

Subject Family First Prevention Services Act updates and qualified residential treatment program placement

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Article 1: Family First Prevention Services Act Updates

This article makes clarifying changes, adds definitions, and makes other changes related to compliance with the federal Family First Prevention Services Act, primarily in chapter 260C, in sections governing child placement in qualified residential treatment programs.

Section Description - Article 1: Family First Prevention Services Act Updates

1 Admission criteria.

Amends § 245.4885, subd. 1. Modifies terminology; clarifies that the validated tool used to determine a child's need for out-of-home care may be the tool approved for the child's assessment for placement in a qualified residential treatment program, if the juvenile screening team recommended such placement.

Makes this section effective September 30, 2021.

2 Qualified individual.

Amends § 260C.007, subd. 26c. Clarifies who may be a "qualified individual" for purposes of completing a child's assessment for placement in a qualified residential treatment program, when the Indian Child Welfare Act applies to a child.

3 Sexually exploited youth.

Amends § 260C.007, subd. 31. Adds federal definition of commercial sexual exploitation to definition of "sexually exploited youth."

Makes this section effective September 30, 2021.

4 Juvenile treatment screening team.

Amends § 260C.157, subd. 2. Clarifies sexual exploitation language and makes other clarifying changes.

Makes this section effective September 30, 2021.

Section Description - Article 1: Family First Prevention Services Act Updates

5 Out-of-home placement plan update.

Amends § 260C.212, subd. 1a. Specifies that the responsible social services agency must file its report seeking the court's approval of the child's placement at a qualified residential treatment program; makes clarifying changes throughout.

Makes this section effective September 30, 2021.

6 Protecting missing and runaway children and youth at risk of sex trafficking or commercial sexual exploitation.

Amends § 260C.212, subd. 13. Adds commercial sexual exploitation terminology; makes clarifying changes.

Makes this section effective September 30, 2021.

7 Successful transition to adulthood.

Amends § 260C.452.

Subd. 1. Scope and purpose. Defines “youth” for purposes of this section; makes clarifying changes. Adds clauses (4), (5), and (6) specifying circumstances that would make youth eligible for services under this section. Adds paragraph (c), specifying the purpose of the section. Adds paragraph (d) specifying that the responsible social services agency may provide case management and support until a youth is 23 years of age.

Subd. 1a. Case management services. Outlines what case management services include for successful transition to adulthood under this section.

Subd. 2. Independent living plan. Makes clarifying changes.

Subd. 3. Notification. Strikes subdivision 3.

Subd. 4. Administrative or court review of placements. Modifies terminology and references, makes clarifying changes.

Subd. 5. Notice of termination of social services. Modifies terminology and references; removes paragraphs relating to termination of foster care and court review of terminations. Adds paragraph relating to case management service termination, notice, and appeal rights.

Makes this section effective July 1, 2021.

Section Description - Article 1: Family First Prevention Services Act Updates

- 8 Requirements for the qualified individual’s assessment of the child for placement in a qualified residential treatment program.**
Amends § 260C.704. Provides exception to requirement for an assessment prior to placement in a qualified residential treatment program for immediate placements in crisis situations; requires an assessment within 30 days of the child’s placement. Modifies requirements for distributing and filing completed qualified residential treatment facility placement assessments. Modifies placement and referral requirements based on qualified individual recommendations.

Makes this section effective September 30, 2021.
- 9 Family and permanency team requirements.**
Amends § 260C.706. Modifies cross-reference and makes clarifying changes. Requires the responsible social services agency to consult with parents, children aged 14 or older, and the child’s tribe, if applicable, for recommendations regarding the composition of a family and permanency team; specifies that if concerns are raised about specific individuals, those individuals should not be included in the team.

Makes this section effective September 30, 2021.
- 10 Out-of-home placement plan for qualified residential treatment program placements.**
Amends § 260C.708. Modifies cross-reference and terminology; adds required content for a child’s 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.
- 11 Court approval requirements.**
Amends § 260C.71 by adding subdivisions 1, 2, 3, 4, and 5.
- Subd. 1. Judicial review.** Requires placement in a qualified residential treatment facility in specified circumstances. Requires responsible social services agency to obtain a court order within 60 days of placement, that finds that the placement is appropriate and meets the child’s needs.
- Subd. 2. Qualified residential treatment program; agency report to court.** Requires a written report to be filed with the court within 35 days of the child’s placement; specifies required contents of the written report. Requires the agency to inform a child who is 10 or older, and the child’s parent, of the court review requirements and of their right to submit information to the court.

Section Description - Article 1: Family First Prevention Services Act Updates

Subd. 3. Court hearing. Outlines when a court must hold a hearing and when the court has discretion to hold a hearing.

Subd. 4. Court findings and order. Adds clarifying language; adds requirements for when a court disapproves of a child's placement in a qualified residential treatment program.

Subd. 5. Court review and approval not required. Specifies circumstances under which a court hearing and order are not required. Under these circumstances, requires the responsible social services agency to make a plan for the child's placement and file the assessment determination with the court at the next required hearing.

Makes this section effective September 30, 2021.

12 Ongoing reviews and permanency hearing requirements.

Amends § 260C.712. Adds cross-references to 260D sections; adds requirement for the responsible social services agency to submit compelling reasons for placing a child in a qualified residential treatment program in another state, and reasons the child's needs cannot be met by an in-state placement.

Makes this section effective September 30, 2021.

13 Review of extended qualified residential treatment program placements.

Amends § 260C.714. Modifies reference.

Makes this section effective September 30, 2021.

14 Sex trafficking and sexual exploitation training requirement.

Amends § 260E.36 by adding subd. 1b. Adds requirement for all child protection workers to complete training on sex trafficking and sexual exploitation of children and youth.

Makes this section effective July 1, 2021.

Article 2: Family First Prevention Services Act Chapter 260D Provisions

This article makes corresponding clarifying changes from Article 1 in necessary places in Chapter 260D, governing voluntary foster care for treatment.

Section Description - Article 2: Family First Prevention Services Act Chapter 260D Provisions

1 Child in voluntary foster care for treatment.

Amends § 260D.01. Makes clarifying changes; adds paragraph specifying that chapter 260D includes requirements for child placement in a qualified residential treatment program. Adds paragraph specifying that ongoing planning for a child includes engaging with the responsible social services agency to ensure that the family and permanency team makeup is appropriate, and that the agency must make efforts to contact and engage with the child's parent.

Makes this section effective September 30, 2021.

2 Administrative review of child in voluntary foster care for treatment.

Amends § 260D.05. Adds reference to requirements under section 260C.712.

Makes this section effective September 30, 2021.

3 Agency report to court; court review.

Amends § 260D.06, subd. 2. Adds reference to requirements under section 260C.712.

Makes this section effective September 30, 2021.

4 Required permanency review hearing.

Amends § 260D.07. Adds reference to requirements under section 260C.712.

Makes this section effective September 30, 2021.

5 Annual review.

Amends § 260D.08. Adds reference to requirements under section 260C.712.

Makes this section effective September 30, 2021.

6 Successful transition to adulthood for youth in voluntary placement.

Amends § 260D.14. Modifies terminology, makes clarifying and conforming changes. Lowers the age for review of transition to adulthood from 17 to 14.

Makes this section effective September 30, 2021.

Article 3: Family First Prevention Services Act Provider Certification

This article adds definitions to the human services licensing chapter, and adds a section governing certification of qualified residential treatment programs, residential settings specializing in providing care and supportive services for youth who have been or are at risk of

becoming victims of sex trafficking or commercial sexual exploitation, and residential settings specializing in providing prenatal, postpartum, or parenting support for youth.

Section Description - Article 3: Family First Prevention Services Act Provider Certification

- 1 At risk of becoming a victim of sex trafficking or commercial sexual exploitation.**
Amends § 245A.02 by adding subd. 3c. Adds definition of youth “at risk of becoming a victim of sex trafficking or commercial sexual exploitation” to the human services licensing chapter.

Makes this section effective the day following final enactment.
- 2 Children’s residential facility.**
Amends § 245A.02 by adding subd. 4a. Adds definition of “children’s residential facility” to the human services licensing chapter.

Makes this section effective the day following final enactment.
- 3 Foster family setting.**
Amends § 245A.02 by adding subd. 6d. Adds definition of “foster family setting” to the human services licensing chapter.

Makes this section effective the day following final enactment.
- 4 Foster residence setting.**
Amends § 245A.02 by adding subd. 6e. Adds definition of “foster residence setting” to the human services licensing chapter.

Makes this section effective the day following final enactment.
- 5 Trauma.**
Amends § 245A.02 by adding subd. 18a. Adds definition of “trauma” to the human services licensing chapter.

Makes this section effective the day following final enactment.
- 6 Victim of sex trafficking or commercial sexual exploitation.**
Amends § 245A.02 by adding subd. 23. Adds definition of “victim of sex trafficking or commercial sexual exploitation” to the human services licensing chapter.

Makes this section effective the day following final enactment.

Section Description - Article 3: Family First Prevention Services Act Provider Certification

7 Youth.

Amends § 245A.02 by adding subd. 24. Adds definition of “youth” to the human services licensing chapter.

Makes this section effective the day following final enactment.

8 First date of working in a facility or setting; documentation requirements.

Amends § 245A.041 by adding subd. 6. Specifies requirements for documentation of background study subjects’ first date of work in children’s residential facilities and foster residence settings.

Makes this section effective August 1, 2021.

9 Residential program certifications for compliance with the Family First Prevention Services Act.

Proposes coding for § 245A.25.

Subd. 1. Certification scope and applicability. Specifies that the new section establishes requirements for certification of certain children’s residential facilities and child foster residence settings, for purposes of federal Title IV-E funding.

Subd. 2. Program certification types and requests for certification. Specifies that the commissioner may certify qualified residential treatment programs, residential settings specializing in providing care and supportive services for youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation, and residential settings specializing in providing prenatal, postpartum, or parenting support for youth. Specifies procedure for request for certification.

Subd. 3. Trauma-informed care. Requires programs certified as qualified residential treatment programs or residential settings specializing in providing care and supportive services for youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation to provide services according to a trauma-informed model of care. Defines “trauma-informed care” and outlines additional requirements for trauma-informed care in these programs.

Subd. 4. Qualified residential treatment programs; certification requirements. Outlines certification, treatment, discharge, and staffing requirements for qualified residential treatment programs.

Subd. 5. Residential settings specializing in providing care and supportive services for youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation; certification requirements.

Section Description - Article 3: Family First Prevention Services Act Provider Certification

Outlines certification and service delivery requirements for residential settings specializing in providing care and supportive services for youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation

Subd. 6. Residential settings specializing in providing prenatal, postpartum, or parenting supports for youth; certification requirements. Outlines certification and service delivery requirements for residential settings specializing in providing prenatal, postpartum, or parenting supports for youth.

Subd. 7. Monitoring and inspections. Permits the commissioners of human services and corrections to review a certified program's compliance with requirements by conducting an inspection, licensing review, or investigation, and to issue correction orders for noncompliance. Outlines reconsideration processes.

Subd. 8. Decertification. Allows the commissioner of human services to rescind a certification for noncompliance. Outlines reconsideration process.

Subd. 9. Variances. Allows the commissioner of human services to grant variances to certification requirements that do not impact health and safety or compliance with federal Title IV-E requirements.

Makes this section effective the day following final enactment.



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