

**Subject** DHS Child Care and Foster Care Policy Bill

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## Overview

This bill makes technical, clarifying, and policy changes to provisions governing child care providers and foster care.

## Summary

Section	Description
1	<p><b>Reconsideration of correction orders.</b></p> <p>Creates § 119B.162. Allows a child care provider to ask DHS to reconsider the contents of a correction order that the provider alleges to be in error. Provides that the request for reconsideration does not stay any provisions or requirements of the correction order, and makes the DHS commissioner’s decision on a request for reconsideration final and not subject to appeal under chapter 14.</p>
2	<p><b>Cradleboard.</b></p> <p>Adds a subdivision to § 245A.02. Defines the term “cradleboard.” Makes the section effective January 1, 2024.</p>
3	<p><b>Inspections; waiver.</b></p> <p>Amends § 245A.04, subd. 4. Requires that the DHS commissioner inspect licensed child care providers “once each calendar year” rather than “annually.”</p> <p>Makes the section effective immediately.</p>
4	<p><b>Denial of application</b></p> <p>Amends § 245A.05. Modifies the circumstances under which the DHS commissioner may deny a license to an applicant for a family foster setting by providing that a license may be denied if an individual who is living in the household where the licensed services are provided or is otherwise subject to a background study has</p>

Section	Description
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nondisqualifying background study information that reflects on the applicant's ability to safely provide care to foster children.

Makes the section effective immediately.

**5 Sanctions; appeals; license.**

Amends § 245A.07, subd. 1. Allows the DHS commissioner to suspend or revoke a license, impose a fine, or secure an injunction against the continuing operation of the program of a license holder if an individual who is living in the household where the licensed services are provided or is otherwise subject to a background study has nondisqualifying background study information that reflects on the license holder's ability to safely provide care to foster children.

Makes the section effective immediately.

**6 License suspension, revocation, or fine.**

Amends § 245A.07, subd. 3. Allows the DHS commissioner to suspend or revoke a license or impose a fine for a family foster setting if a license holder or an individual who is living in the household where the licensed services are provided or is otherwise subject to a background study has nondisqualifying background study information that reflects on the license holder's ability to safely provide care to foster children. Makes this change effective immediately.

**7 License holder qualifications for child foster care.**

Adds a new subdivision to § 245A.11. Paragraph (a) provides that child foster care license holders must maintain the ability to provide a safe home environment for children placed in their care. Requires that license holders notify the licensing agency of changes to the license holder's or a household member's physical or behavioral health and changes to the care of a child or vulnerable adult for whom the license holder is a parent or legally responsible.

Paragraph (b) allows the licensing agency to request that a license holder or household member undergo an evaluation by a specialist in areas such as physical or behavioral health to evaluate the license holder's ability to provide a safe environment for a foster child. Directs the licensing agency to tell the license holder or household member why a specialist evaluation was requested and to request a release of information from the license holder or household member prior to assigning a specialist to evaluate.

Make the section effective January 1, 2024.

Section	Description
8	<p><b>Special family child care homes.</b></p> <p>Amends § 245A.14, subd. 4. Makes technical changes related to applicability of the Minnesota State Fire Code to special family child care homes.</p>
9	<p><b>Reduction of risk of sudden unexpected infant death in licensed programs.</b></p> <p>Amends § 245A.1435. Modifies paragraph (b) to require that a pacifier placed in a crib with an infant in a licensed child care program is free from any sort of attachment.</p> <p>Adds paragraph (d) to provide that when a license holder puts a child under the age of one year down to sleep, the child’s sleepwear must not have weighted materials, a hood, or a bib.</p> <p>Adds paragraph (e) to allow a license holder to place a child under the age of one down to sleep wearing a helmet if the license holder has signed documentation from a specified medical professional on a form developed by the DHS commissioner.</p> <p>Modifies paragraph (f) to include a definition of a “swaddle” and provide requirements about how it may be used by a child care license holder.</p> <p>Adds paragraph (g) to allow a license holder to request a variance to permit the use of a cradleboard when requested by a parent or guardian for a cultural accommodation. Provides that only the DHS commissioner may issue such a variance, and the request must be submitted on a form developed by DHS in partnership with Tribal welfare agencies and MDH.</p> <p>Makes the section effective January 1, 2024.</p>
10	<p><b>License holder documentation of cribs.</b></p> <p>Amends § 245A.146, subd. 3. Modifies paragraph (e) to delete the requirement that the mattress floor board in every mesh-sided or fabric-sided play yard, pack and play, or playpen used in a licensed family child care program is waterproof.</p> <p>Adds paragraph (f) to provide that if a cradleboard is used in a licensed setting, the license holder must check the cradleboard at least monthly and maintain written documentation of doing so.</p> <p>Makes the section effective January 1, 2024.</p>
11	<p><b>Delegation of authority to agencies.</b></p> <p>Amends § 245A.16, subd. 1. Provides that only the DHS commissioner may issue a variance for the use of a cradleboard for cultural accommodation.</p>

<b>Section</b>	<b>Description</b>
	Makes the section effective January 1, 2024.
<b>12</b>	<b>Licensed family foster settings.</b> Amends § 245A.16, subd. 9. Makes conforming changes related to allowing the DHS commissioner to take specified licensing actions against applicants and license holders for family foster care based on nondisqualifying background study information received for the license holder, applicant, or an individual who is living in the household where the licensed services are provided or who is otherwise subject to a background study.  Makes the section effective immediately.
<b>13</b>	<b>Electronic checklist use by family child care licensors.</b> Adds a new subdivision to § 245A.16. Provides that county staff who perform family child care licensing functions must use the commissioner’s electronic licensing checklist.
<b>14</b>	<b>Child passenger restraint systems; training requirement.</b> Amends § 245A.18, subd. 2. Modifies requirements governing training in the proper use of child restraint systems for programs licensed by DHS under chapter 245A.  Makes the section effective January 1, 2024.
<b>15</b>	<b>Maltreatment of minors training requirements.</b> Adds a subdivision to § 245A.22. Requires that license holders train each mandatory reporter on the maltreatment of minors reporting requirements and definitions before the mandatory reporter has direct contact with a person served by the program. Provides that license holders must train each mandatory reporter annually thereafter.  Makes the section effective January 1, 2024.
<b>16</b>	<b>Means of escape.</b> Amends § 245A.52, subd. 1. Makes changes to requirements governing emergency escape routes in licensed family child care homes.
<b>17</b>	<b>Door to attached garage.</b> Amends § 245A.52, subd. 2. Makes changes to requirements governing attached garages in licensed family child care homes.

<b>Section</b>	<b>Description</b>
18	<p><b>Heating and venting systems.</b></p> <p>Amends § 245A.52, subd. 3. Makes changes to requirements governing heating and venting systems in licensed family child care homes.</p>
19	<p><b>Carbon monoxide and smoke alarms.</b></p> <p>Amends § 245A.52, subd. 5. Makes changes to requirements governing carbon monoxide and smoke alarms in licensed family child care homes.</p>
20	<p><b>Stairways.</b></p> <p>Adds a subdivision to § 245A.52. Adds requirements governing stairways in licensed family child care homes.</p>
21	<p><b>Fire code variances.</b></p> <p>Adds a subdivision to § 245A.52. Requires that a licensed family child care home submit written approval from the state fire marshal and alternative safety measures when submitting specified variance requests.</p>
22	<p><b>Family child foster care training requirements.</b></p> <p>Creates § 245A.60. Identifies various trainings that foster parents and caregivers must complete prior to being licensed or caring for a child. The section applies to programs licensed to provide foster care for children in the license holder's residence.</p> <p>Makes the section effective January 1, 2024.</p>
23	<p><b>Foster residence setting staff training requirements.</b></p> <p>Creates § 245A.61. Identifies various trainings that a license holder or caregiver in a foster residence setting must complete prior to being licensed or caring for a child. Defines a "foster residence setting" as foster care provided by a license holder in a home in which the license holder does not reside.</p> <p>Makes the section effective January 1, 2024.</p>
24	<p><b>Ongoing training requirement.</b></p> <p>Adds a subdivision to § 245A.66. Paragraph (a) requires that children's residential facility and private child-placing agency license holders must, in addition to other specified training requirements, annually provide training to mandatory reporters on the maltreatment of minors reporting requirements and related definitions.</p> <p>Paragraph (b) requires that all family child care license holders, caregivers, foster residence setting staff, and volunteers that are mandatory reporters complete</p>

Section	Description
	training each year on the maltreatment of minors reporting requirements and related definitions.  Makes the section effective January 1, 2024.
25	<b>Appeal of department action.</b> Amends § 245E.06, subd. 3. Makes a conforming change related to allowing a child care provider to ask DHS to reconsider a correction order.
26	<b>Reporting of suspected fraudulent activity.</b> Amends § 245E.08. Provides that after an investigation into fraudulent activity in the child care assistance program is complete, the name of a person who reported the alleged fraudulent activity must be kept confidential and specifies circumstances under which the reporter’s identity may be disclosed.
27	<b>Staff development.</b> Amends § 245G.13, subd. 2. Adds requirement for a substance use disorder treatment license holder to ensure that each mandatory reporter staff member is trained on the reporting of maltreatment of minors requirements under chapter 260E before the staff member has direct contact with a person served by the program.  Makes the section effective January 1, 2024.
28	<b>Notification required.</b> Adds a subdivision to § 245H.03. Requires the authorized agent of a certified, license-exempt child care center to obtain the DHS commissioner’s approval before making any of the specified changes. Provides actions the certification holder must take if unable to provide the DHS commissioner with the required prior notice.
29	<b>Monitoring and inspections.</b> Amends § 245H.05. Requires that the DHS commissioner inspect certified, license-exempt child care centers “once each calendar year” rather than “annually.”  Makes the section effective immediately.
30	<b>Maximum group size.</b> Amends § 245H.08, subd. 4. Allows a certified, license-exempt child care center to continue to serve a child 14 years or older under specified circumstances.  Makes the section effective August 1, 2023.

<b>Section</b>	<b>Description</b>
31	<p><b>Ratios.</b></p> <p>Amends § 245H.08, subd. 5. Allows a certified, license-exempt child care center to continue to serve a child 14 years or older under specified circumstances.</p>
32	<p><b>Administration of medication.</b></p> <p>Amends § 245H.13, subd. 3. Modifies requirements governing administration of medicine in certified, license-exempt child care centers.</p> <p>Makes the section effective August 1, 2023.</p>
33	<p><b>Risk reduction plan.</b></p> <p>Amends § 245H.13, subd. 7. Requires a certified, license-exempt child care center that enrolls both middle-school-age and elementary-school-age children to establish policies and procedures to ensure adequate supervision when the children are grouped together.</p> <p>Makes the section effective August 1, 2023.</p>
34	<p><b>Repealer.</b></p> <p>Repeals §§ 245A.144 (training on risk of sudden unexpected infant death and abusive head trauma for child foster care providers); and 245A.175 (child foster care training requirement; mental health training; fetal alcohol spectrum disorders training). Repeals Minnesota Rules, parts 2960.3070 (foster parent training), 2960.3210 (staff training requirements), and 9502.0425, subparts 5 and 10 (occupancy separations and stairways).</p> <p>Makes this section effective January 1, 2024.</p>



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