

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 2641**

(SENATE AUTHORS: SHERAN, Hayden and Rosen)

DATE	D-PG	OFFICIAL STATUS
03/14/2016	5025	Introduction and first reading Referred to Health, Human Services and Housing
03/23/2016	5199a	Comm report: To pass as amended and re-refer to Finance

A bill for an act

1.1 relating to human services; modifying the basic monthly rate for Northstar Care  
 1.2 for Children; requiring the commissioner to investigate deaths of a child in  
 1.3 foster care; appropriating money; amending Minnesota Statutes 2014, sections  
 1.4 256N.26, subdivisions 3, 5; 256N.28, subdivision 7; 626.556, subdivision 10f;  
 1.5 Minnesota Statutes 2015 Supplement, section 626.556, subdivisions 3c, 10b.  
 1.6

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2014, section 256N.26, subdivision 3, is amended to read:

1.9 Subd. 3. **Basic monthly rate.** From ~~January 1, 2015~~ July 1, 2016, to June 30, 2016  
 1.10 2017, the basic monthly rate must be according to the following schedule:

1.11	Ages 0-5	<del>\$565</del> <u>\$680</u> per month
1.12	Ages 6-12	<del>\$670</del> <u>\$805</u> per month
1.13	Ages 13 and older	<del>\$790</del> <u>\$950</u> per month

1.14 Sec. 2. Minnesota Statutes 2014, section 256N.26, subdivision 5, is amended to read:

1.15 Subd. 5. **Discontinuation of alternate rates for preschool entry and certain**  
 1.16 **transitioned children.** Effective July 1, 2016, a child who entered the Northstar kinship  
 1.17 assistance or adoption assistance components of Northstar Care for Children while under  
 1.18 the age of six ~~shall receive~~ and who received 50 percent of the amount the child would  
 1.19 otherwise be entitled to under subdivisions 3 and 4 shall receive the full amount under  
 1.20 subdivisions 3 and 4. ~~The commissioner may also use the 50 percent rate~~ For a child who  
 1.21 was transitioned into those components through declaration of the commissioner under  
 1.22 section 256N.28, subdivision 7 the Northstar kinship assistance or adoption assistance  
 1.23 components of Northstar Care for Children through declaration of the commissioner, the  
 1.24 alternative rates under section 256N.28, subdivision 7, must end July 1, 2016.

2.1 Sec. 3. Minnesota Statutes 2014, section 256N.28, subdivision 7, is amended to read:

2.2 Subd. 7. **Transitions from pre-Northstar Care for Children programs.** (a) A child  
2.3 in foster care who remains with the same caregiver shall continue to receive benefits under  
2.4 the pre-Northstar Care for Children foster care program under section 256.82. Transitions  
2.5 to Northstar Care for Children must occur as provided in section 256N.21, subdivision 6.

2.6 (b) The commissioner may seek to transition into Northstar Care for Children a child  
2.7 who is in pre-Northstar Care for Children relative custody assistance under section 257.85  
2.8 or pre-Northstar Care for Children adoption assistance under chapter 259A, in accordance  
2.9 with these priorities, in order of priority:

2.10 (1) financial and budgetary constraints;

2.11 (2) complying with federal regulations;

2.12 (3) converting pre-Northstar Care for Children relative custody assistance under  
2.13 section 257.85 to the Northstar kinship assistance component of Northstar Care for  
2.14 Children;

2.15 (4) improving permanency for a child or children;

2.16 (5) maintaining permanency for a child or children;

2.17 (6) accessing additional federal funds; and

2.18 (7) administrative simplification.

2.19 (c) Transitions shall be accomplished according to procedures, deadlines, and  
2.20 requirements specified by the commissioner under subdivision 2.

2.21 (d) The commissioner may accomplish a transition of a child from pre-Northstar  
2.22 Care for Children relative custody assistance under section 257.85 to the Northstar kinship  
2.23 assistance component of Northstar Care for Children by declaration and appropriate notice  
2.24 to the caregiver, provided that the benefit for a child under this paragraph is not reduced.

2.25 (e) The commissioner may offer a transition of a child from pre-Northstar Care for  
2.26 Children adoption assistance under chapter 259A to the adoption assistance component  
2.27 of Northstar Care for Children by contacting the caregiver with an offer. The transition  
2.28 must be accomplished only when the caregiver agrees to the offer. The caregiver shall  
2.29 have a maximum of 90 days to review and accept the commissioner's offer. If the  
2.30 commissioner's offer is not accepted within 90 days, the pre-Northstar Care for Children  
2.31 adoption assistance agreement remains in effect until it terminates or a subsequent offer is  
2.32 made by the commissioner.

2.33 (f) For a child transitioning into Northstar Care for Children, the commissioner shall  
2.34 assign an equivalent assessment level based on the most recently completed supplemental  
2.35 difficulty of care level assessment, unless the commissioner determines that arranging

3.1 for a new assessment under section 256N.24 would be more appropriate based on the  
3.2 priorities specified in paragraph (b).

3.3 (g) For a child transitioning into Northstar Care for Children, regardless of the age  
3.4 of the child, the commissioner shall use the rates under ~~section 256N.26, subdivision 5,~~  
3.5 ~~unless the rates under section 256N.26, subdivisions 3 and 4, are more appropriate based~~  
3.6 ~~on the priorities specified in paragraph (b), as determined by the commissioner.~~

3.7 Sec. 4. Minnesota Statutes 2015 Supplement, section 626.556, subdivision 3c, is  
3.8 amended to read:

3.9 Subd. 3c. **Local welfare agency, Department of Human Services or Department**  
3.10 **of Health responsible for assessing or investigating reports of maltreatment or death.**

3.11 (a) Except as provided in paragraph (b), the county local welfare agency is the agency  
3.12 responsible for assessing or investigating allegations of maltreatment in child foster care  
3.13 that do not involve the death of a foster child, family child care, legally unlicensed  
3.14 child care, juvenile correctional facilities licensed under section 241.021 located in the  
3.15 local welfare agency's county, and reports involving children served by an unlicensed  
3.16 personal care provider organization under section 256B.0659. Copies of findings related  
3.17 to personal care provider organizations under section 256B.0659 must be forwarded to  
3.18 the Department of Human Services provider enrollment.

3.19 (b) The Department of Human Services is the agency responsible for assessing or  
3.20 investigating allegations of maltreatment in:

3.21 (1) facilities licensed under chapters 245A and 245D, except for in child foster care  
3.22 and family child care homes that are monitored by county agencies according to section  
3.23 245A.16, subdivision 1;

3.24 (2) child foster care homes that are monitored by private agencies that have been  
3.25 licensed by the commissioner to perform licensing functions and activities according to  
3.26 section 245A.16, subdivision 1; and

3.27 (3) child foster care and family child care homes that are monitored by county  
3.28 agencies according to section 245A.16, subdivision 1, upon agreement by the county and  
3.29 Department of Human Services for a specific case.

3.30 (c) The Department of Human Services is responsible for investigating the death  
3.31 of a child placed in a foster care program.

3.32 (d) The Department of Health is the agency responsible for assessing or investigating  
3.33 allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58  
3.34 ~~and 144A.46.~~

4.1 Sec. 5. Minnesota Statutes 2015 Supplement, section 626.556, subdivision 10b,  
4.2 is amended to read:

4.3 Subd. 10b. **Duties of commissioner; neglect or, abuse, or death in a facility.** (a)  
4.4 This section applies to the commissioners of human services, health, and education. The  
4.5 commissioner of the agency responsible for assessing or investigating the report shall  
4.6 immediately assess or investigate if the report alleges that:

4.7 (1) a child who is in the care of a facility as defined in subdivision 2 is neglected,  
4.8 physically abused, sexually abused, or is the victim of maltreatment in a facility by an  
4.9 individual in that facility, or has been so neglected or abused, or been the victim of  
4.10 maltreatment in a facility by an individual in that facility within the three years preceding  
4.11 the report; or

4.12 (2) a child was neglected, physically abused, sexually abused, or is the victim of  
4.13 maltreatment in a facility by an individual in a facility defined in subdivision 2, while in  
4.14 the care of that facility within the three years preceding the report.

4.15 The commissioner of the agency responsible for assessing or investigating the  
4.16 report shall arrange for the transmittal to the commissioner of reports received by local  
4.17 agencies and may delegate to a local welfare agency the duty to investigate reports. In  
4.18 conducting an investigation under this section, the commissioner has the powers and  
4.19 duties specified for local welfare agencies under this section. The commissioner of the  
4.20 agency responsible for assessing or investigating the report or local welfare agency may  
4.21 interview any children who are or have been in the care of a facility under investigation  
4.22 and their parents, guardians, or legal custodians.

4.23 (b) Prior to any interview, the commissioner of the agency responsible for assessing  
4.24 or investigating the report or local welfare agency shall notify the parent, guardian, or legal  
4.25 custodian of a child who will be interviewed in the manner provided for in subdivision  
4.26 10d, paragraph (a). If reasonable efforts to reach the parent, guardian, or legal custodian  
4.27 of a child in an out-of-home placement have failed, the child may be interviewed if there  
4.28 is reason to believe the interview is necessary to protect the child or other children in the  
4.29 facility. The commissioner of the agency responsible for assessing or investigating the  
4.30 report or local agency must provide the information required in this subdivision to the  
4.31 parent, guardian, or legal custodian of a child interviewed without parental notification  
4.32 as soon as possible after the interview. When the investigation is completed, any parent,  
4.33 guardian, or legal custodian notified under this subdivision shall receive the written  
4.34 memorandum provided for in subdivision 10d, paragraph (c).

4.35 (c) In conducting investigations under this subdivision the commissioner or local  
4.36 welfare agency shall obtain access to information consistent with subdivision 10,

5.1 paragraphs (h), (i), and (j). In conducting assessments or investigations under this  
5.2 subdivision, the commissioner of education shall obtain access to reports and investigative  
5.3 data that are relevant to a report of maltreatment and are in the possession of a school  
5.4 facility as defined in subdivision 2, paragraph (c), notwithstanding the classification of the  
5.5 data as educational or personnel data under chapter 13. This includes, but is not limited  
5.6 to, school investigative reports, information concerning the conduct of school personnel  
5.7 alleged to have committed maltreatment of students, information about witnesses, and any  
5.8 protective or corrective action taken by the school facility regarding the school personnel  
5.9 alleged to have committed maltreatment.

5.10 (d) The commissioner may request assistance from the local social services agency.

5.11 (e) The commissioner of human services shall investigate every incident involving  
5.12 the death of a child during placement in a child foster care home licensed under chapter  
5.13 245A and Minnesota Rules, chapter 2960. The investigation, notifications, and data  
5.14 classifications are governed by this section, even if abuse or neglect is not alleged or  
5.15 determined in the report.

5.16 Sec. 6. Minnesota Statutes 2014, section 626.556, subdivision 10f, is amended to read:

5.17 Subd. 10f. **Notice of determinations.** Within ten working days of the conclusion  
5.18 of a family assessment, the local welfare agency shall notify the parent or guardian of  
5.19 the child of the need for services to address child safety concerns or significant risk of  
5.20 subsequent child maltreatment. The local welfare agency and the family may also jointly  
5.21 agree that family support and family preservation services are needed. Within ten working  
5.22 days of the conclusion of an investigation, the local welfare agency or agency responsible  
5.23 for investigating the report shall notify the parent or guardian of the child, the person  
5.24 determined to be maltreating the child, and, if applicable, the director of the facility, of  
5.25 the determination and a summary of the specific reasons for the determination. When the  
5.26 investigation involves a child foster care setting that is monitored by a private licensing  
5.27 agency under section 245A.16, ~~the local welfare agency responsible for investigating the~~  
5.28 ~~report~~ Department of Human Services shall notify the private licensing agency of the  
5.29 determination and shall provide a summary of the specific reasons for the determination.  
5.30 The notice to the private licensing agency must include identifying private data, but not the  
5.31 identity of the reporter of maltreatment. The notice must also include a certification that the  
5.32 information collection procedures under subdivision 10, paragraphs (h), (i), and (j), were  
5.33 followed and a notice of the right of a data subject to obtain access to other private data  
5.34 on the subject collected, created, or maintained under this section. In addition, the notice  
5.35 shall include the length of time that the records will be kept under subdivision 11c. The

6.1 investigating agency shall notify the parent or guardian of the child who is the subject of  
6.2 the report, and any person or facility determined to have maltreated a child, of their appeal  
6.3 or review rights under this section. The notice must also state that a finding of maltreatment  
6.4 may result in denial of a license application or background study disqualification under  
6.5 chapter 245C related to employment or services that are licensed by the Department of  
6.6 Human Services under chapter 245A, the Department of Health under chapter 144 or  
6.7 144A, the Department of Corrections under section 241.021, and from providing services  
6.8 related to an unlicensed personal care provider organization under chapter 256B.

6.9       Sec. 7. **CHILD CARE IS AN ALLOWABLE SERVICE FOR PURPOSES OF**  
6.10 **CHILD PROTECTION.**

6.11       The commissioner shall change the brass code related to allowable child protection  
6.12 services to include child care.

6.13       Sec. 8. **CHILD CARE PILOT PROGRAM FOR FAMILIES IN CHILD**  
6.14 **WELFARE SYSTEM MODELED AFTER HENNEPIN COUNTY EARLY**  
6.15 **CHILDHOOD INITIATIVES PILOT.**

6.16       The commissioner shall develop a pilot program, modeled after the early childhood  
6.17 initiatives child care pilot in Hennepin County, for families in the child welfare system.  
6.18 Funds for the pilot must be used to pay child care expenses in high quality child care  
6.19 settings for at risk children ages zero to five years, to help prevent child abuse and neglect.  
6.20 The commissioner shall determine the number of counties participating in the pilot, which  
6.21 must represent urban, suburban, and outstate communities, and compare outcomes in a  
6.22 report to the legislature, due December 15, 2018.

6.23       Sec. 9. **REVIEW OF RULE 4 CHILD FOSTER CARE PRIVATE AGENCIES.**

6.24       The commissioner of human services shall convene a working group to review the  
6.25 impact of removing the licensing responsibilities from private agencies, and replacing  
6.26 those duties with responsibilities to provide technical assistance for prospective foster care  
6.27 providers, care coordination for children in foster care, and training support for foster  
6.28 parents. The commissioner shall submit a report to the 2017 legislative committees with  
6.29 jurisdiction over foster care issues by January 15, 2017, with language and an analysis of  
6.30 costs associated with these changes.

6.31       Sec. 10. **APPROPRIATION.**

7.1 \$..... is appropriated from the general fund to the commissioner of human services  
7.2 for purposes of the child care pilot program for families in the child welfare system in  
7.3 section 8.

7.4 Sec. 11. **APPROPRIATION FOR PARENT SUPPORT OUTREACH PROGRAM.**

7.5 \$..... is appropriated from the general fund to the commissioner of human services  
7.6 to expand the parent support outreach program, which provides early intervention,  
7.7 outreach, and supportive services to families identified through child maltreatment reports  
7.8 that are "screened out" from further child protection action because the reported child  
7.9 maltreatment does not reach the legal standard of abuse or neglect, however, there may be  
7.10 factors that put the children at potential risk. The parent support outreach program helps  
7.11 these children and their families to prevent future incidents of child maltreatment.