible social services agency's duties to a child in placement that are relocated in section 260C.212, subdivision 4, paragraph (a). Clarifies who must jointly prepare an out-of-home placement plan. Provides that a plan be submitted to the court to be approved, ordered, or modified by the court, and signed by the parties.

(c) Clarifies requirements for what information must be included in an out-of-home placement plan, including the following:

- a description of the residential facility and how the placement is consistent with the best interests of the child;

- if there is a reunification plan, what changes the parent is required to make for the child to return home;

- a description of services offered and provided to prevent a child's removal from the home and to reunify the family, and reasonable efforts to achieve a safe and stable home for the child;

- a description of services requested by the child or the child's parent or guardian, whether those services were provided and, if not, the basis for denying the services;

- the visitation plan for the child, parent or guardian, relatives, or siblings;

- documentation regarding steps taken to finalize adoption or legal guardianship of the child;

- health and educational records of the child; and

- independent living plan for a child age 16 or older.

Strikes language regarding the financial responsibilities of parents for support of a child during residential placements that is relocated in this act. Also strikes language regarding the notice an

agency must provide to parents that is relocated in the act.

(d) Clarifies language. Strikes provision that is relocated section 260C.212, subdivision 4, paragraph (d), regarding an agency determining whether a child has had a physical examination.

26 **Placement decisions based on best interest of the child.** Amends § 260C.212, subd. 2. (a) Clarifies the order in which placement of a child with a relative or important friend should be made.

(b) Lists factors that an agency must consider in determining if the placement will meet the child's needs. These provisions are relocated from section 260C.193, subdivision 3, paragraph (b).

27 **Responsible social services agency's duties for children in placement.** Amends § 260C.212, subd. 4. (a) Relocates and clarifies provisions from section 260C.212, subdivision 1, paragraph (b) regarding a responsible social services agency's duties to provide services to a child in placement and the child's parents.

(b) Relocates and clarifies notice provisions from section 260C.212, subdivision 1, paragraph (e), clauses (3), (4) and (8). Requires that a responsible social services give notice to parents of a child in a residential facility, but not to parents of a child who is in placement due solely to the child's developmental disability or emotional disturbance.

(c) Makes conforming language changes.

(d) Relocates provision from section 260C.212, subdivision 1, paragraph (g) relating to requirements for a physical examination of a child.

28 **Relative search; nature.** Amends § 260C.212, subd. 5. (a) Clarifies language requiring a responsible social services agency to consider placement of a child with a relative. Provides that the required relative search must be reasonable in scope and may last up to six months or until a relative is identified. Makes conforming language changes. Strikes language that is relocated in paragraph (b) regarding a parent's refusal to provide information.

(b) Relocates and clarifies provisions from paragraph (a) and section 260C.215, subdivision 6, paragraph (b).

(c) Relocates and clarifies provisions from section 260C.201, subdivision 10, paragraph (b) and language stricken from section 260C.212, subdivision 5, paragraph (b).

(d) Clarifies language and strikes redundant language.

29 **Administrative or court review of placements.** Amends § 260C.212, subd. 7. (a) Makes conforming language changes. Clarifies that there must be an administrative review of an out-of-home placement plan of a child placed in a residential facility no later than 180 days after the initial placement of the child. Provides that a responsible social services agency may, as an alternative to administrative review, file a petition for court review of the foster care status of the child and to determine if placement is in the best interests of the child.

(b) Specifies factors that an administrative body or court must consider when reviewing an out-of-home placement plan.

30 **Review of voluntary placements.** Amends § 260C.212, subd. 8. Except for a child in placement due solely to the child's developmental disability or emotional disturbance, clarifies procedures that a responsible social services agency must follow if a child is voluntarily placed in a residential facility and is not returned home within 90 days of placement. Provides that an out-of-home placement plan must be updated and filed with a petition filed under this section. Strikes obsolete language requiring a specific plan for permanency.

31 **Review of certain child placements.** Amends § 260C.212, subd. 9. (a) Clarifies procedures that a responsible social services agency must follow for the review of the voluntary placement of a

developmentally disabled child or child diagnosed as emotionally disturbed. Provides that the agency report to the court and bring a petition to review the placement as required under section 260C.141, subdivision 2, paragraph (b).

(b) Clarifies that, if a child's placement is due solely to the child's developmental disability or emotional disturbance and the court finds compelling reasons not to have a permanency review under section 260C.201, subdivision 11, custody is not transferred to the agency and no petition is required.

32 **Duties of child-placing agencies.** Amends § 260C.215, subd. 6. Strikes language that is relocated in section 260C.212, subdivision 5, paragraph (b).

33 **Voluntary and involuntary.** Amends § 260C.301, subd. 1. Adds a requirement that it is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that the parent's custodial rights to another child have been involuntarily transferred to a relative. Also makes conforming language changes.

34 **Required termination of parental rights.** Amends § 260C.301, subd. 3. Requires a county attorney to file a termination of parental rights petition within 30 days of a county agency determining that (1) a parent has lost parental rights to another child through an order involuntarily terminating parental rights; or (2) a parent is subject to an order involuntarily transferring custody of the child to a relative.

35 **Current foster care children.** Amends § 260C.301, subd. 4. Clarifies language, corrects a cross reference, and strikes obsolete language. Except for cases where a child is in placement due solely to the child's developmental disability or emotional disturbance, provides that, where a court finds compelling reasons to continue a child's placement, the county attorney must file a petition to terminate parental rights or to transfer permanent custody of the child to a relative if the child has been in out-of-home care for 15 of the most recent 22 months. Provides that this requirement does not apply if there is a compelling reason approved by the court.

36 **Findings regarding reasonable efforts.** Amends § 260C.301, subd. 8. Requires a court to make specific findings that the agency made reasonable efforts to prevent placement and reunify the child and parent, including individualized and explicit findings regarding rehabilitation and reunification efforts.

37 **Disposition; parental rights not terminated.** Amends § 260C.312. When a child has been in placement for 15 of the last 22 months after a termination of parental rights hearing in which the court does not order parental rights terminated, a court must return a child to the care of the parent unless the court finds compelling reasons not to return the child. Permits the court to order protective supervision or monitoring of the child if the child is returned to the parent's home.

38 **Order; retention of jurisdiction.** Amends § 260C.317, subd. 3. (c) Requires a court to conduct a permanency review hearing to determine the future status of a child if the child remains in out-of-home placement for 12 months after the termination of parental rights, and at least every 12 months thereafter as long as the child remains in out-of-home placement. Specifies that the purpose of the hearing would be to determine the future status of the child, including whether the child should continue in out-of-home placement, be placed for adoption, or should, because of special needs and for compelling reasons, be ordered into long-term out-of-home placement.

(d) Clarifies when a court must retain jurisdiction of a case in which long-term foster care is the permanent disposition and specifies review requirements. Strikes language requiring that a guardian ad litem be dismissed from the case on the effective date of the permanent placement order.

39 **Guardian's responsibilities.** Amends § 260C.325, subd. 4. Makes conforming language

change. Strikes obsolete language.

- 40 **Definitions.** Amends § 626.556, subd. 2. Modifies the definition of threatened injury in the Maltreatment of Minors Act.
- 41 **Exchange of records between department of health and department of human services.** Requires the commissioner of health to give the commissioner of human services access to birth record data and data in recognitions of parentage to enable the commissioner of human services to identify a child who is subject to threatened injury by a person responsible for the child's care.
- 42 **Uniform Parentage Act study and report.** Requires the commissioner of human services to appoint a task force to review the Uniform Parentage Act adopted by the Uniform Laws Commission 2000. Requires the task force to make recommendations to the legislature on whether to enact all or part of the act, whether to amend the act, and when the effective date for the act should be, if enacted. Specifies persons the commissioner must appoint to the task force. Requires the task force to submit a report and recommendations to the chairs of the house and senate committees with jurisdiction over family and parentage issues by January 15, 2002. Provides that the task force expires on January 15, 2002. Makes this section effective the day following final enactment.
- 43 **Repealer.** Repeals a provision requiring a court to protect a child's heritage or background when ordering guardianship or transferring custody as part of a termination of parental rights proceeding (section 260C.325, subdivision 2), and provisions relating to relative care agreements (section 626.5565).
- 44 **Instruction to revisor.** Instructs the Revisor to change the term "local social services agency" to "responsible social services agency" in chapter 260C. Also instructs the Revisor to renumber the definitions in section 260C.007, put the terms in alphabetical order, and change affected cross references.

Article 2 - Data Practices and Child Maltreatment

- 1 **Child care assistance program.** Amends § 13.319, by adding subd. 7. Amends the data practices act to insert a cross reference to data classifications made under the child care assistance program statutes.
- 2 **Private data; when disclosure is permitted.** Amends § 13.32, subd. 3. Amends the educational data statute in the government data practices act. Allows release of private educational data to CFL for purposes of assessing or investigating alleged child maltreatment. Specifies information that school districts and charter schools must provide to CFL upon request.
- 3 **Maltreatment data.** Amends § 13.43, by adding subd. 14. Amends the public employee data statute in the government data practices act. Requires a school facility to give CFL data relevant to a child maltreatment report collected about an alleged perpetrator. Requires CFL to classify the data as provided under the child abuse reporting act.
- 4 **General.** Amends § 13.46, subd. 2. Amends the welfare data statute in the government data practices act. Requires counties operating child care assistance programs to give CFL data on program participants, applicants, and providers.
- 5 **Data.** Amends § 119B.02, by adding subd. 6. Amends the child care assistance program statute. Makes data collected for purposes of administering the program private data on individuals.
- 6 **Standard of evidence for maltreatment hearings.** Amends § 256.045, subd. 3b. Adds CFL to the list of departments that will get the final order, as appropriate, in a child maltreatment case being appealed under the Department of Human Services (DHS) fair hearing statute.
- 7 **Definitions.** Amends § 626.556, subd. 2. Amends the child abuse reporting act definition of person responsible for a child's care to include "other school employees or agents." Amends the definition of physical abuse to exclude reasonable force as allowed by a teacher, principal or

school employee under existing education statute. Adds to the definition of physical abuse an act that violates the corporal punishment statute. Requires child abuse investigators to consider "accepted teacher discipline practices."

- 8 **Persons mandated to report.** Amends § 626.556, subd. 3. Amends the law on reporting abuse within a licensed facility. Permits a report to be filed with a school as defined in specified education statutes. Requires a board or other entity whose licensees perform work in a school facility to provide information about alleged maltreatment to CFL.
- 9 **Immunity from liability.** Amends § 626.556, subd. 4. Amends the child abuse reporting act immunity provision. Adds to this protection for a public or private school that gives CFL access to investigate abuse. Gives CFL personnel the same immunity that now applies to county and DHS personnel working on child abuse cases.
- 10 **Report.** Amends § 626.556, subd. 7. Amends the statute allowing oral reports of child abuse. Adds the phrase "agency responsible for assessing or investigating" to cover CFL, DHS, and the health department in their respective roles in this area.
- 11 **Duties of local welfare agency and local law enforcement agency upon receipt of a report.** Amends § 626.556, subd. 10. Requires CFL to notify the ombudsman for mental health and mental retardation when abuse occurs to a child in a facility under the jurisdiction of CFL. Adds the phrase "agency responsible for assessing or investigating" to cover CFL, DHS, and the health department in their respective roles in this area. Creates an exception to the current ban on a school's notifying parents when a student is interviewed about abuse. The exception applies when a school employee or agent is the alleged abuser. Gives CFL the right to enter facilities under its jurisdiction for purposes of investigating abuse reports. Provides that CFL data on investigating maltreatment in a school is governed by the child abuse reporting act, rather than the government data practices act (the child abuse reporting act rather than the data practices act controls for all data under the act currently). In conducting an investigation of a school facility CFL must (1) collect investigative reports and data relevant to a child maltreatment report from law enforcement and the school facility and (2) collect relevant data under current law except CFL may also use investigative reports and data received from law enforcement and the school facility, to the extent those satisfy the requirements of current law.
- 12 **Duties of commissioner; neglect or abuse in facility.** Amends § 626.556, subd. 10b. Specifies data CFL must obtain in order to conduct abuse investigations.
- 13 **Notification of abuse or neglect in facility.** Amends § 626.556, subd. 10d. When abuse occurs in a school facility, allows CFL to notify only the parents of children who were allegedly maltreated or witnessed maltreatment, rather than requiring notice to all parents.
- 14 **Determinations.** Amends § 626.556, subd. 10e. Provides that, upon the conclusion of an assessment or investigation, the commissioner of CFL shall determine whether maltreatment occurred in a school facility. If a determination is made that maltreatment occurred, the commissioner must report the determination to the employer, school board, and any appropriate licensing entity. In all other cases, requires the commissioner to inform the school board or employer that a report was received, the subject of the report, the date of the initial report, the category of maltreatment alleged, the fact that maltreatment was not determined, and a summary of the specific reasons for the determination. Makes determinations as maintained by CFL, private or nonpublic data.
- 15 **Administrative reconsideration of final determination of maltreatment.** Amends § 626.556, subd. 10i. Adds CFL to the current administrative reconsideration law that covers child abuse findings. Provides for CFL to use the DHS fair hearing statute.
- 16 **Release of data to mandated reporters.** Amends § 626.556, subd. 10j. Makes conforming language change.

- 17 **Records.** Amends § 626.556, subd. 11. Specifies that CFL records of child maltreatment by a facility are nonpublic data but that reports will be sent to law enforcement as required by the current reporting law. Requires a school facility to provide CFL with requested data for an investigation or assessment of alleged abuse in the facility. Requires CFL to provide a licensing authority with information necessary to fulfill statutory duties about an individual performing work in a school facility. Provides that data held by the licensing authority are governed by licensing data laws, except that access to the reporter's name is governed by the child abuse reporting act.
- 18 **Effective date.** Makes sections 1 to 17 effective the day following final enactment.