

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 3019
Version: As introduced

DATE: February 26, 2010

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Subject: Child welfare policy

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Section

Article 1.

Protecting Children and Strengthening Families Act

Overview

This article creates chapter 256N, the Protecting Children and Strengthening Families Act, an act that defines public child welfare policy, sets state priorities and accountability measures, and establishes a fund.

1 Citation. Creates §256N.01. Cites §§256N.01 to 256N.09 as the “Protecting Children and Strengthening Families Act.” States that the act defines public child welfare policy, sets priorities, establishes measures of effectiveness, and establish a fund.

2 Public policy. Creates §256N.02.

Subd. 1. General. Provides that the public policy of the state is:

- children should be safe from harm;
- children should be maintained safely in their homes whenever possible;
- when parents are unable to keep their children safe, then it is in the public interest to intervene and provide services to strengthen and support the parents so they can keep their children safe;
- children should grow up in safe, permanent homes;
- if children cannot remain safely with their parents, then relatives and kin should be the alternative placement option, whenever possible; and

- children and their families should receive services and supports to maintain safe, stable, and permanent homes.

Subd. 2. Racial disparities in child welfare. Provides that the policy of the state is to reduce racial disparities that exist in the child welfare system by:

- identifying and addressing factors contributing to inequities in outcomes;
- identifying and implementing strategies to reduce racial disparities;
- using cultural values, beliefs, and practices to shape assessment, case planning, service design, and decision making processes;
- using strategies that maintain, honor, and support relationships between parents, siblings, children, kin, and significant others; and
- supporting families in the context of their communities and tribes.

3 Public priorities. Creates §256N.03. States that a continuum of services and practice reforms are necessary to keep children safe, prevent trauma associated with a child’s removal from the home, and provide families with supports and services to protect and nurture their children. Lists the outcomes that will be measured in judging success.

4 Definitions. Creates §256N.04.

5 Use of funds. Creates §256N.05. Lists the priorities in which funds under this act are to be used to provide services to children and families.

6 Duties of commissioner of human services. Creates §256N.06.

Subd. 1. General supervision. Requires the commissioner to allocate funds, provide assistance, evaluate county performance, and ensure accountability.

Subd. 2. Allocation of funds. Requires the commissioner to make an annual allocation of funds according to the funding formula established by this act.

Subd. 3. Assistance. Provides that the commissioner shall provide training, technical support, and assistance to each county; request waivers from federal programs; and grant variances to state rules as needed to eliminate barriers to achieving desired outcomes.

Subd. 4. Accountability. Paragraph (a) instructs the commissioner to maintain a quality assurance system to measure county performance on state and federal outcome measures.

Paragraph (b) requires the commissioner to supervise county performance, specify requirements for reports, and adjust county allocations based on county performance.

Paragraph (c) lists the steps the commissioner must take if the commissioner determines a county has failed to meet performance standards or failed to develop and implement a performance improvement plan.

7 Plan. Creates §256N.07.

Subd. 1. Plan submitted to commissioner. Requires each county, beginning January 1, 2011, to have a biennial plan approved by the commissioner.

Subd. 2. Contents. Lists the required strategies and performance targets to be included in each plan.

Subd. 3. Timelines. Requires that a preliminary plan must be submitted to the commissioner by October 15, 2010, and October 15 of every two years thereafter.

Subd. 4. Public comment. Instructs the county board to provide opportunities for public comment on the plan.

Subd. 5. Commissioner's responsibilities. Requires the commissioner to inform the county within 60 days if the county plan has been approved.

8 Grant allocation. Creates §256N.08.

Subd. 1. Determination. Requires the commissioner to make an annual determination whether a county has met the requirements of the act.

Subd. 2. Grant formula. Provides the formula the commissioner will use for the grants to the counties.

Subd. 3. Guaranteed floor. Requires the guaranteed floor to be 25 percent of the total allocation. Sets out how funds will be reduced if the funds available for allocation are less than the previous year.

Subd. 4. Payments. Provides that calendar year state allocations must be paid to counties on or before July 10 each year. Federal Title XX funds are to be allocated as permitted by federal law and regulation.

9 Duties of county boards. Creates §256N.09.

Subd. 1. Responsibilities. Requires the county or human service board to be responsible for administration and funding of children's services under the act.

Subd. 2. Reports. Instructs the county to submit reports and data as required by the commissioner.

Subd. 3. Exemption from liability. Provides that in the administration and implementation of services under this act, the state and county are not liable for damages, injuries, or liabilities sustained through the purchase of services by the individual, the individual's family or representative.

Subd. 4. Fees for services. Allows a county to establish a schedule of fees based on clients' ability to pay. Prohibits imposition of any fee on a person or family whose adjusted gross household income is below the federal poverty level.

Subd. 5. Denial, reduction, or termination of services due to fiscal limitations. Requires the county to provide written notification before denying, reducing, or terminating services to an individual.

- 10 **Revisor's instructions.** Instructs the revisor to renumber two subdivisions and correct any cross references and make technical changes needed as a result of the renumbering.
- 11 **Effective date.** States that sections 1 to 9 are effective January 1, 2011.

Article 2.

**Miscellaneous
Overview**

This article appropriates funds and requires equalization of foster care, relative custody, and adoption assistance reimbursement rates.

- 1 **Rate setting.** Requires relative custody and adoption assistance payments to be equal to the foster care maintenance and difficulty of care rate for a child effective July 1, 2011.
- 2 **Postadoption services; appropriation.** Appropriates funds for postadoption services under section 259.85, postadoption service grants.
- 3 **Runaway and homeless youth; appropriation.** Appropriates funds for the Runaway and Homeless Youth Act under section 256K.45.