

# HOUSE RESEARCH

## Bill Summary

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### Article 1: Children and Families Policy Provisions.

#### Overview

This article relates to the Department of Human Services' children and family services policy. Conforming amendments are made so that Minnesota Statutes are consistent with federal requirements. There is statutory reorganization so that procedures related to adoption of children under the guardianship of the commissioner are placed in one chapter. The exception to the civil judgment statute of limitations for child support which was enacted in 2010 is stricken.

- 1** **General.** Amends § 13.46, subd. 2. Allows agencies that administer child welfare programs to have access to child support data to the extent mandated by federal law. Current law allows access to this data for the sole purpose of establishing parentage needed in permanency proceedings.
- 2** **Maltreatment review panels.** Amends § 13.461, subd. 17. Strikes language and statutory reference related to child maltreatment review panels.
- 3** **Adoptive parent.** Amends § 13.465 by adding subd. 5a. Provides that data may be released to adoptive parents according to the provisions of section 260C.613, subd. 2.
- 4** **Definitions.** Amends § 256.998, subd. 1. Requires an employer to report an individual as a new hire if that person has had a lapse in employment of 60 days.
- 5** **Report contents.** Amends § 256.998, subd. 5. Strikes references to specific information that must be contained in employer reports under the child support work reporting system. New language is added to state that reports must contain all information required by federal law.
- 6** **MFIP transitional standard.** Amends § 256J.24, subd. 5. Strikes specific dollar amounts for the MFIP transitional standard and adds that the amount for the MFIP transition standard is the amount published annually by the department. The MFIP transitional standard is based in part on the annual federal cost of living increase for the food support program. Because of this the statutory amount is incorrect for much of the year.

- 7 **Persons who may be adopted.** Amends § 259.22, subd. 2. Strikes references to the commissioner of human services.
- 8 **Venue.** Amends § 259.23, subd. 1. Strikes language related to children under the guardianship of the commissioner of human services. Adds a cross-reference to the new statutory section related to adoption of children who are under the guardianship of the commissioner.
- 9 **Exceptions.** Amends § 259.24, subd. 1. Strikes references to consent to adoption by the commissioner of human services when no parent or guardian is qualified to consent.
- 10 **Child.** Amends § 259.24, subd. 3. Strikes language prohibiting a child who is under the guardianship of the commissioner from refusing placement in an adoptive home. This provision is moved to a new statutory section in chapter 260C.
- 11 **Execution.** Amends § 259.24, subd. 5. Strikes references to the commissioner. Adds new language to the notice provided to all parents who consent to an adoption.
- 12 **Withdrawal of consent.** Amends § 259.24, subd. 6a. Strikes language related to withdrawal of consent to adoption for children who are being placed under the guardianship of the commissioner. The withdrawal of consent for children under the commissioner's guardianship is moved to a new statutory section in chapter 260C. Specifies the agency that must receive written notice if a parent chooses to withdraw consent for adoption.
- 13 **Withholding consent; reason.** Amends § 259.24, subd. 7. Strikes a reference to the commissioner.
- 14 **Placement with relative or friend.** Amends § 259.29, subd. 2. Provides that a child placing agency must honor a parent's request that placement of the child with a specific relative or friend not be considered if that request is in the best interest of the child and is consistent with the relative search criteria in sections 260C.212, subdivision 2, and 260C.221.
- 15 **Transfer of proceedings.** Amends §260.771, subd. 3. Requires the court, in the absence of good cause to the contrary, to transfer preadoptive or adoptive placements of an Indian child who does not reside on or is not domiciled within the reservation to the jurisdiction of the tribal court upon the petition of either parent, the Indian custodian, or the child's tribe.
- 16 **Best interest of the child in foster care.** Amends § 260C.193, subd. 3. Requires consideration of whether the benefits of placing siblings separately outweigh the benefits of placing the children together and maintaining their sibling connection.
- 17 **Permanency progress review for children in foster care for six months.** Amends § 260C.201, subd. 11a. Paragraph (a) requires a six month permanency progress review of foster care placement for all children in out of home placement. Current law requires a six month review for children under age eight. Adds that the review must include parent's progress on the case plan or out-of-home placement plan, the agency's efforts to reunify the child with the parent, the agency's efforts to finalize permanent placement of the child, and in the case of an Indian child, the active efforts to prevent the breakup of the Indian family.

Paragraph (b) requires notice of the permanency hearing to be sent to certain relatives.

Paragraph (c) allows the court at the six month review to order the local agency to develop a plan for permanent placement of the child if the parent is not complying with the case plan or is not maintaining regular contact with the child.

Paragraph (d) requires that if a petition has been filed under this subdivision for the transfer of permanent custody to a relative or for termination of parental rights, the trial must be held within 60

days of the filing of the petition. Current law requires the trial to be held within 90 days.

- 18 Out-of-home placement; plan.** Amends § 260C.212, subd. 1. Strikes the term "residential" and substitutes "foster care." Clarifies that efforts must be made for the child to remain in the same school even though the foster care placement may change. Requires an independent living plan for a child age 16 and older. As part of the plan, requires the agency to provide the child with the child's consumer credit report annually.
- 19 Placement decisions based on best interest of the child.** Amends § 260C.212, subd. 2. Makes technical changes to clarify that the child's medical needs and educational needs are separate considerations in selecting an appropriate placement for the child.
- 20 Relative search.** Amends § 260C.212, subd. 5. Allows relatives to receive notice of permanency progress review hearings as long as the relatives provide their current address to the responsible social service agency and the court. Creates an exception to the relative search requirement when there is past family or domestic violence and the court finds that contacting a specific relative would endanger any family member.
- 21 Administrative or court review.** Amends § 260C.212, subd. 7. Requires the responsible social service agency, when developing a transition plan with a youth, to provide a copy of the youth's consumer credit report. Requires the agency to help the youth interpret the report and resolve inaccuracies in the report.
- 22 Order; retention of jurisdiction.** Amends § 260C.317, subd. 3. Strikes language related to judicial review of children under the guardianship of the commissioner and language related to long-term foster care. Provides a citation to the new statutory section containing these provisions. Clarifies that the court retains jurisdiction over children under the guardianship of the commissioner until the child is adopted, through the child's minority, or up to age 21 as long as the child remains in or returns to foster care.
- 23 Rights of terminated parent.** Amends § 260C.317, subd. 4. Provides that a parent whose parental rights have been terminated can enter into a communication or contact agreement if the court finds this is in the best interest of the child.
- 24 Guardianship.** Amends § 260C.325, subd. 1. Strikes unnecessary language. Specifies the conditions under which the court can order the commissioner to become the child's guardian.
- 25 Both parents deceased.** Amends § 260C.325, subd. 3. Provides that when the child's parent or parents are deceased the court can order guardianship of the child transferred to the commissioner or an individual capable of assuming responsibility for the child. Strikes language permitting the court to transfer guardianship to a licensed child placing agency.
- 26 Guardian's responsibilities.** Amends § 260C.325, subd. 4. Specifies that the guardian of the child has the right to visit the child at any time prior to adoption finalization. Makes the guardian responsible for making all major decisions affecting the child, and clarifies that this does not include guardianship of the estate of the child. Adds that the guardian of the child has a duty to make reasonable efforts to finalize an adoption of the child.
- 27 Change of guardian; termination of guardianship.** Amends § 260C.328. Strikes the provision allowing the court to discharge the guardianship when a child is found to be emancipated. Strikes language allowing the foster parents to be appointed as guardian for children in their care who are age 14 and older. Provides that guardianship ends when the child turns 18, but a child who has been under guardianship and has not been adopted may continue in foster care, or reenter care, until age 21 and the social service agency continues to have legal responsibility for the child.

- 28 Adoption of children under guardianship of commissioner.** Creates § 260C.601.
- Subd. 1. Review and finalization requirements; adoption procedures.** Provides that §§ 260C.601 to 260C.635 govern procedures for judicial review and finalization of adoption for children under the guardianship of the commissioner. Clarifies that all other adoption proceedings are governed by chapter 259.
- Subd. 2. Duty of responsible agency.** States that the responsible social service agency must make reasonable efforts to finalize the adoption of children under the guardianship of the commissioner.
- Subd. 3. Background study.** Requires a background study to be completed before adoptive placement of the child.
- 29 Definitions.** Creates § 260C.603. Defines the terms "adopting parent," "adoption placement agreement," "adoptive parent," "adoptive placement," "commissioner," "guardianship," and "prospective adoptive parent."
- 30 Reasonable efforts to finalize an adoption.** Creates § 260C.605.
- Subd. 1. Requirements.** Provides that the responsible social service agency must make reasonable efforts to finalize the adoption of a child under the guardianship of the commissioner. Provides that efforts to find a permanent placement for the child may be concurrent with attempts to reunify the child with the parent. Lists the components of reasonable efforts.
- Subd. 2. No waiver.** Paragraph (a) requires the agency to make reasonable efforts to place the child for adoption until an adoption is finalized or until the child is no longer under the guardianship of the commissioner.
- Paragraph (b) provides that a child cannot waive the agency's efforts to make an adoptive placement.
- Paragraph (c) bars the court from relieving the agency of its duty to make reasonable efforts to find an adoptive placement for the child.
- 31 Review of progress toward adoption.** Creates § 260C.607.
- Subd. 1. Review hearings.** Requires the court to review efforts to finalize adoptive placement of the child at least every 90 days.
- Subd. 2. Notice.** Lists the individuals and entities that must receive notice of review hearings.
- Subd. 3. Right to participate.** Grants the right to participate in the review hearings to the individuals and entities listed in subdivision 2.
- Subd. 4. Content of review.** Lists the issues and activities that must be reviewed by the court.
- Subd. 5. Required placement by responsible social service agency.** Paragraph (a) provides that the adoptive placement must be made by the responsible social service agency.
- Paragraph (b) allows any relative or foster parent who believes the agency has not reasonably considered their request to be considered as an adoptive placement for the child, to bring this matter before the court during a review hearing. Allows the child and child's guardian ad litem to bring this request as well.
- Subd. 6. Motion and hearing to order adoptive placement.** Sets out the procedure for a

relative or child's foster parent to file a motion for an order of adoptive placement, the court's responsibilities, and the agency's responsibilities.

**Subd. 7. Changing adoptive plan when parent has consented to adoption.** Provides that a court order must find that finalization of the agreed adoptive placement is impossible to achieve within 12 months of the parent's execution of consent to adopt.

**Subd. 8. Timing modified.** Allows the court to hold review hearings more often than every 90 days. Under specified conditions allows the court to hold reviews less often than every 90 days, but in no case less than once every six months.

**32 Social and medical history.** Creates § 260C.609. Requires the social service agency to compile and retain a comprehensive social and medical history for each foster child.

**33 Adoption study required.** Creates § 260C.611. Requires an adoption study to be completed on the home of the adoptive parent prior to placement of the child.

**34 Social services agency as commissioner's agent.** Creates § 260C.613.

**Subd. 1. Adoptive placement decisions.** Provides that the responsible social service agency has exclusive authority to make adoptive placements for children under the guardianship of the commissioner.

**Subd. 2. Disclosure of data permitted to identify adoptive parent.** Allows the agency to disclose private data to prospective adoptive parents for the purpose of identifying a parent willing and able to meet the child's needs.

**Subd. 3. Siblings placed together.** Lists the conditions under which siblings can be separated for adoptive placements.

**Subd. 4. Other considerations.** Prohibits the delay or denial of placement based on the race, color, or national origin of a child or the prospective adoptive parent.

**Subd. 5. Required record keeping.** Lists what information must be documented in the child's records and how long the records must be retained.

**Subd. 6. Death notification.** Provides the requirements for notification of the death of the adopted child or of members of the child's birth family.

**Subd. 7. Terminal illness notification.** Allows the birth parent or the child to request notification of the terminal illness of the other party.

**Subd. 8. Postadoption search services.** Requires the responsible social service agency to respond to requests for social and medical history, including genetic health conditions, from adopted persons age 19 and over, adoptive parents of a minor child, and birth parents.

**35 Duties of the commissioner.** Creates § 260C.615.

**Subd. 1. Duties.** Paragraph (a) provides that for children under the guardianship of the commissioner, the commissioner has exclusive rights to consent to DNR orders and to anatomical donations from the child to another person while the child is living.

Paragraph (b) imposes on the commissioner the duty to process any Interstate Compact requests, process any requests for adoption assistance, execute the adoption placement agreement, and maintain required records.

Paragraph (c) provides that duties not reserved to the commissioner under this section are

delegated to the responsible social service agency.

**Subd. 2. Duties not reserved.** Provides that the responsible social services agency has all duties not reserved to the commissioner.

- 36 Sibling placement.** Creates § 260C.617. Requires that reasonable efforts be made to place siblings together for adoption. Allows the court to make a determination that the siblings may be separated for adoption.
- 37 Communication and contact agreements.** Creates § 260C.619. Allows an adopting parent and a relative or foster parent of the child to enter into an agreement regarding communication and contact with the child. Sets out the conditions and requirements for the agreement.
- 38 Jurisdiction and venue.** Creates § 260C.621.
- Subd. 1. Jurisdiction.** Provides the juvenile court with jurisdiction for all adoption proceedings, including when a child is placed outside the state and the adoption petition is filed in Minnesota. For cases in which the child is placed outside the state, when the receiving state has approved the adopting home, that state also has jurisdiction to conduct an adoption proceeding.
- Subd. 2. Venue.** Provides that venue is the county of the court conducting adoptive placement reviews, except under certain conditions the adoption petition may be filed in the county where the adoptive parent resides.
- 39 Adoption petition.** Creates § 260C.623.
- Subd. 1. Who may petition.** Allows the responsible social service agency or the adopting parent to file the adoption petition. Requires the adopting parent to be at least 21 years of age unless the individual is related to the child.
- Subd. 2. Time for filing petition.** Requires the adoption petition to be filed no later than nine months after the adoption placement agreement has been executed. Allows this time to be extended for certain circumstances.
- Subd. 3. Requirements of petition.** Lists the information that must be included in the verified petition.
- Subd. 4. Attachments to the petition.** Lists the documents that must be filed with the petition.
- 40 Documents filed by social services agency.** Creates § 260C.625. Lists the information that must be filed by the social services agency prior to finalization of the adoption.
- 41 Notice of adoption proceedings.** Creates § 260C.627.
- Subd. 1. To whom given.** Paragraph (a) provides that notice shall not be given to a parent whose rights have been terminated or who has consented to the adoption.
- Paragraph (b) lists the individuals who must receive notice of the adoption proceedings.
- Paragraph (c) requires the petition to be attached to the notice of hearing.
- Subd. 2. Method of service.** Provides that service can be by mail or any other method approved by the Rules of Adoption Procedure.
- 42 Finalization hearing.** Creates § 260C.629.

**Subd. 1. Consent.** Paragraph (a) requires a parent to consent to the child's adoption if the parent's rights have not been terminated; provides that this consent is irrevocable when accepted by the court. Provides that when a parent of an Indian child consents to an adoption that consent may be withdrawn at any time prior to finalization of the adoption.

Paragraph (b) requires a child, age 14 and older, to consent to the adoption in writing.

Paragraph (c) provides consent by the commissioner or the social service agency is not required.

**Subd. 2. Required documents.** Lists the records that must be contained in the court file before an adoption decree can be issued.

**43 Judgment and decree.** Creates § 260C.631. Provides that after taking testimony from the social services agency and the adopting parent, the court may issue the adoption decree if the court finds it is in the best interests of the child to do so. Requires a copy of the decree to be mailed to the commissioner.

**44 Adoption denied.** Creates § 260C.633. Requires the court to deny the adoption petition when the court finds that the proposed adoption is not in the best interests of the child. Instructs the social service agency to take action for the safety and protection of the child.

**45 Effect of adoption.** Creates § 260C.635.

**Subd. 1. Legal effect.** Provides that upon adoption:

- a legal parent and child relation is created between the child and adoptive parent;
- the child shall inherit from the adoptive parents and their relatives, and the adoptive parents and relatives shall inherit from the child;
- the birth parents are relieved of all parental responsibilities, except the duty of support that accrued prior to the order for guardianship to the commissioner; and
- the child has no legal duty to the birth parents or their relatives nor shall the child inherit from the birth parent or their relatives unless otherwise provided in a will.

**Subd. 2. Enrollment in American Indian tribe.** Adoption of an Indian child does not change the child's enrollment in that tribe.

**Subd. 3. Communication or contact agreements.** This section does not prohibit communication or contact agreements.

**46 Access to original birth record information.** Creates §260C.637. Allows an adopted person to request original birth record information according to section 259.89.

**47 Judgments, ten years.** Amends § 541.04. Repeals the child support exception to the statute of limitations on civil judgments. Makes this section effective retroactive from April 15, 2010.

**48 Entry and docketing; survival of judgment.** Amends § 548.09, subd. 1. Repeals the child support exception to the statute of limitations on civil judgments. Makes this section effective retroactive from April 15, 2010.

**49 Definitions.** Amends § 626.556, subd. 2. Provides that if, through information contained in birth records, the department learns the parent of a newborn child has been previously known to the child protection system, then a report of threatened harm will be sent to the local social service agency to conduct an assessment or investigation to determine whether the child is safe. Allows the agency to take action to ensure the safety of the child.

- 50**      **Notice of determination.** Amends § 626.556, subd. 10f. Strikes a statutory cross-reference to the child maltreatment review panel.
- 51**      **Administrative reconsideration; review panel.** Amends § 626.556, subd. 10i. Strikes language related to the child maltreatment review panel.
- 52**      **Records.** Amends § 626.556, subd. 11. Strikes language related to the child maltreatment review panel.
- 53**      **Repealer.** Repeals § 256.022, the child maltreatment review panel.
- 54**      **Effective date.** This article is effective August 2, 2012.

## **Article 2: Safe Place for Newborns**

### **Overview**

This article expands the definition of "safe place." It permits an infant born within seven days to be left with an employee of a safe place.

- 1**      **Give life a chance; safe place for newborns duties; immunity.** Amends § 145.902.
- Subd. 1. General.** Paragraph (a) provides that for purposes of this section, a "safe place" is a hospital licensed under section 144.50 to 144.56, a health care provider who provides 24-hour access to urgent care services, or an ambulance dispatched in response to a 911 call.
- Paragraph (b) provides that newborns may be left with an employee of a safe place during the first seven days of the infant's life. Current law limits the timeframe to within 72 hours of birth.
- Paragraph (c) makes conforming changes.
- Paragraph (d) instructs an urgent care provider to contact 911 and ask for an ambulance to be dispatched. Provides that an ambulance must transport the newborn to a hospital for care.
- Subd. 2. Reporting.** Requires the hospital to inform the responsible social service agency within 24 hours of the time the hospital receives the newborn. Requires the hospital to provide necessary care for the newborn. Prohibits the hospital from contacting the social service agency in the presence of the mother or person leaving the infant at the hospital.
- Subd. 3. Immunity.** Makes technical changes.
- 2**      **Give life a chance; safe place for newborns.** Amends § 260C.217.
- Subd. 1. Duty to attempt reunification, duty to search for relatives, and preferences not applicable.** Provides that the social service agency that accepts responsibility for a child left at a safe place is not required to attempt to reunify the child with the child's parents.
- Subd. 1a. Definitions.** Provides that for purposes of this section, "safe place" has the meaning given in section 145.902.
- Subd. 2. Status of child.** Provides that an infant left at a safe place is considered an abandoned child for purposes of adoption proceedings.
- Subd. 3. Relinquishment of a newborn.** Allows a mother or any person with the mother's permission to bring a newborn to a safe place and leave the infant in the care of an employee of the safe place. Allows a mother or a person with the mother's permission to call 911 and ask



for an ambulance to be dispatched to an agreed upon location to relinquish the newborn.

**Subd. 4. Placement of newborn.** Requires the social service agency to place the infant in foster care for 72 hours while a petition is filed with the court. Requires the agency to immediately begin planning for adoptive placement.

- 3 Unharmed newborns left at a safe place; avoidance of prosecution.** Makes changes to conform to the new definition of "safe place" and the new seven day timeframe under which a newborn can be left with an employee of a safe place.

### Article 3: Adoption Assistance

#### Overview

This article updates adoption assistance procedures and ensures this program is targeted to meet the needs of special needs children who are under the guardianship of the commissioner.

- 1 Definitions.** Creates § 259A.01. Provides definitions for "adoption assistance," "adoptive parent," "AFDC," "assessment," "at-risk child," "basic maintenance payment," "child," "child-placing agency," "child under guardianship of the commissioner of human services," "commissioner," "consent of parent to adoption under chapter 260C," "department," "disability," "foster care," "guardian," "guardianship," "Indian child," "legal custodian," "medical assistance," "parent," "permanent legal and physical custody," "preadoptive parent," "reassessment," "relative," "relative search," "sibling," "social and medical history," "supplemental needs payment," and "termination of parental rights."
- 2 Program administration.** Creates § 259A.05.
- Subd. 1. Administration of title IV-E programs.** Requires the IV-E Adoption Assistance program to comply with federal requirements.
- Subd. 2. Administration responsibilities.** Establishes the administrative process for determining a child's eligibility for adoption assistance. Requires child-placing agencies to assist the commissioner with administering the adoption assistance program. Requires disclosure of the child's eligibility for Medicaid in the state of residence.
- Subd. 3. Procedures, requirements, and deadlines.** Requires the commissioner to establish procedures, requirements, and deadlines for administration of the adoption assistance program.
- Subd. 4. Promotion of programs.** Instructs the commissioner to ensure parents who adopt child with special needs are informed of the adoption tax credit. Directs the commissioner to actively seek ways to promote the adoption assistance program.
- 3 Eligibility requirements.** Creates § 259A.10.
- Subd. 1. General eligibility requirements.** Paragraph (a) lists the eligibility criteria for a child to be eligible for adoption assistance.
- Paragraph (b) provides that the adoptive parents must meet background study requirements.
- Subd. 2. Special needs determination.** Lists the requirements and procedures that must be met or exhausted in order for a child to be identified as a child with special needs and eligible for adoption assistance.
- Subd. 3. Citizenship and immigration status.** Paragraph (a) requires that to be eligible for IV-E adoption assistance a child must be a United States citizen or otherwise eligible for

federal public benefits.

Paragraph (b) requires that to be eligible for state-funded adoption assistance a child must be a United States citizen or meet the qualified alien requirements.

**Subd. 4. Background study.** Requires each prospective adoptive parent to have a background study. Lists criminal convictions that would cause a prospective adoptive parent to be ineligible to receive adoption assistance on behalf of a child.

**Subd. 5. Responsibility for determining adoption assistance eligibility.** Requires the state to determine eligibility for children under the guardianship of the commissioner, a child not under guardianship of the commissioner but who meets the IV-E requirements and no state agency has responsibility for the child, a child under tribal jurisdiction, and an Indian child being placed in Minnesota who meets IV-E eligibility requirements.

**Subd. 6. Exclusions.** Provides that an adoption assistance agreement cannot be entered into with a child's biological parent, a child's relative with whom the child lived prior to placement, a child's legal custodian or guardian, an individual adopting a child through a direct adoptive placement, or an individual adopting a child who is not a citizen or resident of the U.S. and was either adopted in another country or brought to this country for the purpose of adoption.

#### 4 **Establishment of adoption assistance eligibility.** Creates § 259A.15.

**Subd. 1. Adoption assistance certification.** Requires that documentation from a qualified expert must accompany the child-placing agency's certification that a child meets the special needs criteria. Provides that documentation that a child is an at-risk child must meet the requirements established by the commissioner.

**Subd. 2. Adoption assistance agreement.** Paragraph (a) states that an adoption assistance agreement is a binding contract.

Paragraph (b) provides that in order for a parent to receive adoption assistance benefits the adoption assistance agreement must be negotiated with the parent. It must be a written agreement signed by the parent, a representative of the child-placing agency, and the commissioner. Disruption or termination of the adoptive placement prior to finalization voids the agreement.

Paragraph (c) lists the mandatory components of the adoption assistance agreement.

Paragraph (d) states the agreement is effective on the date of the adoption decree.

**Subd. 3. Assessment tool.** Requires that an assessment prescribed by the commissioner must be completed for any child who has a disability that necessitates care beyond that provided in a family setting. The assessment must be submitted with the adoption assistance certification.

#### 5 **Benefits and payments.** Creates § 259A.20.

**Subd. 1. General information.** Requires monthly adoption assistance payments to begin when the commissioner receives the adoption decree and are payable only to the parent or parents specified on the adoption agreement. Provides that payment is considered income and a resource attributable to the child.

**Subd. 2. Medical assistance eligibility.** Provides the criteria for medical assistance eligibility.

**Subd. 3. Payments.** Provides a detailed schedule of the adoption assistance payment guidelines. Includes the basic maintenance payments and the supplemental needs schedule for

children with a disability.

**Subd. 4. Reimbursement for special nonmedical expenses.** States that reimbursement for nonmedical expenses is available to children, except those who are at-risk children. Requires that adoptive parents must first document that all available resources have been exhausted before reimbursement will be given. Requires prior authorization. Lists the expenses that may be eligible for reimbursement.

**6 Determination of adoption assistance benefits and payment.** Creates § 259A.25.

**Subd. 1. Negotiation of adoption assistance agreement.** Requires the adoptive parents and the child-placing agency to negotiate the amount of payment, with consideration given to the needs of the child and the circumstances of the parents. Requires documentation of disability and manifestation of this disability for an at-risk child before the monthly payment will be made.

**Subd. 2. Renegotiation of adoption assistance agreement.** Permits an adoptive parent to request renegotiation of the amount of the adoption assistance payment when there is a change in the child's needs or the family's circumstances. Requires reassessment of the child. If the renegotiation is for payments for an at-risk child, the adoptive parents must submit documentation from a qualified expert, and a reassessment is required.

**Subd. 3. Child income or income attributable to the child.** Provides that any income received by the child must be disregarded when determining the adoption assistance payment.

**7 Reporting responsibilities.** Creates § 259A.30.

**Subd. 1. Notification of change.** Requires adoptive parents to notify the agency of changes in status or circumstances that would make the child ineligible for adoption assistance. Provides a list of additional changes in status that require the adoptive parents to notify the agency within 30 days.

**Subd. 2. Current and true information.** Provides that if an adoptive parent knowingly provides false information or fails to notify the commissioner or agency of changes that may affect eligibility, then the adoptive parent may be investigated for theft and face criminal sanctions.

**8 Termination of agreement.** Creates § 259A.35.

**Subd. 1. Reasons for termination.** Lists the reasons for termination of an adoption agreement and the circumstances under which the adoptive parent is no longer legally responsible for the child.

**Subd. 2. Death of adoptive parent or adoption dissolution.** States that the adoption assistance agreement ends upon the death or termination of parent rights of the adoptive parent.

**Subd. 3. Termination notice for parent.** Requires the commissioner to send written notification of termination of adoption assistance to the adoptive parent.

**9 Assignment of adoption assistance agreement.** Creates § 259A.40.

**Subd. 1. Continuing child's eligibility for title IV-E adoption assistance in a subsequent adoption.** Provides that the child remains eligible in a subsequent adoption if the specified criteria are met.

**Subd. 2. Assigning a child's adoption assistance to a court-appointed guardian.** In cases

where a child is eligible for state-funded adoption assistance, the commissioner can consent, for a maximum of six months, to continue paying the assistance to a guardian appointed by the court upon the death of the adoptive parent.

- 10 Extension of adoption assistance agreement.** Creates § 259A.45.
- Subd. 1. General requirements.** Provides that a child may be eligible for adoption assistance up to age 21 in limited circumstances. Lists the process for requesting the extension.
- Subd. 2. Extension past age 18 for child adopted after 16th birthday.** Provides the criteria under which a child who was adopted after their 16th birthday remains eligible for adoption assistance to age 21.
- Subd. 3. Extension past age 18 for child adopted prior to 16th birthday.** Provides the criteria under which a child who was adopted before their 16th birthday remains eligible for adoption assistance to age 21.
- 11 Overpayments of adoption assistance.** Creates § 259A.50. States that the commissioner is entitled to recover overpayments paid to the adoptive parents even if the overpayment was caused by agency error.
- 12 Appeals and fair hearings.** Creates § 259A.55.
- Subd. 1. Appeals for denials, modifications, or terminations.** Allows an adoptive parent or a prospective adoptive parent to appeal to the commissioner under specified circumstances.
- Subd. 2. Extenuating circumstances.** Allows an adoptive parent who believes extenuating circumstances resulted in the adoption being finalized before the adoption assistance agreement was fully executed to request a fair hearing. Places the burden of proof on the adoptive parent.
- 13 Interstate compact on adoption and medical assistance.** Creates § 259A.65.
- Subd. 1. Purpose.** Provides a purpose and policy statement.
- Subd. 2. Definitions.** Defines "adoption assistance state," "resident state," and "state."
- Subd. 3. Compacts authorized.** Grants the commissioner authority to develop, negotiate, and enter into interstate compacts with other states to implement Medicaid for children receiving adoption assistance.
- Subd. 4. Contents of compacts.** Lists the elements that must be included in the compacts.
- Subd. 5. Duties of the commissioner of human services regarding medical assistance.** Lists the commissioner's responsibilities in providing medical assistance for children with an adoption assistance agreement.
- Subd. 6. Cooperation with Medicaid.** Instructs the adoptive parents to abide by Medicaid program requirements.
- Subd. 7. Federal participation.** Requires the commissioner to comply with state and federal laws.

- 14 Reimbursement of nonrecurring adoption expenses.** Creates § 259A.70. Requires the commissioner to reimburse an adoptive parent for costs incurred in adopting a child with special needs according to section 259A.10, subdivision 2. Provides that reimbursement cannot exceed \$2,000. Sets out the procedures for adoptive parents to receive reimbursement and circumstances under which they are eligible.
- 15 Reimbursement of certain agency costs; purchase of service contracts.** Creates § 259A.75.
- Subd. 1. General information.** Provides that a Minnesota county or tribal agency shall receive a 100 percent reimbursement from the commissioner for the cost of contracted adoption placement services that are not reimbursed under other federal or state sources. Allows the commissioner to spend up to \$16,000 for each contract. Instructs the commissioner to set aside an amount not to exceed 5 percent of the fiscal year appropriation for adoption assistance to reimburse placing agencies for child-specific adoption services.
- Subd. 2. Child eligibility criteria.** Lists the criteria for a child to be the subject of a purchase of service contract.
- Subd. 3. Agency eligibility criteria.** Requires an agency to be licensed in Minnesota and provides that reimbursement will only be made only for services provided before finalization of the adoption.
- Subd. 4. Application and eligibility determination.** Requires the agency requesting reimbursement to submit a completed purchase of service application to the commissioner. Provides that the commissioner shall determine eligibility for reimbursement.
- Subd. 5. Reimbursement process.** Requires the agency providing services to track all billable services. Allows the commissioner to determine whether the requested reimbursement costs are reasonable and appropriate.
- Subd. 6. Retention of purchase of service records.** Requires agencies to maintain all records related to purchase of service contracts in compliance with the department's record retention schedule.
- 16 Effective date.** Provides an August 1, 2012 effective date.

## Article 4: Child Protection

### Overview

This article consolidates statutes so that all provisions related to permanency and adoptions are in one chapter. It clarifies permanency requirements.

- 1 Duty to ensure placement prevention and family reunification; reasonable efforts.** Amends § 260.012. Adds that reasonable efforts to prevent placement and for reunification are not required when the parent has committed sexual abuse against the child or another child of the parent, or the parent has committed an offense that requires registration as a predatory offender.
- 2 Title, intent, and construction.** Amends § 260C.001.
- Subd. 1. Citation; scope.** Changes "child protection" to "juvenile protection." Adds that juvenile protection proceedings include matters involving child in need of services or protection, permanency, postpermanency reviews, and adoption.
- Subd. 2. Juvenile protection proceedings.** Makes technical changes and adds a cross-

reference. Adds that a purpose of juvenile protection proceedings is to ensure appropriate permanency planning for a child in foster care.

**Subd. 3. Permanency, termination of parental rights, and adoption.** Adds that the purpose of laws related to adoption is to ensure reasonable efforts are made to finalize an adoptive home for a child who is under the guardianship of the commissioner in a timely manner.

**Subd. 4. Construction.** Makes a technical change.

- 3 **Child.** Amends § 260C.007, subd. 4. Adds a cross-reference to chapter 260D.
- 4 **Putative father.** Amends § 260C.007, by adding subdivision 26a. Provides that putative father has the meaning given in section 259.21, subdivision 12.
- 5 **Responsible social services agency.** Amends § 260C.007, by adding subdivision 27a. Defines responsible social services agency as the county social services agency responsible for public child welfare.
- 6 **Sibling.** Amends § 260C.007, by adding subdivision 31. Defines sibling as one of two or more individuals who have one or both parents in common through blood, marriage, or adoption.
- 7 **Other matters relating to children.** Amends § 260C.101, subdivision 2. Adds that the juvenile court has jurisdiction over permanency matters. Adds that the court retains jurisdiction of children over age 18 in certain circumstances. Strikes obsolete language.
- 8 **Determining parentage.** Amends § 260C.150, subdivision 1. Provides the procedures for determining parentage.
- 9 **Investigation.** Amends § 260C.157, subdivision 1. Adds cross-references to the language on adoption investigations.
- 10 **General.** Amends § 260C.163, subdivision 1. Clarifies that adoption proceedings are closed to the public and all records are inaccessible except as provided in the Minnesota Rules of Adoption Procedure. Makes technical changes.
- 11 **County attorney.** Amends § 260C.163, subdivision 4. Clarifies that in adoption proceedings the county attorney has the responsibility to advance the public interest in the welfare of the child.
- 12 **Hearing and release requirements.** Amends § 260C.178, subdivision 1. Adds that reunification efforts are not required if a parent has committed sexual abuse against the child or another child of the parent or if the parent has committed an offense that requires registration as a predatory offender. Updates cross-references. Adds that when a child has been ordered into an out-of-home placement, the court can order assessments of the parent in order to develop a reunification plan.
- 13 **Out-of-home placement plan.** Amends § 260C.178, subdivision 7. Makes technical and clarifying changes.
- 14 **Best interest of the child.** Amends § 260C.193, subdivision 3. Requires the court to review the status of an agency's efforts to locate relatives no later than three months after a child has been removed from the home. Clarifies that the best interest standards apply throughout the juvenile protection process.
- 15 **Jurisdiction to review foster care to age 21, termination of jurisdiction, jurisdiction to age 18.** Amends § 260C.193, subdivision 6. Corrects cross-references. Adds the circumstances under which the juvenile court retains jurisdiction over a child when the child becomes age 18.

- 16** **Written findings.** Amends § 260C.201, subdivision 2. Expands written findings of fact that must be included in the court's dispositional order.
- 17** **Court review of foster care.** Amends § 260C.201, subdivision 10. Adds that the court must also review the child's placement during judicial reviews. Corrects cross-references.
- 18** **Relative search.** Amends § 260C.212, subdivision 5. Requires ongoing efforts to locate a relative for placement of a child. Allows agencies to use any reasonable means to locate a relative. Adds a requirement for the agency to issue a report to the court within three months after the child's foster care placement on the agency's efforts to locate relatives. Allows the court, when satisfied the agency has exercised due diligence to locate relatives, to find the agency has used reasonable efforts to locate a relative.
- 19** **Administrative or court review of placements.** Amends § 260C.212, subdivision 7. Clarifies the responsibility for administrative reviews of placement. Sets out the requirements for a state agency when a child will be discharged from foster care at age 18 or older. Specifies components of the written plan.
- 20** **Duties of commissioner.** Amends § 260C.215, subdivision 4. Makes technical and format changes. Lists the practice, training curricula, types of forms, guidance, and consultation that the commissioner is to provide to agencies.
- 21** **Duties of child-placing agencies.** Amends § 260C.215, subdivision 6. Deletes references to provisions prohibited by federal law related to recruitment of foster and adoptive parents.
- 22** **Voluntary foster care for children over age 18; required court review.** Creates § 260C.229. Sets out the procedures and requirements for voluntary placement and reviews.
- 23** **Findings regarding reasonable efforts.** Amends § 260C.301, subdivision 8. Makes clarifying changes.
- 24** **Change of guardian; termination of guardianship.** Amends § 260C.328. Strikes language permitting the guardian and the foster child petition the court to discharge the guardian and appoint the foster parents as guardian of the child. Allows a child who has not been adopted to continue in or reenter foster care at age 18 or after.
- 25** **Foster care benefits past age 18.** Amends § 260C.451. Clarifies eligibility for individual over age 18 to reenter foster care. Provides that a child who can safely return home, a youth who is receiving adult services due to a developmental disability, or a youth who can be adopted or have a permanent legal home with a relative are ineligible for foster care reentry.
- 26** **Permanency proceedings.** Creates § 260C.503.
- Subd. 1. Required permanency proceedings.** Requires permanency proceedings no later than 12 months after the child was placed in care.
- Subd. 2. Termination of parental rights.** Lists the conditions under which the agency must request the county attorney immediately file a petition to terminate parental rights.
- Subd. 3. Calculating time to required permanency proceeding.** Sets out the method of determining the time when permanency hearings are required to be held.
- 27** **Petition.** Creates § 260C.505. Establishes the time limits for when a petition must be filed and upon whom it must be served. Provides that a petition is not required if the child is being reunified with the parent.

- 28 Admit-deny hearing.** Creates § 260C.507. Established the time limits for when the admit-deny hearing on a permanency or TPR petition must be held. Requires the court to enter findings.
- 29 Trial.** Creates § 260C.509. Requires a trial to be held in a timely fashion.
- 30 Best interests of the child.** Creates § 260C.511. Provides that in determining the best interests of the child all relevant factors must be considered.
- 31 Permanency dispositions when child cannot return home.** Creates § 260C.513. Provides that if a child cannot return home, the preferred permanency option is TPR and guardianship to the commissioner.
- 32 Permanency disposition orders.** Creates § 260C.515. Lists the options available to the court for dispositional orders when a child cannot be returned to the home from which the child was removed.
- 33 Findings and content of order for permanency disposition.** Creates § 260C.517. Lists the judicial findings that must be included in an order for out-of-home placement, except for a TPR order.
- 34 Further court hearings.** Creates § 260C.519. Lists when hearings are required after a permanency disposition order has been entered.
- 35 Court reviews after permanency disposition order.** Creates § 260C.521.
- Subd. 1. Child in permanent custody of responsible social services agency.** Requires at least yearly review. Lists the requirements of the review and issues to be examined.
- Subd. 2. Modifying an order for permanent legal and physical custody to a relative.** Requires that the best interests standards must be used in making this modification.
- Subd. 3. Modifying order for permanent custody to agency for placement in foster care.** Allows a parent to file a motion for the child's return home. Allows the responsible social service agency to ask the court to vacate the permanent custody order under specified circumstances.
- 36 Effective date.** Provides an effective date of August 1, 2012.

## Article 5: Child Support

### Overview

This article makes technical changes related to recognition of parentage forms and to a court's continuing, exclusive jurisdiction over child support cases.

- 1 American Indian child welfare projects.** Amends §256.01, subd. 14b. Provides that an American Indian child is one who is under 21 years old. Current law says under 18 years of age.
- 2 Hospital and Department of Health; recognition form.** Amends § 257.75, subdivision 7. Adds that hospitals and the registrar of vital statistics must help new parents complete recognition of parentage form and provide notary services. Requires hospitals to timely file the form with the registrar of vital statistics. This change is being made to comply with federal requirements.
- 3 Change in child care.** Amends §518A.40, subd. 4. Allows the county agency to suspend collecting child care support if either party tells the agency that no child care costs are being incurred and the obligee verifies this fact or the obligee fails to respond within 30 days of written inquiry from the agency.



- 4 **Continuing, exclusive jurisdiction.** Amends § 518C.205. Clarifies that when there is an open child support case, when both parents and the child move from the state of Minnesota, the Minnesota courts do not retain continuing, exclusive jurisdiction over the child support matter.
- 5 **Reciprocal agreement; child support enforcement.** Instructs DHS to initiate procedures to enter into a reciprocal child support agreement with Bermuda. Provides that this section is effective upon Bermuda's written acceptance and agreement to enforce Minnesota child support orders. Allows this section to expire October 1, 2013, if Bermuda does not accept and declines to enforce Minnesota orders.
- 6 **Effective date.** Provides an August 1, 2012 effective date.

## **Article 6: Technical and Conforming Amendments**

### **Overview**

This article makes technical changes to conform to changes made in article 3, and to conform statutes to requirements of federal law.

- 1 **Records required.** Amends § 257.01. Makes a conforming change to reflect that youth can remain in foster care to age 21.
- 2 **Transfer of funds.** Amends § 259.69. Makes technical change from "subsidized adoption account" to "adoption assistance account."
- 3 **Reimbursement of nonrecurring adoption expenses.** Amends § 259.73. Strikes language and makes a cross-reference to section 259A.70.
- 4 **Voluntary and involuntary.** Amends § 260C.301, subdivision 1. Corrects a cross-reference.
- 5 **Annual review.** Amends § 260D.08. Clarifies requirements for judicial reviews of children in voluntary foster care under this chapter.
- 6 **Disposition of child of parent arrested.** Amends § 611.012. Allows a law enforcement officer to release a child to a person designated by the parent unless the child is found in surroundings or conditions that endanger the child.
- 7 **Definitions.** Amends § 626.556, subdivision 2. Conforms the maltreatment of minors act to federal law requiring that a parent's status as a predatory offender be added to the definition of threatened sexual abuse. Adds fetal alcohol syndrome to prenatal substance abuse exposure definition.
- 8 **Duties of local welfare agency and local law enforcement agency upon receipt of report.** Amends § 626.556, subdivision 10. Makes technical changes to reflect the difference between an assessment and an investigation.
- 9 **Determinations.** Amends § 626.556, subdivision 10e. Provides that a child under the age of 10 cannot be classified as the perpetrator of maltreatment.
- 10 **Notice of determinations.** Amends § 626.556, subdivision 10f. Makes technical changes to reflect the difference between an assessment and an investigation.
- 11 **Administrative reconsideration; review panel.** Amends § 626.556, subdivision 10i. Strikes the requirement for the commissioner to establish a panel to review complaints about facility investigations. Clarifies that there is a right to an administrative appeal.
- 12 **Release of certain assessment or investigative records to other counties.** Amends § 626.556,

subdivision 10k. Clarifies that investigative and assessment records can be released.

- 13 Revisor's instruction.** Instructs the Revisor to renumber specific sections and make necessary cross-reference changes.
- 14 Repealer.** Paragraph (a) repeals Minnesota Statutes, §§ 256.022 (child maltreatment review panel); 259.67 (adoption assistance program); 259.71 (interstate adoption compact; service payments); 260C.201, subd. 11 (review of court-ordered placements; permanent placement determinations); 260C.215, subd. 2 (duties of the commissioner); and 260C.456 (foster care benefits until age 21).  
  
Paragraph (b) repeals Minnesota Rules, parts 9560.0071 (applicability and purpose); 9560.0082 (certification); 9560.0083 (determination of amount of adoption subsidy); 9560.0091 (subsidy agreement); 9560.0093 (modification of subsidy), subparts 1 (modification or termination), 3 (appeal), and 4 (local social service agency assistance); 9560.0101 (reimbursement procedures); and 9560.0102 (reimbursement for placing agency).
- 15 Effective date.** Provides an August 1, 2012 effective date.

## Article 7: Child Care

### Overview

This article modifies the child care assistance program.

- 1 Date of eligibility for assistance.** Amends § 119B.09, subd. 7. Changes the date of eligibility for the Basic Sliding Fee child care program from the date of signature to the date of receipt of the application.
- 2 Fee schedule.** Amends § 119B.12, subd. 1. Changes the parent fee schedule from monthly to biweekly.
- 3 Parent fee.** Amends § 119B.12, subd. 2. Makes a conforming change related to the change to the parent fee schedule.
- 4 Background study required.** Amends § 119B.125, subd. 1a. Modifies background study requirements to align background study requirements for legal, nonlicensed providers with the requirements for licensed providers.
- 5 Persons who cannot be authorized.** Amends § 119B.125, subd. 2. Modifies background study requirements to align background study requirements for legal, nonlicensed providers with the requirements for licensed providers.
- 6 Record-keeping requirement.** Amends § 119B.125, subd. 6. Requires child care providers receiving child care assistance payments to maintain written attendance records. Specifies the information that must be included in the written records.
- 7 Subsidy restrictions.** Amends § 119B.13, subd. 1. Changes the frequency of the market rate survey from annual to biennial beginning in 2012.
- 8 Provider payments.** Amends § 119B.13, subd. 6. Prohibits child care assistance payments to providers who are not in compliance with certain licensing or child care assistance program requirements.
- 9 Child care assistance program rule change.** Requires the commissioner to amend Minnesota Rules to remove a requirement that child care assistance applications be submitted by mail or delivered to the agency within 15 calendar days after the date of signature. Requires the commissioner to comply

with the expedited rulemaking process in adopting the amendment.

## **Article 8: Simplification of MFIP and DWP**

### **Overview**

This article makes changes to simplify MFIP and DWP.

- 1**      **Caregiver.** Amends § 256J.08, subd. 11. Modifies the definition of "caregiver" by removing the term "natural parent" and replacing it with "birth parent."
- 2**      **Mandatory assistance unit composition.** Amends § 256J.24, subd. 2. Removes the term "natural parent" and replaces it with "birth parent."
- 3**      **Recertification.** Amends § 256J.32, subd. 6. Aligns MFIP redetermination policy with food support policy for employed MFIP participants by removing the requirement to come into the office for a face-to-face visit to redetermine benefits. Makes this section effective October 1, 2011.
- 4**      **Purpose.** Amends §256J.575, subd. 1. Clarifies that family stabilization services are designed for families who don't make significant progress in the regular employment and training services provided in the MFIP program.
- 5**      **Definitions.** Amends §256J.575, subd. 2. Strikes definitions of "case manager" and "case management." Modifies the definition of "family stabilization services" to include services provided by or through a county agency or employment services agency.
- 6**      **Family stabilization plans; services.** Amends §256J.575, subd. 5. Requires the agency to attempt to meet with a new participant within 30 days of eligibility determination in order to develop a family stabilization plan. Requires that family stabilization participants be given access to employment and training services that are available to other MFIP recipients.
- 7**      **Cooperation with service requirements.** Amends §256J.575, subd. 6. Requires the participant to engage in family stabilization services based on the needs of the participant and family.
- 8**      **Funding.** Amends §256J.575, subd. 8.
- 9**      **Work participation cash benefits.** Amends § 256J.621. Removes inconsistent language.
- 10**     **Exclusive procedure.** Amends § 256J.68, subd. 7. Modifies the injury protection program to extend third party liability protection to participants.
- 11**     **Eligibility for DWP.** Amends § 256J.95, subd. 3. Modifies eligibility for the DWP program by making technical changes and removing two categories of persons from the list of persons excluded from DWP eligibility.