

**Subject** Child Protection DHS Policy Bill

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### Overview

This bill modifies provisions related to children’s mental health, children’s residential facilities and foster residence settings background study requirements, qualified residential treatment program placements, county and tribe agreements for child protection oversight and duties, and minor consent to receive homeless youth and sexually exploited youth services.

### Summary

Section	Description
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<b>1</b>	<b>Responsible social services agency.</b>
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Amends § 245.4871 by adding subd. 32a. Defines “responsible social service agency” for purposes of the Children’s Mental Health Act. Makes this section effective September 30, 2021.

<b>2</b>	<b>Admission criteria.</b>
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Amends § 245.4885, subd. 1. Modifies provisions related to admission or placement for treatment of severe emotional disturbance in a treatment foster care setting, residential treatment facility, or regional treatment center.

Paragraph (a) makes clarifying changes.

Paragraph (b) specifies that the responsible social services agency must determine the appropriate level of care for a child when the county pays for services or placement in a qualified residential treatment facility. Requires a juvenile treatment screening team to conduct a screening before recommending whether to place a child in a qualified residential treatment program.

Paragraph (c) requires the responsible social services agency to make the level of care determination available to the juvenile treatment screening team, to inform the screening team’s process and assessment when considering whether to place a child in a qualified residential treatment program. Specifies process for when the

Section	Description
	<p>responsible social services agency is not involved in determining the child's placement.</p> <p>Paragraph (d) makes clarifying changes to the level of care determination process.</p> <p>Paragraph (f) requires the responsible social services agency to engage the child's parents in case planning, unless a court terminates the parent's rights or otherwise restricts parental participation.</p> <p>Paragraph (g) makes a clarifying change.</p> <p>Makes this section effective September 30, 2021.</p>
3	<p><b>Background study.</b></p> <p>Amends § 245C.02, subd. 5. Adds children's residential facilities and foster residence settings to background study definition.</p>
4	<p><b>Foster family setting.</b></p> <p>Amends § 245C.02 by adding subd. 11a. Defines "foster family setting" for purposes of background studies.</p>
5	<p><b>Foster residence setting.</b></p> <p>Amends § 245C.02 by adding subd. 11b. Defines "foster residence setting" for purposes of background studies.</p>
6	<p><b>Title IV-E eligible.</b></p> <p>Amends § 245C.02 by adding subd. 21. Defines "Title IV-E eligible" in relation to children's residential facilities or foster residence settings, for purposes of background studies.</p>
7	<p><b>Licensed programs.</b></p> <p>Amends § 245C.03, subd. 1. Adds adults working in foster residence settings to list of DHS background study subjects.</p>
8	<p><b>Licensed programs; other child care programs.</b></p> <p>Amends § 245C.04, subd. 1. Modifies terminology from "foster care" to "foster family setting" for background study requirements; removes paragraph addressing requirements for child foster care when the applicant or license holder does not reside in the home.</p>

Section	Description
9	<p><b>Children’s residential facilities and foster residence settings.</b></p> <p>Amends § 245C.04 by adding subd. 11. Specifies background study requirements for children’s residential facilities and foster residence settings.</p>
10	<p><b>Background studies conducted by Department of Human Services.</b></p> <p>Amends § 245C.08, subd. 1. Adds foster residence settings and modifies terminology from “foster care” to “foster family setting.”</p>
11	<p><b>Activities pending completion of background study.</b></p> <p>Amends § 245C.13, subd. 2. Modifies terminology and references; adds provisions specifying that an applicant from a Title IV-E eligible children’s residential facility or foster residence setting cannot work in the facility until a background study is completed.</p>
12	<p><b>Disqualification from working in children’s residential facilities and foster residence settings.</b></p> <p>Amends § 245C.14 by adding subd. 3. Paragraph (a) specifies that if an individual is disqualified from direct contact after a background study affiliated with a children’s residential facility or foster residence setting, the person is disqualified from working in the setting in any capacity, and must not have access to any persons receiving services in the setting.</p> <p>Paragraph (b) prohibits an individual from working in a Title IV-E eligible children’s residential facility or foster residence setting after disqualification until the commissioner issues a notice that: (1) the individual is not disqualified; (2) the disqualification has been set aside; or (3) a variance was granted.</p>
13	<p><b>Determining immediate risk of harm.</b></p> <p>Amends § 245C.16, subd. 1. Adds children’s residential facilities and foster residence settings to provision allowing immediate removal of an individual from work if the individual has a disqualification that is a permanent bar.</p>
14	<p><b>Findings.</b></p> <p>Amends § 245C.16, subd. 2. Adds provision prohibiting the commissioner from making certain findings related to an individual’s risk of harm, for Title IV-E eligible children’s residential facilities and foster residence settings.</p>
15	<p><b>Time frame for notice of study results and auditing system access.</b></p> <p>Amends § 245C.17, subd. 1. Adds children’s residential facilities and foster residence settings to provision requiring an order for immediate removal from a position after a background study.</p>

<b>Section</b>	<b>Description</b>
16	<p><b>Disqualification notice to children’s residential facilities and foster residence settings.</b></p> <p>Amends § 245C.17 by adding subd. 7. For children’s residential facilities and foster residence settings, requires notice of immediate removal from direct contact to also order removal of individual from any position in the program or setting. Specifies that for Title IV-E eligible children’s residential facilities and foster residence settings, notices must not allow work under supervision.</p>
17	<p><b>Obligation to remove disqualified individual from direct contact and from working in a program, facility, or setting.</b></p> <p>Amends § 245C.18. Requires the children’s residential facility or foster residence setting license holder to remove the disqualified individual from the program, facility, or setting upon receipt of notice from the commissioner. Requires the same for Title IV-E eligible facilities and settings, unless and until the commissioner issues a notice that: (1) the individual is not disqualified; (2) the disqualification has been set aside; or (3) a variance was granted.</p>
18	<p><b>Contracts for child foster care services.</b></p> <p>Amends § 256.0112, subd. 10. Removes “facility” from Northstar foster care maintenance payments provision. Makes this section effective September 30, 2021.</p>
19	<p><b>Foster care maintenance payments.</b></p> <p>Amends § 256.82, subd. 2. Adds initiative tribes to foster care maintenance payments provision; specifies that the state must approve child care institutions for federal title IV-E reimbursement, and that any facility must be licensed. Makes this section effective September 30, 2021.</p>
20	<p><b>Minor consent to homeless and sexually exploited youth services.</b></p> <p>Proposes coding for § 256K.451. Allows any minor living separate and apart from a parent or legal guardian to give consent to receive homeless youth and sexually exploited youth services. Specifies that this section does not affect legal custody.</p>
21	<p><b>Licensed child foster parent.</b></p> <p>Amends § 256N.02, subd. 14a. Removes foster residence settings from the definition of “licensed child foster parent;” makes clarifying changes. Makes this section effective September 30, 2021.</p>
22	<p><b>Placement in foster care.</b></p> <p>Amends § 256N.21, subd. 2. Clarifies that Northstar foster care benefits are available if a child is placed with a licensed foster parent who resides with the child. Makes this section effective September 30, 2021.</p>

Section	Description
23	<p><b>Excluded activities.</b></p> <p>Amends § 256N.21, subd. 5. Removes facilities and foster residence settings from Northstar foster care benefit provision. Makes this section effective September 30, 2021.</p>
24	<p><b>Extraordinary levels.</b></p> <p>Amends § 256.24, subd. 4. Removes foster residence setting from Northstar foster care benefit assessment levels provision. Makes this section effective September 30, 2021.</p>
25	<p><b>County and tribal agreements; maltreatment assessments and investigations of Indian children.</b></p> <p>Proposes coding for § 260.7611. Allows tribes and counties to enter into written agreements transferring screening and initial response responsibilities for maltreatment reports involving Indian children from the county to the tribe. Requires that agreements made under this subdivision specify which entity is responsible for ongoing case management.</p>
26	<p><b>Family and permanency team.</b></p> <p>Amends § 260C.007 by adding subd. 16a. Defines “family and permanency team,” consisting of the child’s parent or legal custodian, relatives, foster care providers, and professionals who are resources to the child’s family. Specifies that for an Indian child, the team includes tribal representatives, delegates, and cultural resources. Specifies that a child age 14 or older should select two team members who are not caseworkers or foster parents. Allows the responsible social services agency reject an individual the child chooses, for good cause. Makes this section effective September 30, 2021.</p>
27	<p><b>Family foster home.</b></p> <p>Amends § 260C.007 by adding subd. 16b. Defines “family foster home” to exclude foster residence settings and include emergency unlicensed relative placements. Makes this section effective September 30, 2021.</p>
28	<p><b>Legal authority to place the child.</b></p> <p>Amends § 260C.007, subd. 21a. Defines “legal authority to place the child,” meaning that the agency has legal responsibility for the care and control of the child while the child is in foster care. Specifies that this can occur through a court order through a voluntary placement agreement or tribal court order. Makes this section effective September 30, 2021.</p>

Section	Description
29	<p><b>Permanency plan.</b></p> <p>Amends § 260C.007 by adding subd. 25a. Defines “permanency plan” and specifies four permanency goals for children. Makes this section effective September 30, 2021.</p>
30	<p><b>Qualified individual.</b></p> <p>Amends § 260C.007 by adding subd. 26c. Defines “qualified individual,” a trained professional or licensed clinician, including a mental health professional, who is not affiliated with a placement setting or employed by the responsible social services agency. Makes this section effective September 30, 2021.</p>
31	<p><b>Qualified residential treatment program.</b></p> <p>Amends § 260C.007 by adding subd. 26d. Defines “qualified residential treatment program” for purposes of juvenile safety and placement. Makes this section effective September 30, 2021.</p>
32	<p><b>Residential treatment facility.</b></p> <p>Amends § 260C.007 by adding subd. 27b. Defines “residential treatment facility” for the purposes of juvenile safety and placement; specifies that it does not include a psychiatric residential treatment facility or family foster home.</p>
33	<p><b>Juvenile treatment screening team.</b></p> <p>Amends § 260C.157, subd. 3.</p> <p>Paragraph (a) requires a juvenile treatment screening team to screen a child for treatment in a residential treatment facility for emotional disturbance, developmental disability, or related condition. Specifies that a screening team is not required for other listed residential settings, or in a crisis or emergency situation.</p> <p>Paragraph (b) makes clarifying changes, and modifies the composition of the juvenile treatment screening team. Specifies that the team may also include the child’s relatives, foster care providers, and professionals who are resources to the child’s family. Requires consultation with the child if age 14 or older, the child’s parents, and the child’s tribe, if applicable.</p> <p>Paragraph (c) specifies screening team requirements and procedures for when the child screened is an Indian child.</p> <p>Paragraph (d) modifies procedures for when a court proposes residential treatment. Requires the responsible social services agency to conduct a screening, and if residential treatment is recommended in a qualified residential treatment program, to follow statutory requirements. Specifies procedure for when the child is and Indian child.</p>

Section	Description
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Paragraph (e) requires the assessment, required processes, and relative search to begin without delay when a screening team recommends placement in residential treatment. Specifies assessment and consultation procedures and that a child or child's parents may request a culturally competent qualified individual to conduct the assessment. Specifies that the assessment cannot be delayed for the purpose of having it completed by a specific qualified individual.

Paragraph (f) specifies documentation requirements if the screening team determines that placement in a qualified residential treatment program is not required.

Paragraph (h) requires the responsible social services agency to conduct and document screenings in a format approved by the commissioner.

Makes this section effective September 30, 2021.

34	<p><b>Court review of foster care.</b></p>
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Amends § 260C.202. Adds evidence and documentation requirements for when a child is placed in a qualified residential treatment program. Makes this section effective September 30, 2021.

35	<p><b>Permanency progress review for children in foster care for six months.</b></p>
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Amends § 260C.204. Adds evidence and documentation requirements for when a child is placed in a qualified residential treatment program. Makes this section effective September 30, 2021.

36	<p><b>Out-of-home placement; plan.</b></p>
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Amends § 260C.212, subd. 1. Specifies additional out-of-home placement plan requirements for when a child is placed in a qualified residential treatment program.

37	<p><b>Out of home placement plan update.</b></p>
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Amends § 260C.212 by adding subd. 1a. Specifies requirements for an out-of-home placement plan to be updated and filed with the court. Provides required timelines and procedures for plan updates when a child's placement is changed, when the agency places a child in a qualified residential treatment program, and when the agency places a child with the child's parent in a licensed residential family-based substance use disorder treatment program. Makes this section effective September 30, 2021.

Section	Description
38	<p><b>Placement decisions based on best interests of the child.</b></p> <p>Amends § 260C.212, subd. 2. Requires the agency to establish a juvenile treatment screening team to determine the appropriateness of placement in a qualified residential treatment program. Makes this section effective September 30, 2021.</p>
39	<p><b>Monthly caseworker visits.</b></p> <p>Amends § 260C.212, subd. 4a. Allows the responsible social services agency to designate another person for monthly case visits. Defines “another person” for purposes of this section. Makes this section effective September 30, 2021.</p>
40	<p><b>Voluntary foster care; required court review.</b></p> <p>Amends § 260C.227. Specifies requirements for voluntary foster care placement in a qualified residential treatment program.</p>
41	<p><b>Payment for residential placements.</b></p> <p>Amends § 260C.4412. Paragraph (a) adds foster residence settings and children’s residential facilities as eligible settings for foster care maintenance payments as child care institutions.</p> <p>Paragraph (b) requires the commissioner to determine federal Title IV-E administrative procedures for residential programs, including qualified residential treatment programs, other specialized settings, residential care for children and youth sex trafficking victims, residential substance use disorder treatment programs, and supervised independent living settings.</p> <p>Makes this section effective September 30, 2021.</p>
42	<p><b>Qualified residential treatment program; permanency hearing requirements.</b></p> <p>Amends § 260C.503 by adding subd. 4. Clarifies that when a child is placed in a qualified residential treatment facility, the responsible social services agency must submit evidence to the court at the permanency hearing documenting the required assessments, services, and agency efforts. Makes this section effective September 30, 2021.</p>
43	<p><b>Citation.</b></p> <p>Proposes coding for § 260C.70. States that sections 260C.70 to 260C.714 may be cited as “Placements in Qualified Residential Treatment Programs,” and that the sections implement the requirements of the federal Family First Prevention Services Act of 2018, applying to children for whom a juvenile treatment screening team has recommended placement in a qualified residential treatment program. Makes this section effective September 30, 2021.</p>



Section	Description
44	<p><b>Requirements for placements in qualified residential treatment programs.</b></p> <p>Proposes coding for § 260C.702. Specifies requirements for a responsible social services agency to place a child in a qualified residential treatment program. Makes this section effective September 30, 2021.</p>
45	<p><b>Requirements for the qualified individual's assessment of the child for placement in a qualified residential treatment program.</b></p> <p>Proposes coding for § 260C.704. Requires a qualified individual to complete an assessment of the child prior to or within 30 days of the child's placement in a qualified residential treatment program; specifies what the assessment must include. Allows the child and the child's parents to request a specific culturally competent qualified individual for the assessment, when appropriate.</p> <p>Requires the qualified individual to provide the completed assessment to the responsible social services agency, and other specified parties.</p> <p>Allows the agency to share the assessment results with identified parties, if permitted under statute and court rules; allows for sharing of private medical data under specified circumstances. Specifies requirements for when the child is an Indian child.</p> <p>Lists requirements for the contents of the qualified individual's assessment determination.</p> <p>Requires the agency to move the child out of the qualified residential treatment program and transition the child to a less restrictive setting within 30 days of a qualified individual's determination that a less restrictive placement may meet the child's needs.</p> <p>Makes this section effective September 30, 2021.</p>
46	<p><b>Family and permanency team requirements.</b></p> <p>Proposes coding for § 260C.706. Requires the responsible social services agency to assemble a family and permanency team within ten days of a juvenile screening team's recommendation of placement in qualified residential treatment program.</p> <p>Specifies requirements and procedures for identifying and assembling the family and permanency team, under various circumstances. Requires the team to meet to determine the appropriateness and necessity of placement in a qualified residential treatment program, and to participate in case planning. Requires the agency to invite the family and permanency team to participate in case planning and to provide notice of court reviews. Makes this section effective September 30, 2021.</p>

Section	Description
47	<p><b>Out-of-home placement plan for qualified residential treatment program placements.</b></p> <p>Proposes coding for § 260C.708. Specifies requirements for the out-of-home placement plan when the responsible social services agency places a child in a qualified residential treatment program. Makes this section effective September 30, 2021.</p>
48	<p><b>Court approval requirements.</b></p> <p>Proposes coding for § 260C.71. Requires the court, within 60 days of the start of a placement in a qualified residential treatment program, to: (1) consider the qualified individual's assessment; (2) determine whether a family foster home can meet the child's needs, whether placement in a qualified residential treatment program is necessary and appropriate and the least restrictive possible environment, and whether the placement is consistent with goals specified in the permanency plan; and (3) approve or disapprove of the placement. Requires documentation of the court's approval or disapproval. Makes this section effective September 30, 2021.</p>
49	<p><b>Ongoing reviews and permanency hearing requirements.</b></p> <p>Proposes coding for § 260C.712. Requires the responsible social services agency to submit evidence at each administrative review, court review, and permanency hearing while a child remains in a qualified residential treatment program. Specifies what the evidence must demonstrate and document. Makes this section effective September 30, 2021.</p>
50	<p><b>Review of extended qualified residential treatment program placements.</b></p> <p>Proposes coding for § 260C.714. Specifies agency requirements for when a child is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months, or more than six months for a child under age 13. Requires the commissioner to specify procedures and requirements for agency review and approval of extended qualified residential treatment program placements. Makes this section effective September 30, 2021.</p>
51	<p><b>Instruction to commissioner.</b></p> <p>Requires the commissioner of human services to confer with named agencies and stakeholders to make recommendations to the legislature regarding payment for the cost of treatment and care for residential treatment services for children currently served under chapter 260D (voluntary foster care for treatment). Specifies what the recommendations must include; requires a report to the legislature by January 15, 2021.</p>



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