

HOUSE RESEARCH

Bill Summary

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Authors: Allen

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Analyst: Lynn Aves and Danyell Punelli

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Section

Article 1. Northstar Care for Children

Overview

This article modifies provisions of Northstar Care for Children.

- 1 **Children eligible for subsidized adoption assistance.** Amends Minnesota Statutes 2013 Supplement, § 256B.055, subd. 1. Adds a cross reference to chapter 256N, Northstar Care for Children.
- 2 **Licensed child foster parent.** Amends Minnesota Statutes 2013 Supplement, § 256N.02, by adding subdivision 14a. Defines “licensed child foster parent” as a person licensed for child foster care under relevant Minnesota Rules, or by a Minnesota tribe.
- 3 **Placement in foster care.** Amends Minnesota Statutes 2013 Supplement, § 256N.21, subd. 2. Provides that a child in out-of-home placement is eligible for foster care benefits when the legally responsible agency has placement authority and
 - ▶ the child is placed with a licensed child foster parent, or
 - ▶ the child is in an unlicensed foster care setting: emergency relative placement, a licensed adult foster home, an independent living setting, or pre-adoptive placement.

Section

- 4** **Background study.** Amends Minnesota Statutes 2013 Supplement, § 256N.21, by adding subd. 7. Paragraph (a) requires a county or private agency to conduct a background study for child foster care licensing in accordance with chapter 245C and the Adam Walsh Act.
- Paragraph (b) requires a Minnesota tribe to conduct a background study for purposes of child foster care licensing in accordance with the Indian Child Welfare Act and, when applicable, the Adam Walsh Act.
- 5** **Agency determinations regarding permanency.** Amends Minnesota Statutes 2013 Supplement, 2013 Supplement, § 256N.22, subd. 2. Requires the responsible agency to document eligibility determinations when making a determination about placement of a child with a relative custodian.
- 6** **Exclusions.** Amends Minnesota Statutes 2013 Supplement, § 256N.22, subd. 6. Adds that the commissioner shall not enter into a guardianship assistance agreement with the stepparent of a child.
- 7** **General eligibility requirements.** Amends Minnesota Statutes 2013 Supplement, § 256N.22, subd. 1. Clarifies tribal social service agency responsibility in order for a child to be eligible for Northstar adoption assistance.
- 8** **Timing of and request for reassessments.** Amends Minnesota Statutes 2013 Supplement, § 256N.24, subd. 9. Provides that for a child in continuous foster care when six months have elapsed since the last assessment, a reassessment must be completed within 30 days, and annually thereafter.
- 9** **Caregiver requests for reassessments.** Amends Minnesota Statutes 2013 Supplement, § 256N.24, subd. 10. Allows a caregiver to request a reassessment if at least six months have passed since the previous assessment or reassessment.
- Adds paragraph (d) which provides that when a kinship assistance or adoption assistance agreement is signed by all parties, a reassessment cannot be requested or conducted until the agreement goes into effect or expires.
- 10** **Financial considerations.** Amends § 257.85, subd. 11. Modifies the method used by the commissioner to reimburse the local agency for relative custody assistance payments.
- 11** **Out-of-home placement; plan.** Amends § 260C.212, subd. 1. Requires an out-of-home placement plan to include documentation of the permanency plan for the child, when a child cannot be returned to the care of either parent, and documentation necessary to support kinship placement when adoption is not in the child's best interests.
- 12** **Custody to relative.** Amends § 260C.515, subd. 4. Lists the requirements for the transfer of permanent legal and physical custody to a relative, and the factors the court is to consider.

Section

Article 2. Indian Child Welfare

Overview

This article modifies provisions related to Indian child welfare and the Minnesota Indian Family Preservation Act.

- 1 **Emergency placement.** Amends §245A.035, subd. 1. Adds a cross reference to the definition of “relative of an Indian child,” a term newly defined in section 13 of this article.
- 2 **Child foster care license application.** Amends § 245A.035, subd.5. Adds a cross reference to the definition of “relative of an Indian child,” a term newly defined in section 13 of this article.
- 3 **Classification of certain data.** Amends § 245C.22, subd. 7. Adds a cross reference to the definition of “relative of an Indian child,” a term newly defined in section 13 of this article.
- 4 **Relative.** Amends Minnesota Statutes 2013 Supplement, § 256N.02, subd. 18. Adds that for an Indian child, relative includes a person who is a member of the child’s extended family as defined by the Indian Child Welfare Act.
- 5 **Exclusions.** Amends Minnesota Statutes 2013 Supplement, § 256N.23, subd. 6. Adds a cross reference to the definition of “relative of an Indian child,” a term newly defined in section 13 of this article.
- 6 **Definitions.** Amends § 257.85, subd. 3. Adds a cross reference to the definition of “relative of an Indian child,” a term newly defined in section 13 of this article.
- 7 **Relative.** Amends § 259A.01, subd. 25. Adds that for an Indian child, relative includes a person who is a member of the child’s extended family as defined by the Indian Child Welfare Act.
- 8 **Exclusions.** Amends § 259A.10, subd. 6. Adds a cross reference to the definition of “relative of an Indian child,” a term newly defined in section 13 of this article.
- 9 **Purposes.** Creates § 260.753. States that the purposes of the Minnesota Indian Family Preservation Act are to protect the long term best interests, as defined by the tribes, of Indian children, their families, and their tribes; and to preserve the Indian family and tribal identity.
- 10 **Active efforts.** Amends § 260.755, by adding subd. 1a. Defines “active efforts” as a rigorous and concerted level of case work requiring the local social service agency to request participation of the child’s tribe at the earliest possible time and actively solicit the tribe’s participation throughout the case. This is a higher standard than reasonable efforts.
- 11 **Best interests of an Indian child.** Amends § 260.755, by adding subd. 2a. Defines “best interests of an Indian child” as compliance with the Indian Child Welfare Act and the Minnesota Indian Family Preservation Act to preserve and maintain an Indian child’s family.

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- 12** **Relative.** Amends § 260B.007, subd. 12. Adds that for an Indian child, relative includes a person who is a member of the child’s extended family as defined by the Indian Child Welfare Act.
- 13** **Relative of an Indian child.** Amends § 260C.007, by adding subd. 26b. Defines “relative of an Indian child” as a member of the Indian child’s extended family as defined in the Indian Child Welfare Act.
- 14** **Relative.** Amends § 260C.007, subd. 27 by striking the definition of “relative” as it relates to an Indian child.
- 15** **Compliance with Indian Child Welfare Act and Minnesota Indian Family Preservation Act.** Amends § 260C.168. Adds the citation to the Minnesota Indian Family Preservation Act and requires that the provisions of chapter 260C to be construed consistent with the act.
- 16** **Visitation.** Amends § 260C.201, subd. 5. Adds a cross reference to the definition of “relative of an Indian child,” a term newly defined in section 13 of this article.
- 17** **Out-of-home placement; plan.** Amends § 260C.212, subd. 1. Adds a cross reference to the definition of “relative of an Indian child,” a term newly defined in section 13 of this article.

Article 3. Other Children and Family Services Provisions

Overview

The article makes changes to Minnesota Supplemental Aid (MSA) special needs and Group Residential Housing (GRH) provisions.

- 1** **Special needs.** Amends Minnesota Statutes 2013 Supplement, § 256D.44, subd. 5. Modifies MSA special needs housing provisions by removing limits on the number of housing units in a multifamily building that may be occupied by recipients of this program.
- 2** **License required.** Amends § 256I.04, subd. 2a. Modifies the list of types of residences that may be used to provide GRH services to include residences licensed by the commissioner of human services as community residential settings.