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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3812

02/26/2020 Authored by Noor
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division
03/12/2020 Adoption of Report: Re-referred to the Committee on Health and Human Services Policy
03/16/2020 By motion, recalled and re-referred to the Judiciary Finance and Civil Law Division
05/05/2020 Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Policy
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act

1.2 relating to human services; modifying child welfare provisions; amending

1.3 Minnesota Statutes 2018, sections 245.4871, by adding a subdivision; 245.4885,

1.4 subdivision 1; 245C.02, subdivision 5, by adding subdivisions; 245C.04,

1.5 subdivision 1, by adding a subdivision; 245C.14, by adding a subdivision; 245C.16,

1.6 subdivisions 1, 2; 245C.17, subdivision 1, by adding a subdivision; 245C.18;

1.7 256.0112, subdivision 10; 256.82, subdivision 2; 256N.02, subdivision 14a;

1.8 256N.21, subdivisions 2, 5; 256N.24, subdivision 4; 260C.007, by adding

1.9 subdivisions; 260C.157, subdivision 3; 260C.202; 260C.204; 260C.212,

1.10 subdivisions 1, 4a, by adding a subdivision; 260C.227; 260C.4412; 260C.503, by

1.11 adding a subdivision; Minnesota Statutes 2019 Supplement, sections 245C.03,

1.12 subdivision 1; 245C.08, subdivision 1; 245C.13, subdivision 2; 260C.212,

1.13 subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 256K;

1.14 260; 260C.

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

1.16 Section 1. Minnesota Statutes 2018, section 245.4871, is amended by adding a subdivision

1.17 to read:

1.18 Subd. 32a. **Responsible social services agency.** "Responsible social services agency"

1.19 is defined in section 260C.007, subdivision 27a.

1.20 **EFFECTIVE DATE.** This section is effective September 30, 2021.

1.21 Sec. 2. Minnesota Statutes 2018, section 245.4885, subdivision 1, is amended to read:

1.22 Subdivision 1. **Admission criteria.** (a) Prior to admission or placement, except in the

1.23 case of an emergency admission, all children referred for treatment of severe emotional

1.24 disturbance in a treatment foster care setting, residential treatment facility, or informally

1.25 admitted to a regional treatment center shall undergo an assessment to determine the

1.26 appropriate level of care if public funds are used to pay for the services.

2.1 (b) The ~~county board~~ responsible social services agency shall determine the appropriate
2.2 level of care for a child when county-controlled funds are used to pay for the child's services
2.3 or placement in a qualified residential treatment facility under chapter 260C and licensed
2.4 by the commissioner under chapter 245A. In accordance with section 260C.157, a juvenile
2.5 treatment screening team shall conduct a screening before the team may recommend whether
2.6 to place a child in a qualified residential treatment program as defined in section 260C.007,
2.7 subdivision 26d. When a social services agency does not have responsibility for a child's
2.8 placement and the child is enrolled in a prepaid health program under section 256B.69, the
2.9 enrolled child's contracted health plan must determine the appropriate level of care. When
2.10 Indian Health Services funds or funds of a tribally owned facility funded under the Indian
2.11 Self-Determination and Education Assistance Act, Public Law 93-638, are to be used, the
2.12 Indian Health Services or 638 tribal health facility must determine the appropriate level of
2.13 care. When more than one entity bears responsibility for coverage, the entities shall
2.14 coordinate level of care determination activities to the extent possible.

2.15 (c) The responsible social services agency must make the level of care determination
2.16 shall available to the juvenile treatment screening team, as permitted under chapter 13. The
2.17 level of care determination shall inform the juvenile treatment screening team process and
2.18 the assessment in section 260C.704 when considering whether to place the child in a qualified
2.19 residential treatment program. When the responsible social services agency is not involved
2.20 in determining a child's placement, the child's level of care determination shall determine
2.21 whether the proposed treatment:

2.22 (1) is necessary;

2.23 (2) is appropriate to the child's individual treatment needs;

2.24 (3) cannot be effectively provided in the child's home; and

2.25 (4) provides a length of stay as short as possible consistent with the individual child's
2.26 need.

2.27 (d) When a level of care determination is conducted, the responsible social services
2.28 agency or other entity may not determine that a screening under section 260C.157 or referral
2.29 or admission to a treatment foster care setting or residential treatment facility is not
2.30 appropriate solely because services were not first provided to the child in a less restrictive
2.31 setting and the child failed to make progress toward or meet treatment goals in the less
2.32 restrictive setting. The level of care determination must be based on a diagnostic assessment
2.33 that includes a functional assessment which evaluates family, school, and community living
2.34 situations; and an assessment of the child's need for care out of the home using a validated

3.1 tool which assesses a child's functional status and assigns an appropriate level of care. The
3.2 validated tool must be approved by the commissioner of human services. If a diagnostic
3.3 assessment including a functional assessment has been completed by a mental health
3.4 professional within the past 180 days, a new diagnostic assessment need not be completed
3.5 unless in the opinion of the current treating mental health professional the child's mental
3.6 health status has changed markedly since the assessment was completed. The child's parent
3.7 shall be notified if an assessment will not be completed and of the reasons. A copy of the
3.8 notice shall be placed in the child's file. Recommendations developed as part of the level
3.9 of care determination process shall include specific community services needed by the child
3.10 and, if appropriate, the child's family, and shall indicate whether or not these services are
3.11 available and accessible to the child and family.

3.12 (e) During the level of care determination process, the child, child's family, or child's
3.13 legal representative, as appropriate, must be informed of the child's eligibility for case
3.14 management services and family community support services and that an individual family
3.15 community support plan is being developed by the case manager, if assigned.

3.16 (f) ~~The level of care determination shall comply with section 260C.212. The parent shall~~
3.17 ~~be consulted in the process, unless clinically detrimental to the child.~~ When the responsible
3.18 social services agency has authority, the agency must engage the child's parents in case
3.19 planning under sections 260C.212 and 260C.708 unless a court terminates the parent's rights
3.20 or court orders restrict the parent from participating in case planning, visitation, or parental
3.21 responsibilities.

3.22 (g) The level of care determination, and placement decision, and recommendations for
3.23 mental health services must be documented in the child's record, as required in chapters
3.24 260C.

3.25 **EFFECTIVE DATE.** This section is effective September 30, 2021.

3.26 Sec. 3. Minnesota Statutes 2018, section 245C.02, subdivision 5, is amended to read:

3.27 Subd. 5. **Background study.** "Background study" means the review of records conducted
3.28 by the commissioner to determine whether a subject is disqualified from direct contact with
3.29 persons served by a program and, where specifically provided in statutes, whether a subject
3.30 is disqualified from having access to persons served by a program and from working in a
3.31 children's residential facility or foster residence setting.

4.1 Sec. 4. Minnesota Statutes 2018, section 245C.02, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 11a. **Foster family setting.** "Foster family setting" has the meaning given in
4.4 Minnesota Rules, chapter 2960.3010, subpart 23.

4.5 Sec. 5. Minnesota Statutes 2018, section 245C.02, is amended by adding a subdivision to
4.6 read:

4.7 Subd. 11b. **Foster residence setting.** "Foster residence setting" has the meaning given
4.8 in Minnesota Rules, chapter 2960.3010, subpart 26, and includes settings licensed by the
4.9 commissioner of corrections or the commissioner of human services.

4.10 Sec. 6. Minnesota Statutes 2018, section 245C.02, is amended by adding a subdivision to
4.11 read:

4.12 Subd. 21. **Title IV-E eligible.** "Title IV-E eligible" means a children's residential facility
4.13 or foster residence setting that is designated by the commissioner as eligible to receive Title
4.14 IV-E payments for a child placed at the children's residential facility or foster residence
4.15 setting.

4.16 Sec. 7. Minnesota Statutes 2019 Supplement, section 245C.03, subdivision 1, is amended
4.17 to read:

4.18 Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background
4.19 study on:

4.20 (1) the person or persons applying for a license;

4.21 (2) an individual age 13 and over living in the household where the licensed program
4.22 will be provided who is not receiving licensed services from the program;

4.23 (3) current or prospective employees or contractors of the applicant who will have direct
4.24 contact with persons served by the facility, agency, or program;

4.25 (4) volunteers or student volunteers who will have direct contact with persons served
4.26 by the program to provide program services if the contact is not under the continuous, direct
4.27 supervision by an individual listed in clause (1) or (3);

4.28 (5) an individual age ten to 12 living in the household where the licensed services will
4.29 be provided when the commissioner has reasonable cause as defined in section 245C.02,
4.30 subdivision 15;

5.1 (6) an individual who, without providing direct contact services at a licensed program,
5.2 may have unsupervised access to children or vulnerable adults receiving services from a
5.3 program, when the commissioner has reasonable cause as defined in section 245C.02,
5.4 subdivision 15;

5.5 (7) all controlling individuals as defined in section 245A.02, subdivision 5a;

5.6 (8) notwithstanding the other requirements in this subdivision, child care background
5.7 study subjects as defined in section 245C.02, subdivision 6a; and

5.8 (9) notwithstanding clause (3), for children's residential facilities and foster residence
5.9 settings, any adult working in the facility, whether or not the individual will have direct
5.10 contact with persons served by the facility.

5.11 (b) For child foster care when the license holder resides in the home where foster care
5.12 services are provided, a short-term substitute caregiver providing direct contact services for
5.13 a child for less than 72 hours of continuous care is not required to receive a background
5.14 study under this chapter.

5.15 Sec. 8. Minnesota Statutes 2018, section 245C.04, subdivision 1, is amended to read:

5.16 Subdivision 1. **Licensed programs; other child care programs.** (a) The commissioner
5.17 shall conduct a background study of an individual required to be studied under section
5.18 245C.03, subdivision 1, at least upon application for initial license for all license types.

5.19 (b) The commissioner shall conduct a background study of an individual required to be
5.20 studied under section 245C.03, subdivision 1, including a child care background study
5.21 subject as defined in section 245C.02, subdivision 6a, in a family child care program, licensed
5.22 child care center, certified license-exempt child care center, or legal nonlicensed child care
5.23 provider, on a schedule determined by the commissioner. Except as provided in section
5.24 245C.05, subdivision 5a, a child care background study must include submission of
5.25 fingerprints for a national criminal history record check and a review of the information
5.26 under section 245C.08. A background study for a child care program must be repeated
5.27 within five years from the most recent study conducted under this paragraph.

5.28 (c) At reapplication for a family child care license:

5.29 (1) for a background study affiliated with a licensed family child care center or legal
5.30 nonlicensed child care provider, the individual shall provide information required under
5.31 section 245C.05, subdivision 1, paragraphs (a), (b), and (d), to the county agency, and be
5.32 fingerprinted and photographed under section 245C.05, subdivision 5;

6.1 (2) the county agency shall verify the information received under clause (1) and forward
6.2 the information to the commissioner to complete the background study; and

6.3 (3) the background study conducted by the commissioner under this paragraph must
6.4 include a review of the information required under section 245C.08.

6.5 (d) The commissioner is not required to conduct a study of an individual at the time of
6.6 reapplication for a license if the individual's background study was completed by the
6.7 commissioner of human services and the following conditions are met:

6.8 (1) a study of the individual was conducted either at the time of initial licensure or when
6.9 the individual became affiliated with the license holder;

6.10 (2) the individual has been continuously affiliated with the license holder since the last
6.11 study was conducted; and

6.12 (3) the last study of the individual was conducted on or after October 1, 1995.

6.13 (e) The commissioner of human services shall conduct a background study of an
6.14 individual specified under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6),
6.15 who is newly affiliated with a child foster care family setting license holder:

6.16 (1) the county or private agency shall collect and forward to the commissioner the
6.17 information required under section 245C.05, subdivisions 1 and 5, when the child foster
6.18 ~~care~~ family setting applicant or license holder resides in the home where child foster care
6.19 services are provided; and

6.20 ~~(2) the child foster care license holder or applicant shall collect and forward to the~~
6.21 ~~commissioner the information required under section 245C.05, subdivisions 1 and 5, when~~
6.22 ~~the applicant or license holder does not reside in the home where child foster care services~~
6.23 ~~are provided; and~~

6.24 ~~(3)~~ (2) the background study conducted by the commissioner of human services under
6.25 this paragraph must include a review of the information required under section 245C.08,
6.26 subdivisions 1, 3, and 4.

6.27 (f) The commissioner shall conduct a background study of an individual specified under
6.28 section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6), who is newly affiliated
6.29 with an adult foster care or family adult day services and with a family child care license
6.30 holder or a legal nonlicensed child care provider authorized under chapter 119B and:

6.31 (1) except as provided in section 245C.05, subdivision 5a, the county shall collect and
6.32 forward to the commissioner the information required under section 245C.05, subdivision

7.1 1, paragraphs (a) and (b), and subdivision 5, paragraphs (a), (b), and (d), for background
7.2 studies conducted by the commissioner for all family adult day services, for adult foster
7.3 care when the adult foster care license holder resides in the adult foster care residence, and
7.4 for family child care and legal nonlicensed child care authorized under chapter 119B;

7.5 (2) the license holder shall collect and forward to the commissioner the information
7.6 required under section 245C.05, subdivisions 1, paragraphs (a) and (b); and 5, paragraphs
7.7 (a) and (b), for background studies conducted by the commissioner for adult foster care
7.8 when the license holder does not reside in the adult foster care residence; and

7.9 (3) the background study conducted by the commissioner under this paragraph must
7.10 include a review of the information required under section 245C.08, subdivision 1, paragraph
7.11 (a), and subdivisions 3 and 4.

7.12 (g) Applicants for licensure, license holders, and other entities as provided in this chapter
7.13 must submit completed background study requests to the commissioner using the electronic
7.14 system known as NETStudy before individuals specified in section 245C.03, subdivision
7.15 1, begin positions allowing direct contact in any licensed program.

7.16 (h) For an individual who is not on the entity's active roster, the entity must initiate a
7.17 new background study through NETStudy when:

7.18 (1) an individual returns to a position requiring a background study following an absence
7.19 of 120 or more consecutive days; or

7.20 (2) a program that discontinued providing licensed direct contact services for 120 or
7.21 more consecutive days begins to provide direct contact licensed services again.

7.22 The license holder shall maintain a copy of the notification provided to the commissioner
7.23 under this paragraph in the program's files. If the individual's disqualification was previously
7.24 set aside for the license holder's program and the new background study results in no new
7.25 information that indicates the individual may pose a risk of harm to persons receiving
7.26 services from the license holder, the previous set-aside shall remain in effect.

7.27 (i) For purposes of this section, a physician licensed under chapter 147 is considered to
7.28 be continuously affiliated upon the license holder's receipt from the commissioner of health
7.29 or human services of the physician's background study results.

7.30 (j) For purposes of family child care, a substitute caregiver must receive repeat
7.31 background studies at the time of each license renewal.

7.32 (k) A repeat background study at the time of license renewal is not required if the family
7.33 child care substitute caregiver's background study was completed by the commissioner on

8.1 or after October 1, 2017, and the substitute caregiver is on the license holder's active roster
8.2 in NETStudy 2.0.

8.3 (l) Before and after school programs authorized under chapter 119B, are exempt from
8.4 the background study requirements under section 123B.03, for an employee for whom a
8.5 background study under this chapter has been completed.

8.6 Sec. 9. Minnesota Statutes 2018, section 245C.04, is amended by adding a subdivision to
8.7 read:

8.8 Subd. 11. Children's residential facilities and foster residence settings. Applicants
8.9 and license holders for children's residential facilities and foster residence settings must
8.10 submit a background study request to the commissioner using the electronic system known
8.11 as NETStudy 2.0:

8.12 (1) before the commissioner issues a license to an applicant;

8.13 (2) before an individual age 13 or older, who is not currently receiving services from
8.14 the licensed facility or setting, may live in the licensed program or setting;

8.15 (3) before a volunteer has unsupervised direct contact with persons that the program
8.16 serves;

8.17 (4) before an individual becomes a controlling individual as defined in section 245A.02,
8.18 subdivision 5a;

8.19 (5) before an adult, regardless of whether or not the individual will have direct contact
8.20 with persons served by the facility, begins working in the facility or setting;

8.21 (6) when directed to by the commissioner for an individual who resides in the household
8.22 as described in section 245C.03, subdivision 1, paragraph (a), clause (5); and

8.23 (7) when directed to by the commissioner for an individual who may have unsupervised
8.24 access to children or vulnerable adults as described in section 245C.03, subdivision 1,
8.25 paragraph (a), clause (6).

8.26 Sec. 10. Minnesota Statutes 2019 Supplement, section 245C.08, subdivision 1, is amended
8.27 to read:

8.28 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)
8.29 For a background study conducted by the Department of Human Services, the commissioner
8.30 shall review:

9.1 (1) information related to names of substantiated perpetrators of maltreatment of
9.2 vulnerable adults that has been received by the commissioner as required under section
9.3 626.557, subdivision 9c, paragraph (j);

9.4 (2) the commissioner's records relating to the maltreatment of minors in licensed
9.5 programs, and from findings of maltreatment of minors as indicated through the social
9.6 service information system;

9.7 (3) information from juvenile courts as required in subdivision 4 for individuals listed
9.8 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

9.9 (4) information from the Bureau of Criminal Apprehension, including information
9.10 regarding a background study subject's registration in Minnesota as a predatory offender
9.11 under section 243.166;

9.12 (5) except as provided in clause (6), information received as a result of submission of
9.13 fingerprints for a national criminal history record check, as defined in section 245C.02,
9.14 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
9.15 record check as defined under section 245C.02, subdivision 15a, or as required under section
9.16 144.057, subdivision 1, clause (2);

9.17 (6) for a background study related to a child foster ~~care~~ family setting application for
9.18 licensure, foster residence settings, children's residential facilities, a transfer of permanent
9.19 legal and physical custody of a child under sections 260C.503 to 260C.515, or adoptions,
9.20 and for a background study required for family child care, certified license-exempt child
9.21 care, child care centers, and legal nonlicensed child care authorized under chapter 119B,
9.22 the commissioner shall also review:

9.23 (i) information from the child abuse and neglect registry for any state in which the
9.24 background study subject has resided for the past five years;

9.25 (ii) when the background study subject is 18 years of age or older, or a minor under
9.26 section 245C.05, subdivision 5a, paragraph (c), information received following submission
9.27 of fingerprints for a national criminal history record check; and

9.28 (iii) when the background study subject is 18 years of age or older or a minor under
9.29 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
9.30 license-exempt child care, licensed child care centers, and legal nonlicensed child care
9.31 authorized under chapter 119B, information obtained using non-fingerprint-based data
9.32 including information from the criminal and sex offender registries for any state in which

10.1 the background study subject resided for the past five years and information from the national
10.2 crime information database and the national sex offender registry; and

10.3 (7) for a background study required for family child care, certified license-exempt child
10.4 care centers, licensed child care centers, and legal nonlicensed child care authorized under
10.5 chapter 119B, the background study shall also include, to the extent practicable, a name
10.6 and date-of-birth search of the National Sex Offender Public website.

10.7 (b) Notwithstanding expungement by a court, the commissioner may consider information
10.8 obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice
10.9 of the petition for expungement and the court order for expungement is directed specifically
10.10 to the commissioner.

10.11 (c) The commissioner shall also review criminal case information received according
10.12 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
10.13 to individuals who have already been studied under this chapter and who remain affiliated
10.14 with the agency that initiated the background study.

10.15 (d) When the commissioner has reasonable cause to believe that the identity of a
10.16 background study subject is uncertain, the commissioner may require the subject to provide
10.17 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
10.18 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
10.19 shall not be saved by the commissioner after they have been used to verify the identity of
10.20 the background study subject against the particular criminal record in question.

10.21 (e) The commissioner may inform the entity that initiated a background study under
10.22 NETStudy 2.0 of the status of processing of the subject's fingerprints.

10.23 Sec. 11. Minnesota Statutes 2019 Supplement, section 245C.13, subdivision 2, is amended
10.24 to read:

10.25 Subd. 2. **~~Direct contact~~ Activities pending completion of background study**. The
10.26 subject of a background study may not perform any activity requiring a background study
10.27 under paragraph (c) until the commissioner has issued one of the notices under paragraph
10.28 (a).

10.29 (a) Notices from the commissioner required prior to activity under paragraph ~~(b)~~ (c)
10.30 include:

10.31 (1) a notice of the study results under section 245C.17 stating that:

10.32 (i) the individual is not disqualified; or

11.1 (ii) more time is needed to complete the study but the individual is not required to be
 11.2 removed from direct contact or access to people receiving services prior to completion of
 11.3 the study as provided under section 245C.17, subdivision 1, paragraph (b) or (c). The notice
 11.4 that more time is needed to complete the study must also indicate whether the individual is
 11.5 required to be under continuous direct supervision prior to completion of the background
 11.6 study. When more time is necessary to complete a background study of an individual
 11.7 affiliated with a Title IV-E eligible children's residential facility or foster residence setting,
 11.8 the individual may not work in the facility or setting regardless of whether or not the
 11.9 individual is supervised;

11.10 (2) a notice that a disqualification has been set aside under section 245C.23; or

11.11 (3) a notice that a variance has been granted related to the individual under section
 11.12 245C.30.

11.13 (b) For a background study affiliated with a licensed child care center or certified
 11.14 license-exempt child care center, the notice sent under paragraph (a), clause (1), item (ii),
 11.15 must require the individual to be under continuous direct supervision prior to completion
 11.16 of the background study except as permitted in subdivision 3.

11.17 (c) Activities prohibited prior to receipt of notice under paragraph (a) include:

11.18 (1) being issued a license;

11.19 (2) living in the household where the licensed program will be provided;

11.20 (3) providing direct contact services to persons served by a program unless the subject
 11.21 is under continuous direct supervision;

11.22 (4) having access to persons receiving services if the background study was completed
 11.23 under section 144.057, subdivision 1, or 245C.03, subdivision 1, paragraph (a), clause (2),
 11.24 (5), or (6), unless the subject is under continuous direct supervision; ~~or~~

11.25 (5) for licensed child care centers and certified license-exempt child care centers,
 11.26 providing direct contact services to persons served by the program; or

11.27 (6) for children's residential facilities or foster residence settings, working in the facility
 11.28 or setting.

11.29 Sec. 12. Minnesota Statutes 2018, section 245C.14, is amended by adding a subdivision
 11.30 to read:

11.31 **Subd. 3. Disqualification from working in children's residential facilities and foster**
 11.32 **residence settings.** (a) For a background study affiliated with a children's residential facility

12.1 or foster residence setting, if an individual is disqualified from direct contact under
12.2 subdivision 1, the commissioner must also disqualify the individual from working in the
12.3 children's residential facility or foster residence setting and from having access to a person
12.4 receiving services from the facility or setting.

12.5 (b) Notwithstanding any other requirement of this chapter, for a background study
12.6 affiliated with a Title IV-E eligible children's residential facility or foster residence setting,
12.7 if an individual is disqualified, the individual may not work in the facility or setting until
12.8 the commissioner has issued a notice stating that:

12.9 (1) the individual is not disqualified;

12.10 (2) a disqualification has been set aside under section 245C.23; or

12.11 (3) a variance has been granted related to the individual under section 245C.30.

12.12 Sec. 13. Minnesota Statutes 2018, section 245C.16, subdivision 1, is amended to read:

12.13 Subdivision 1. **Determining immediate risk of harm.** (a) If the commissioner determines
12.14 that the individual studied has a disqualifying characteristic, the commissioner shall review
12.15 the information immediately available and make a determination as to the subject's immediate
12.16 risk of harm to persons served by the program where the individual studied will have direct
12.17 contact with, or access to, people receiving services.

12.18 (b) The commissioner shall consider all relevant information available, including the
12.19 following factors in determining the immediate risk of harm:

12.20 (1) the recency of the disqualifying characteristic;

12.21 (2) the recency of discharge from probation for the crimes;

12.22 (3) the number of disqualifying characteristics;

12.23 (4) the intrusiveness or violence of the disqualifying characteristic;

12.24 (5) the vulnerability of the victim involved in the disqualifying characteristic;

12.25 (6) the similarity of the victim to the persons served by the program where the individual
12.26 studied will have direct contact;

12.27 (7) whether the individual has a disqualification from a previous background study that
12.28 has not been set aside; and

12.29 (8) if the individual has a disqualification which may not be set aside because it is a
12.30 permanent bar under section 245C.24, subdivision 1, or the individual is a child care
12.31 background study subject who has a felony-level conviction for a drug-related offense in

13.1 the last five years, the commissioner may order the immediate removal of the individual
13.2 from any position allowing direct contact with, or access to, persons receiving services from
13.3 the program and from working in a children's residential facility or foster residence setting.

13.4 (c) This section does not apply when the subject of a background study is regulated by
13.5 a health-related licensing board as defined in chapter 214, and the subject is determined to
13.6 be responsible for substantiated maltreatment under section 626.556 or 626.557.

13.7 (d) This section does not apply to a background study related to an initial application
13.8 for a child foster ~~care~~ family setting license.

13.9 (e) Except for paragraph (f), this section does not apply to a background study that is
13.10 also subject to the requirements under section 256B.0659, subdivisions 11 and 13, for a
13.11 personal care assistant or a qualified professional as defined in section 256B.0659,
13.12 subdivision 1.

13.13 (f) If the commissioner has reason to believe, based on arrest information or an active
13.14 maltreatment investigation, that an individual poses an imminent risk of harm to persons
13.15 receiving services, the commissioner may order that the person be continuously supervised
13.16 or immediately removed pending the conclusion of the maltreatment investigation or criminal
13.17 proceedings.

13.18 Sec. 14. Minnesota Statutes 2018, section 245C.16, subdivision 2, is amended to read:

13.19 Subd. 2. **Findings.** (a) After evaluating the information immediately available under
13.20 subdivision 1, the commissioner may have reason to believe one of the following:

13.21 (1) the individual poses an imminent risk of harm to persons served by the program
13.22 where the individual studied will have direct contact or access to persons served by the
13.23 program or where the individual studied will work;

13.24 (2) the individual poses a risk of harm requiring continuous, direct supervision while
13.25 providing direct contact services during the period in which the subject may request a
13.26 reconsideration; or

13.27 (3) the individual does not pose an imminent risk of harm or a risk of harm requiring
13.28 continuous, direct supervision while providing direct contact services during the period in
13.29 which the subject may request a reconsideration.

13.30 (b) After determining an individual's risk of harm under this section, the commissioner
13.31 must notify the subject of the background study and the applicant or license holder as
13.32 required under section 245C.17.

14.1 (c) For Title IV-E eligible children's residential facilities and foster residence settings,
14.2 the commissioner is prohibited from making the findings in paragraph (a), clause (2) or (3).

14.3 Sec. 15. Minnesota Statutes 2018, section 245C.17, subdivision 1, is amended to read:

14.4 Subdivision 1. **Time frame for notice of study results and auditing system access.** (a)
14.5 Within three working days after the commissioner's receipt of a request for a background
14.6 study submitted through the commissioner's NETStudy or NETStudy 2.0 system, the
14.7 commissioner shall notify the background study subject and the license holder or other
14.8 entity as provided in this chapter in writing or by electronic transmission of the results of
14.9 the study or that more time is needed to complete the study. The notice to the individual
14.10 shall include the identity of the entity that initiated the background study.

14.11 (b) Before being provided access to NETStudy 2.0, the license holder or other entity
14.12 under section 245C.04 shall sign an acknowledgment of responsibilities form developed
14.13 by the commissioner that includes identifying the sensitive background study information
14.14 person, who must be an employee of the license holder or entity. All queries to NETStudy
14.15 2.0 are electronically recorded and subject to audit by the commissioner. The electronic
14.16 record shall identify the specific user. A background study subject may request in writing
14.17 to the commissioner a report listing the entities that initiated a background study on the
14.18 individual.

14.19 (c) When the commissioner has completed a prior background study on an individual
14.20 that resulted in an order for immediate removal and more time is necessary to complete a
14.21 subsequent study, the notice that more time is needed that is issued under paragraph (a)
14.22 shall include an order for immediate removal of the individual from any position allowing
14.23 direct contact with or access to people receiving services and from working in a children's
14.24 residential facility or foster residence setting pending completion of the background study.

14.25 Sec. 16. Minnesota Statutes 2018, section 245C.17, is amended by adding a subdivision
14.26 to read:

14.27 **Subd. 7. Disqualification notice to children's residential facilities and foster residence**
14.28 **settings.** (a) For children's residential facilities and foster residence settings, all notices
14.29 under this section that order the license holder to immediately remove the individual studied
14.30 from any position allowing direct contact with, or access to a person served by the program,
14.31 must also order the license holder to immediately remove the individual studied from working
14.32 in the program, facility, or setting.

15.1 (b) For Title IV-E eligible children's residential facilities and foster residence settings,
15.2 notices under this section must not allow an individual to work in the program, facility, or
15.3 setting under supervision.

15.4 Sec. 17. Minnesota Statutes 2018, section 245C.18, is amended to read:

15.5 **245C.18 OBLIGATION TO REMOVE DISQUALIFIED INDIVIDUAL FROM**
15.6 **DIRECT CONTACT AND FROM WORKING IN A PROGRAM, FACILITY, OR**
15.7 **SETTING.**

15.8 (a) Upon receipt of notice from the commissioner, the license holder must remove a
15.9 disqualified individual from direct contact with persons served by the licensed program if:

15.10 (1) the individual does not request reconsideration under section 245C.21 within the
15.11 prescribed time;

15.12 (2) the individual submits a timely request for reconsideration, the commissioner does
15.13 not set aside the disqualification under section 245C.22, subdivision 4, and the individual
15.14 does not submit a timely request for a hearing under sections 245C.27 and 256.045, or
15.15 245C.28 and chapter 14; or

15.16 (3) the individual submits a timely request for a hearing under sections 245C.27 and
15.17 256.045, or 245C.28 and chapter 14, and the commissioner does not set aside or rescind the
15.18 disqualification under section 245A.08, subdivision 5, or 256.045.

15.19 (b) For children's residential facility and foster residence setting license holders, upon
15.20 receipt of notice from the commissioner under paragraph (a), the license holder must also
15.21 remove the disqualified individual from working in the program, facility, or setting and
15.22 from access to persons served by the licensed program.

15.23 (c) For Title IV-E eligible children's residential facility and foster residence setting
15.24 license holders, upon receipt of notice from the commissioner under paragraph (a), the
15.25 license holder must also remove the disqualified individual from working in the program
15.26 and from access to persons served by the program and must not allow the individual to work
15.27 in the facility or setting until the commissioner has issued a notice stating that:

15.28 (1) the individual is not disqualified;

15.29 (2) a disqualification has been set aside under section 245C.23; or

15.30 (3) a variance has been granted related to the individual under section 245C.30.

16.1 Sec. 18. Minnesota Statutes 2018, section 256.0112, subdivision 10, is amended to read:

16.2 Subd. 10. **Contracts for child foster care services.** When local agencies negotiate lead
16.3 county contracts or purchase of service contracts for child foster care services, the foster
16.4 care maintenance payment made on behalf of the child shall follow the provisions of
16.5 Northstar Care for Children, chapter 256N. Foster care maintenance payments as defined
16.6 in section 256N.02, subdivision 15, represent costs for activities similar in nature to those
16.7 expected of parents and do not cover services rendered by the licensed or tribally approved
16.8 foster parent, ~~facility~~, or administrative costs or fees. Payments made to foster parents must
16.9 follow the requirements of section 256N.26, subdivision 15. The legally responsible agency
16.10 must provide foster parents with the assessment and notice as specified in section 256N.24.
16.11 The financially responsible agency is permitted to make additional payments for specific
16.12 services provided by the foster parents ~~or facility~~, as permitted in section 256N.21,
16.13 subdivision 5. These additional payments are not considered foster care maintenance.

16.14 **EFFECTIVE DATE.** This section is effective September 30, 2021.

16.15 Sec. 19. Minnesota Statutes 2018, section 256.82, subdivision 2, is amended to read:

16.16 Subd. 2. **Foster care maintenance payments.** (a) For the purpose of foster care
16.17 maintenance payments under title IV-E of the Social Security Act, United States Code, title
16.18 42, sections 670 to 676, the county or American Indian child welfare initiative tribes under
16.19 section 256.01, subdivision 14b, paying the maintenance costs must be reimbursed for the
16.20 costs from the federal money available for the purpose. Beginning July 1, 1997, for the
16.21 purposes of determining a child's eligibility under title IV-E of the Social Security Act, the
16.22 placing agency shall use AFDC requirements in effect on July 16, 1996.

16.23 (b) For the purpose of foster care maintenance payments under title IV-E of the Social
16.24 Security Act, United States Code, title 42, sections 670 to 676, the state is responsible for
16.25 approving of child care institutions for the county paying the facility's maintenance costs
16.26 to be reimbursed from the federal money available for the purpose. The facility must be
16.27 licensed by the state or approved or licensed by a tribe.

16.28 **EFFECTIVE DATE.** This section is effective September 30, 2021.

17.1 Sec. 20. [256K.451] MINOR CONSENT TO HOMELESS AND SEXUALLY
17.2 EXPLOITED YOUTH SERVICES.

17.3 A minor living separately from the minor's parent or legal guardian may give consent
17.4 to receive homeless youth services and services for sexually exploited youth. A minor's
17.5 consent to receive services does not affect a parent or legal guardian's custody of the minor.

17.6 Sec. 21. Minnesota Statutes 2018, section 256N.02, subdivision 14a, is amended to read:

17.7 Subd. 14a. **Licensed child foster parent.** "Licensed child foster parent" means ~~a person~~
17.8 an individual or family who is licensed for child foster care under Minnesota Rules, ~~parts~~
17.9 ~~2960.3000 to 2960.3340~~ chapter 2960, excluding foster residence settings licensed under
17.10 Minnesota Rules, parts 2960.3200 to 2960.3230, or licensed or approved by a Minnesota
17.11 tribe in accordance with tribal standards with whom the foster child resides.

17.12 **EFFECTIVE DATE.** This section is effective September 30, 2021.

17.13 Sec. 22. Minnesota Statutes 2018, section 256N.21, subdivision 2, is amended to read:

17.14 Subd. 2. **Placement in foster care.** To be eligible for foster care benefits under this
17.15 section, the child must be in placement away from the child's legal parent, guardian, or
17.16 Indian custodian as defined in section 260.755, subdivision 10, and must meet one of the
17.17 criteria in clause (1) and either clause (2) or (3):

17.18 (1) the legally responsible agency must have placement authority to place the child with:
17.19 (i) a voluntary placement agreement or a court order, consistent with sections 260B.198,
17.20 260C.001, and 260D.01, or consistent with section 260C.451 for a child 18 years old or
17.21 older and under age 21 who maintains eligibility for foster care; or (ii) a voluntary placement
17.22 agreement or court order by a Minnesota tribe that is consistent with United States Code,
17.23 title 42, section 672(a)(2); and

17.24 (2) the child is placed with a licensed child foster parent who resides with the child; or

17.25 (3) the child is placed in one of the following unlicensed child foster care settings:

17.26 (i) an emergency relative placement under tribal licensing regulations or section
17.27 245A.035, with the legally responsible agency ensuring the relative completes the required
17.28 child foster care application process;

17.29 (ii) a licensed adult foster home with an approved age variance under section 245A.16
17.30 for no more than six months where the license holder resides with the child;

18.1 (iii) for a child 18 years old or older and under age 21 who is eligible for extended foster
18.2 care under section 260C.451, an unlicensed supervised independent living setting approved
18.3 by the agency responsible for the child's care; or

18.4 (iv) a preadoptive placement in a home specified in section 245A.03, subdivision 2,
18.5 paragraph (a), clause (9), with an approved adoption home study and signed adoption
18.6 placement agreement.

18.7 **EFFECTIVE DATE.** This section is effective September 30, 2021.

18.8 Sec. 23. Minnesota Statutes 2018, section 256N.21, subdivision 5, is amended to read:

18.9 Subd. 5. **Excluded activities.** The basic and supplemental difficulty of care payment
18.10 represents costs for activities similar in nature to those expected of parents, and does not
18.11 cover services rendered by the licensed or tribally approved foster parent, ~~facility~~, or
18.12 administrative costs or fees. The financially responsible agency may pay an additional fee
18.13 for specific services provided by the licensed foster parent ~~or facility~~. A foster parent ~~or~~
18.14 ~~residence setting~~ must distinguish such a service from the daily care of the child as assessed
18.15 through the process under section 256N.24.

18.16 **EFFECTIVE DATE.** This section is effective September 30, 2021.

18.17 Sec. 24. Minnesota Statutes 2018, section 256N.24, subdivision 4, is amended to read:

18.18 Subd. 4. **Extraordinary levels.** (a) The assessment tool established under subdivision
18.19 2 must provide a mechanism through which up to five levels can be added to the supplemental
18.20 difficulty of care for a particular child under section 256N.26, subdivision 4. In establishing
18.21 the assessment tool, the commissioner must design the tool so that the levels applicable to
18.22 the portions of the assessment other than the extraordinary levels can accommodate the
18.23 requirements of this subdivision.

18.24 (b) These extraordinary levels are available when all of the following circumstances
18.25 apply:

18.26 (1) the child has extraordinary needs as determined by the assessment tool provided for
18.27 under subdivision 2, and the child meets other requirements established by the commissioner,
18.28 such as a minimum score on the assessment tool;

18.29 (2) the child's extraordinary needs require extraordinary care and intense supervision
18.30 that is provided by the child's caregiver as part of the parental duties as described in the
18.31 supplemental difficulty of care rate, section 256N.02, subdivision 21. This extraordinary

19.1 care provided by the caregiver is required so that the child can be safely cared for in the
19.2 home and community, and prevents residential placement;

19.3 (3) the child is physically living in a foster family setting, as defined in Minnesota Rules,
19.4 part 2960.3010, subpart 23, ~~in a foster residence setting~~, or physically living in the home
19.5 with the adoptive parent or relative custodian; and

19.6 (4) the child is receiving the services for which the child is eligible through medical
19.7 assistance programs or other programs that provide necessary services for children with
19.8 disabilities or other medical and behavioral conditions to live with the child's family, but
19.9 the agency with caregiver's input has identified a specific support gap that cannot be met
19.10 through home and community support waivers or other programs that are designed to provide
19.11 support for children with special needs.

19.12 (c) The agency completing an assessment, under subdivision 2, that suggests an
19.13 extraordinary level must document as part of the assessment, the following:

19.14 (1) the assessment tool that determined that the child's needs or disabilities require
19.15 extraordinary care and intense supervision;

19.16 (2) a summary of the extraordinary care and intense supervision that is provided by the
19.17 caregiver as part of the parental duties as described in the supplemental difficulty of care
19.18 rate, section 256N.02, subdivision 21;

19.19 (3) confirmation that the child is currently physically residing ~~in the foster family setting~~
19.20 ~~or~~ in the home with the foster parent, adoptive parent, or relative custodian;

19.21 (4) the efforts of the agency, caregiver, parents, and others to request support services
19.22 in the home and community that would ease the degree of parental duties provided by the
19.23 caregiver for the care and supervision of the child. This would include documentation of
19.24 the services provided for the child's needs or disabilities, and the services that were denied
19.25 or not available from the local social service agency, community agency, the local school
19.26 district, local public health department, the parent, or child's medical insurance provider;

19.27 (5) the specific support gap identified that places the child's safety and well-being at risk
19.28 in the home or community and is necessary to prevent residential placement; and

19.29 (6) the extraordinary care and intense supervision provided by the foster, adoptive, or
19.30 guardianship caregivers to maintain the child safely in the child's home and prevent residential
19.31 placement that cannot be supported by medical assistance or other programs that provide
19.32 services, necessary care for children with disabilities, or other medical or behavioral
19.33 conditions in the home or community.

20.1 (d) An agency completing an assessment under subdivision 2 that suggests an
20.2 extraordinary level is appropriate must forward the assessment and required documentation
20.3 to the commissioner. If the commissioner approves, the extraordinary levels must be
20.4 retroactive to the date the assessment was forwarded.

20.5 **EFFECTIVE DATE.** This section is effective September 30, 2021.

20.6 Sec. 25. **[260.7611] COUNTY AND TRIBAL AGREEMENTS; MALTREATMENT**
20.7 **ASSESSMENTS AND INVESTIGATIONS OF INDIAN CHILDREN.**

20.8 A tribe and a county may enter a written agreement transferring responsibility for the
20.9 screening and initial response to a child maltreatment report regarding an Indian child
20.10 residing in the county where the child's reservation is located, from the county to the tribe.
20.11 An agreement under this subdivision shall include a provision clarifying whether the county
20.12 or the tribe is responsible for ongoing case management stemming from a child maltreatment
20.13 report.

20.14 Sec. 26. Minnesota Statutes 2018, section 260C.007, is amended by adding a subdivision
20.15 to read:

20.16 Subd. 16a. **Family and permanency team.** "Family and permanency team" means a
20.17 team consisting of the child's parent or legal custodian, relatives, foster care providers, and
20.18 professionals who are resources to the child's family such as teachers, medical or mental
20.19 health providers who have treated the child, or clergy, as appropriate. In the case of an
20.20 Indian child, the family and permanency team includes tribal representatives, delegates,
20.21 and cultural resources as identified by the child's tribe. Consistent with section 260C.212,
20.22 subdivision 1, paragraph (b), if the child is age 14 or older, the team must also include two
20.23 team members that the child selects who are not the child's foster parent or caseworker. The
20.24 responsible social services agency may reject an individual that the child selects if the agency
20.25 has good cause to believe that the individual would not act in the best interests of the child.

20.26 **EFFECTIVE DATE.** This section is effective September 30, 2021.

20.27 Sec. 27. Minnesota Statutes 2018, section 260C.007, is amended by adding a subdivision
20.28 to read:

20.29 Subd. 16b. **Family foster home.** "Family foster home" means the home of an individual
20.30 or family who is licensed for child foster care under Minnesota Statutes, chapter 245A,
20.31 meeting the standards in Minnesota Rules, chapter 2960, excluding foster residence settings
20.32 licensed under Minnesota Rules, parts 2960.3000 to 2960.3200, or licensed or approved by

21.1 a tribe in accordance with tribal standards with whom the foster child resides. Family foster
21.2 home includes an emergency unlicensed relative placement under section 245A.035.

21.3 **EFFECTIVE DATE.** This section is effective September 30, 2021.

21.4 Sec. 28. Minnesota Statutes 2018, section 260C.007, is amended by adding a subdivision
21.5 to read:

21.6 Subd. 21a. **Legal authority to place the child.** "Legal authority to place the child"
21.7 means that the agency has legal responsibility for the care and control of the child while
21.8 the child is in foster care. The agency may have legal authority to place a child through a
21.9 court order under this chapter through a voluntary placement agreement between the agency
21.10 and the child's parent under section 260C.227 or, in the case of an Indian child, through
21.11 tribal court.

21.12 **EFFECTIVE DATE.** This section is effective September 30, 2021.

21.13 Sec. 29. Minnesota Statutes 2018, section 260C.007, is amended by adding a subdivision
21.14 to read:

21.15 Subd. 25a. **Permanency plan.** "Permanency plan" means the established goal in the
21.16 out-of-home placement plan that will achieve a safe, permanent home for the child. There
21.17 are four permanency goals for children:

21.18 (1) reunification with the child's parent or legal guardian;

21.19 (2) placement with other relatives;

21.20 (3) adoption; or

21.21 (4) establishment of a new legal guardianship.

21.22 **EFFECTIVE DATE.** This section is effective September 30, 2021.

21.23 Sec. 30. Minnesota Statutes 2018, section 260C.007, is amended by adding a subdivision
21.24 to read:

21.25 Subd. 26c. **Qualified individual.** "Qualified individual" means a trained culturally
21.26 competent professional or licensed clinician, including a mental health professional under
21.27 section 245.4871, subdivision 27, who is not an employee of the responsible social services
21.28 agency and who is not connected to or affiliated with any placement setting in which a
21.29 responsible social services agency has placed children.

21.30 **EFFECTIVE DATE.** This section is effective September 30, 2021.

22.1 Sec. 31. Minnesota Statutes 2018, section 260C.007, is amended by adding a subdivision
22.2 to read:

22.3 Subd. 26d. **Qualified residential treatment program.** "Qualified residential treatment
22.4 program" means a children's residential treatment program licensed under chapter 245A or
22.5 licensed or approved by a tribe that is approved to receive foster care maintenance payments
22.6 under section 256.82 that:

22.7 (1) has a trauma-informed treatment model designed to address the needs of children
22.8 with serious emotional or behavioral disorders or disturbances;

22.9 (2) has registered or licensed nursing staff and other licensed clinical staff who:

22.10 (i) provide care within the scope of their practice; and

22.11 (ii) are available 24 hours per day and seven days per week;

22.12 (3) is accredited by any of the following independent, nonprofit organizations: the
22.13 Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission
22.14 on Accreditation of Healthcare Organizations (JCAHO), and the Council on Accreditation
22.15 (COA), or any other nonprofit accrediting organization approved by the United States
22.16 Department of Health and Human Services;

22.17 (4) if it is in the child's best interests, facilitates participation of the child's family members
22.18 in the child's treatment programming consistent with the child's out-of-home placement
22.19 plan under sections 260C.212, subdivision 1, and 260C.708;

22.20 (5) facilitates outreach to family members of the child, including siblings;

22.21 (6) documents how the facility facilitates outreach to the child's parents and relatives,
22.22 as well as documents the child's parents' and other relatives' contact information;

22.23 (7) documents how the facility includes family members in the child's treatment process,
22.24 including after the child's discharge, and how the facility maintains the child's sibling
22.25 connections; and

22.26 (8) provides the child and child's family with discharge planning and family-based
22.27 aftercare support for at least six months after the child's discharge.

22.28 **EFFECTIVE DATE.** This section is effective September 30, 2021.

23.1 Sec. 32. Minnesota Statutes 2018, section 260C.007, is amended by adding a subdivision
23.2 to read:

23.3 Subd. 27b. Residential treatment facility. "Residential treatment facility" means a
23.4 24-hour-a-day program that provides treatment for children with emotional disturbance,
23.5 consistent with section 245.4871, subdivision 32, and includes a licensed residential program
23.6 specializing in caring 24 hours a day for children with a developmental delay or related
23.7 condition. A residential treatment facility does not include a psychiatric residential treatment
23.8 facility under section 256B.0941 or a family foster home as defined in section 260C.007,
23.9 subdivision 16b.

23.10 Sec. 33. Minnesota Statutes 2018, section 260C.157, subdivision 3, is amended to read:

23.11 Subd. 3. **Juvenile treatment screening team.** (a) The responsible social services agency
23.12 shall establish a juvenile treatment screening team to conduct screenings ~~and prepare~~ and
23.13 ~~plans~~ under this chapter, chapter 260D, and section 245.487, subdivision 3, for a child to
23.14 receive treatment for an emotional disturbance, a developmental disability, or related
23.15 condition in a residential treatment facility licensed by the commissioner of human services
23.16 under chapter 245A, or licensed or approved by a tribe. A screening team is not required
23.17 for a child to be in: (1) a residential facility specializing in prenatal, postpartum, or parenting
23.18 support; (2) a facility specializing in high-quality residential care and supportive services
23.19 to children and youth who are sex-trafficking victims or are at risk of becoming
23.20 sex-trafficking victims; (3) supervised settings for youth 18 years old or older living
23.21 independently; or (4) a licensed residential family-based treatment facility for substance
23.22 abuse consistent with section 260C.190. Screenings are also not required when a child must
23.23 be placed in a facility due to an emotional crisis or other mental health emergency.

23.24 (b) The responsible social services agency shall conduct screenings ~~shall be conducted~~
23.25 within 15 days of a request for a screening, unless the screening is for the purpose of
23.26 ~~placement in mental health~~ residential treatment and the child is enrolled in a prepaid health
23.27 program under section 256B.69, in which case the agency shall conduct the screening ~~shall~~
23.28 ~~be conducted~~ within ten working days of a request. The responsible social services agency
23.29 shall convene the team, which may be the team ~~constituted~~ under section 245.4885 or
23.30 256B.092 or Minnesota Rules, parts 9530.6600 to 9530.6655. The team shall consist of
23.31 social workers, juvenile justice professionals, persons with expertise in the treatment of
23.32 juveniles who are emotionally disabled, chemically dependent, or have a developmental
23.33 disability; and the child's parent, guardian, or permanent legal custodian ~~under Minnesota~~
23.34 ~~Statutes 2010, section 260C.201, subdivision 11, or section 260C.515, subdivision 4. The~~

24.1 ~~team may be the same team as defined in section 260B.157, subdivision 3.~~ The team may
24.2 include the child's relatives as defined in section 260C.007, subdivisions 26b and 27, the
24.3 child's foster care provider, and professionals who are a resource to the child's family such
24.4 as teachers, medical or mental health providers, and clergy, as appropriate, consistent with
24.5 the family and permanency team as defined in section 260C.007, subdivision 16a. Prior to
24.6 forming the team, the responsible social services agency must consult with the child if the
24.7 child is age 14 or older, the child's parents, and, if applicable, the child's tribe to ensure that
24.8 the team is family-centered and will act in the child's best interest. If the child, child's parents,
24.9 or legal guardians raise concerns about specific relatives or professionals, the team should
24.10 not include those individuals. This provision does not apply to paragraph (c).

24.11 ~~(b) The social services agency shall determine whether a child brought to its attention~~
24.12 ~~for the purposes described in this section is an Indian child, as defined in section 260C.007,~~
24.13 ~~subdivision 21, and shall determine the identity of the Indian child's tribe, as defined in~~
24.14 ~~section 260.755, subdivision 9. When a child to be evaluated~~ (c) If the agency provides
24.15 notice to tribes under section 260.761, and the child screened is an Indian child, the team
24.16 provided in paragraph (a) shall include responsible social services agency must make a
24.17 rigorous and concerted effort to include a designated representative of the Indian child's
24.18 tribe on the juvenile treatment screening team, unless the child's tribal authority declines to
24.19 appoint a representative. The Indian child's tribe may delegate its authority to represent the
24.20 child to any other federally recognized Indian tribe, as defined in section 260.755, subdivision
24.21 12. The provisions of the Indian Child Welfare Act of 1978, United States Code, title 25,
24.22 sections 1901 to 1963, and the Minnesota Indian Family Preservation Act, sections 260.751
24.23 to 260.835, apply to this section.

24.24 ~~(e)~~ (d) If the court, prior to, or as part of, a final disposition or other court order, proposes
24.25 to place a child with an emotional disturbance or developmental disability or related
24.26 condition in residential treatment, the responsible social services agency must conduct a
24.27 screening. If the team recommends treating the child in a qualified residential treatment
24.28 program, the agency must follow the requirements of sections 260C.70 to 260C.714.

24.29 ~~(1) for the primary purpose of treatment for an emotional disturbance, a developmental~~
24.30 ~~disability, or chemical dependency in a residential treatment facility out of state or in one~~
24.31 ~~which is within the state and licensed by the commissioner of human services under chapter~~
24.32 ~~245A; or~~

24.33 ~~(2) in any out-of-home setting potentially exceeding 30 days in duration, including a~~
24.34 ~~postdispositional placement in a facility licensed by the commissioner of corrections or~~
24.35 ~~human services; The court shall ascertain whether the child is an Indian child and shall~~

25.1 ~~notify the county welfare agency~~ responsible social services agency and, if the child is an
25.2 Indian child, shall notify the Indian child's tribe. ~~The county's juvenile treatment screening~~
25.3 ~~team must either: (i) screen and evaluate the child and file its recommendations with the~~
25.4 ~~court within 14 days of receipt of the notice; or (ii) elect not to screen a given case and~~
25.5 ~~notify the court of that decision within three working days~~ as paragraph (c) requires.

25.6 (d) ~~The child may not be placed for the primary purpose of treatment for an emotional~~
25.7 ~~disturbance, a developmental disability, or chemical dependency, in a residential treatment~~
25.8 ~~facility out of state nor in a residential treatment facility within the state that is licensed~~
25.9 ~~under chapter 245A, unless one of the following conditions applies:~~

25.10 (1) ~~a treatment professional certifies that an emergency requires the placement of the~~
25.11 ~~child in a facility within the state;~~

25.12 (2) ~~the screening team has evaluated the child and recommended that a residential~~
25.13 ~~placement is necessary to meet the child's treatment needs and the safety needs of the~~
25.14 ~~community, that it is a cost-effective means of meeting the treatment needs, and that it will~~
25.15 ~~be of therapeutic value to the child; or~~

25.16 (3) ~~the court, having reviewed a screening team recommendation against placement,~~
25.17 ~~determines to the contrary that a residential placement is necessary. The court shall state~~
25.18 ~~the reasons for its determination in writing, on the record, and shall respond specifically to~~
25.19 ~~the findings and recommendation of the screening team in explaining why the~~
25.20 ~~recommendation was rejected. The attorney representing the child and the prosecuting~~
25.21 ~~attorney shall be afforded an opportunity to be heard on the matter.~~

25.22 (e) ~~When the county's juvenile treatment screening team has elected to screen and evaluate~~
25.23 ~~a child determined to be an Indian child, the team shall provide notice to the tribe or tribes~~
25.24 ~~that accept jurisdiction for the Indian child or that recognize the child as a member of the~~
25.25 ~~tribe or as a person eligible for membership in the tribe, and permit the tribe's representative~~
25.26 ~~to participate in the screening team.~~

25.27 (e) When the responsible social services agency is responsible for placing and caring
25.28 for the child and the screening team recommends placing a child in a qualified residential
25.29 treatment program as defined in section 260C.007, subdivision 26d, the agency must: (1)
25.30 begin the assessment and processes required in section 260C.704 without delay; and (2)
25.31 conduct a relative search according to section 260C.221 to assemble the child's family and
25.32 permanency team under section 260C.706. Prior to notifying relatives regarding the family
25.33 and permanency team, the responsible social services agency must consult with the child
25.34 if the child is age 14 or older, the child's parents and, if applicable, the child's tribe to ensure

26.1 that the agency is providing notice to individuals who will act in the child's best interest.
 26.2 The child and the child's parents may identify a culturally competent qualified individual
 26.3 to complete the child's assessment. The agency shall make efforts to refer the assessment
 26.4 to the identified qualified individual. The assessment may not be delayed for the purpose
 26.5 of having the assessment completed by a specific qualified individual.

26.6 (f) When a screening team determines that a child does not need treatment in a qualified
 26.7 residential treatment program, the screening team must:

26.8 (1) document the services and supports that will prevent the child's foster care placement
 26.9 and will support the child remaining at home;

26.10 (2) document the services and supports that the agency will arrange to place the child
 26.11 in a family foster home; or

26.12 (3) document the services and supports that the agency has provided in any other setting.

26.13 ~~(f)~~ (g) When the Indian child's tribe or tribal health care services provider or Indian
 26.14 Health Services provider proposes to place a child for the primary purpose of treatment for
 26.15 an emotional disturbance, a developmental disability, or co-occurring emotional disturbance
 26.16 and chemical dependency, the Indian child's tribe or the tribe delegated by the child's tribe
 26.17 shall submit necessary documentation to the county juvenile treatment screening team,
 26.18 which must invite the Indian child's tribe to designate a representative to the screening team.

26.19 (h) The responsible social services agency must conduct and document the screening in
 26.20 a format approved by the commissioner of human services.

26.21 **EFFECTIVE DATE.** This section is effective September 30, 2021.

26.22 Sec. 34. Minnesota Statutes 2018, section 260C.202, is amended to read:

26.23 **260C.202 COURT REVIEW OF FOSTER CARE.**

26.24 (a) If the court orders a child placed in foster care, the court shall review the out-of-home
 26.25 placement plan and the child's placement at least every 90 days as required in juvenile court
 26.26 rules to determine whether continued out-of-home placement is necessary and appropriate
 26.27 or whether the child should be returned home. This review is not required if the court has
 26.28 returned the child home, ordered the child permanently placed away from the parent under
 26.29 sections 260C.503 to 260C.521, or terminated rights under section 260C.301. Court review
 26.30 for a child permanently placed away from a parent, including where the child is under
 26.31 guardianship of the commissioner, shall be governed by section 260C.607. When a child
 26.32 is placed in a qualified residential treatment program setting as defined in section 260C.007,

27.1 subdivision 26d, the responsible social services agency must submit evidence to the court
27.2 as specified in section 260C.712.

27.3 (b) No later than three months after the child's placement in foster care, the court shall
27.4 review agency efforts pursuant to section 260C.221, and order that the efforts continue if
27.5 the agency has failed to perform the duties under that section. The court must order the
27.6 agency to continue to appropriately engage relatives who responded to the notice under
27.7 section 260C.221 in placement and case planning decisions and to engage other relatives
27.8 who came to the agency's attention after notice under section 260C.221 was sent.

27.9 (c) The court shall review the out-of-home placement plan and may modify the plan as
27.10 provided under section 260C.201, subdivisions 6 and 7.

27.11 (d) When the court orders transfer of custody to a responsible social services agency
27.12 resulting in foster care or protective supervision with a noncustodial parent under subdivision
27.13 1, the court shall notify the parents of the provisions of sections 260C.204 and 260C.503
27.14 to 260C.521, as required under juvenile court rules.

27.15 (e) When a child remains in or returns to foster care pursuant to section 260C.451 and
27.16 the court has jurisdiction pursuant to section 260C.193, subdivision 6, paragraph (c), the
27.17 court shall at least annually conduct the review required under section 260C.203.

27.18 **EFFECTIVE DATE.** This section is effective September 30, 2021.

27.19 Sec. 35. Minnesota Statutes 2018, section 260C.204, is amended to read:

27.20 **260C.204 PERMANENCY PROGRESS REVIEW FOR CHILDREN IN FOSTER**
27.21 **CARE FOR SIX MONTHS.**

27.22 (a) When a child continues in placement out of the home of the parent or guardian from
27.23 whom the child was removed, no later than six months after the child's placement the court
27.24 shall conduct a permanency progress hearing to review:

27.25 (1) the progress of the case, the parent's progress on the case plan or out-of-home
27.26 placement plan, whichever is applicable;

27.27 (2) the agency's reasonable, or in the case of an Indian child, active efforts for
27.28 reunification and its provision of services;

27.29 (3) the agency's reasonable efforts to finalize the permanent plan for the child under
27.30 section 260.012, paragraph (e), and to make a placement as required under section 260C.212,
27.31 subdivision 2, in a home that will commit to being the legally permanent family for the

28.1 child in the event the child cannot return home according to the timelines in this section;
28.2 and

28.3 (4) in the case of an Indian child, active efforts to prevent the breakup of the Indian
28.4 family and to make a placement according to the placement preferences under United States
28.5 Code, title 25, chapter 21, section 1915.

28.6 (b) When a child is placed in a qualified residential treatment program setting as defined
28.7 in section 260C.007, subdivision 26d, the responsible social services agency must submit
28.8 evidence to the court as specified in section 260C.712.

28.9 ~~(b)~~ (c) The court shall ensure that notice of the hearing is sent to any relative who:

28.10 (1) responded to the agency's notice provided under section 260C.221, indicating an
28.11 interest in participating in planning for the child or being a permanency resource for the
28.12 child and who has kept the court apprised of the relative's address; or

28.13 (2) asked to be notified of court proceedings regarding the child as is permitted in section
28.14 260C.152, subdivision 5.

28.15 ~~(e)(1)~~ (d)(1) If the parent or guardian has maintained contact with the child and is
28.16 complying with the court-ordered out-of-home placement plan, and if the child would benefit
28.17 from reunification with the parent, the court may either:

28.18 (i) return the child home, if the conditions which led to the out-of-home placement have
28.19 been sufficiently mitigated that it is safe and in the child's best interests to return home; or

28.20 (ii) continue the matter up to a total of six additional months. If the child has not returned
28.21 home by the end of the additional six months, the court must conduct a hearing according
28.22 to sections 260C.503 to 260C.521.

28.23 (2) If the court determines that the parent or guardian is not complying with the
28.24 out-of-home placement plan or is not maintaining regular contact with the child as outlined
28.25 in the visitation plan required as part of the out-of-home placement plan under section
28.26 260C.212, the court may order the responsible social services agency:

28.27 (i) to develop a plan for legally permanent placement of the child away from the parent;

28.28 (ii) to consider, identify, recruit, and support one or more permanency resources from
28.29 the child's relatives and foster parent to be the legally permanent home in the event the child
28.30 cannot be returned to the parent. Any relative or the child's foster parent may ask the court
28.31 to order the agency to consider them for permanent placement of the child in the event the
28.32 child cannot be returned to the parent. A relative or foster parent who wants to be considered

29.1 under this item shall cooperate with the background study required under section 245C.08,
29.2 if the individual has not already done so, and with the home study process required under
29.3 chapter 245A for providing child foster care and for adoption under section 259.41. The
29.4 home study referred to in this item shall be a single-home study in the form required by the
29.5 commissioner of human services or similar study required by the individual's state of
29.6 residence when the subject of the study is not a resident of Minnesota. The court may order
29.7 the responsible social services agency to make a referral under the Interstate Compact on
29.8 the Placement of Children when necessary to obtain a home study for an individual who
29.9 wants to be considered for transfer of permanent legal and physical custody or adoption of
29.10 the child; and

29.11 (iii) to file a petition to support an order for the legally permanent placement plan.

29.12 ~~(d)~~ (e) Following the review under this section:

29.13 (1) if the court has either returned the child home or continued the matter up to a total
29.14 of six additional months, the agency shall continue to provide services to support the child's
29.15 return home or to make reasonable efforts to achieve reunification of the child and the parent
29.16 as ordered by the court under an approved case plan;

29.17 (2) if the court orders the agency to develop a plan for the transfer of permanent legal
29.18 and physical custody of the child to a relative, a petition supporting the plan shall be filed
29.19 in juvenile court within 30 days of the hearing required under this section and a trial on the
29.20 petition held within 60 days of the filing of the pleadings; or

29.21 (3) if the court orders the agency to file a termination of parental rights, unless the county
29.22 attorney can show cause why a termination of parental rights petition should not be filed,
29.23 a petition for termination of parental rights shall be filed in juvenile court within 30 days
29.24 of the hearing required under this section and a trial on the petition held within 60 days of
29.25 the filing of the petition.

29.26 **EFFECTIVE DATE.** This section is effective September 30, 2021.

29.27 Sec. 36. Minnesota Statutes 2018, section 260C.212, subdivision 1, is amended to read:

29.28 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan shall
29.29 be prepared within 30 days after any child is placed in foster care by court order or a
29.30 voluntary placement agreement between the responsible social services agency and the
29.31 child's parent pursuant to section 260C.227 or chapter 260D.

29.32 (b) An out-of-home placement plan means a written document which is prepared by the
29.33 responsible social services agency jointly with the parent or parents or guardian of the child

30.1 and in consultation with the child's guardian ad litem, the child's tribe, if the child is an
30.2 Indian child, the child's foster parent or representative of the foster care facility, and, where
30.3 appropriate, the child. When a child is age 14 or older, the child may include two other
30.4 individuals on the team preparing the child's out-of-home placement plan. The child may
30.5 select one member of the case planning team to be designated as the child's advisor and to
30.6 advocate with respect to the application of the reasonable and prudent parenting standards.
30.7 The responsible social services agency may reject an individual selected by the child if the
30.8 agency has good cause to believe that the individual would not act in the best interest of the
30.9 child. For a child in voluntary foster care for treatment under chapter 260D, preparation of
30.10 the out-of-home placement plan shall additionally include the child's mental health treatment
30.11 provider. For a child 18 years of age or older, the responsible social services agency shall
30.12 involve the child and the child's parents as appropriate. As appropriate, the plan shall be:

30.13 (1) submitted to the court for approval under section 260C.178, subdivision 7;

30.14 (2) ordered by the court, either as presented or modified after hearing, under section
30.15 260C.178, subdivision 7, or 260C.201, subdivision 6; and

30.16 (3) signed by the parent or parents or guardian of the child, the child's guardian ad litem,
30.17 a representative of the child's tribe, the responsible social services agency, and, if possible,
30.18 the child.

30.19 (c) The out-of-home placement plan shall be explained to all persons involved in its
30.20 implementation, including the child who has signed the plan, and shall set forth:

30.21 (1) a description of the foster care home or facility selected, including how the
30.22 out-of-home placement plan is designed to achieve a safe placement for the child in the
30.23 least restrictive, most family-like, setting available which is in close proximity to the home
30.24 of the parent or parents or guardian of the child when the case plan goal is reunification,
30.25 and how the placement is consistent with the best interests and special needs of the child
30.26 according to the factors under subdivision 2, paragraph (b);

30.27 (2) the specific reasons for the placement of the child in foster care, and when
30.28 reunification is the plan, a description of the problems or conditions in the home of the
30.29 parent or parents which necessitated removal of the child from home and the changes the
30.30 parent or parents must make for the child to safely return home;

30.31 (3) a description of the services offered and provided to prevent removal of the child
30.32 from the home and to reunify the family including:

31.1 (i) the specific actions to be taken by the parent or parents of the child to eliminate or
31.2 correct the problems or conditions identified in clause (2), and the time period during which
31.3 the actions are to be taken; and

31.4 (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made to
31.5 achieve a safe and stable home for the child including social and other supportive services
31.6 to be provided or offered to the parent or parents or guardian of the child, the child, and the
31.7 residential facility during the period the child is in the residential facility;

31.8 (4) a description of any services or resources that were requested by the child or the
31.9 child's parent, guardian, foster parent, or custodian since the date of the child's placement
31.10 in the residential facility, and whether those services or resources were provided and if not,
31.11 the basis for the denial of the services or resources;

31.12 (5) the visitation plan for the parent or parents or guardian, other relatives as defined in
31.13 section 260C.007, subdivision 26b or 27, and siblings of the child if the siblings are not
31.14 placed together in foster care, and whether visitation is consistent with the best interest of
31.15 the child, during the period the child is in foster care;

31.16 (6) when a child cannot return to or be in the care of either parent, documentation of
31.17 steps to finalize adoption as the permanency plan for the child through reasonable efforts
31.18 to place the child for adoption. At a minimum, the documentation must include consideration
31.19 of whether adoption is in the best interests of the child, child-specific recruitment efforts
31.20 such as relative search and the use of state, regional, and national adoption exchanges to
31.21 facilitate orderly and timely placements in and outside of the state. A copy of this
31.22 documentation shall be provided to the court in the review required under section 260C.317,
31.23 subdivision 3, paragraph (b);

31.24 (7) when a child cannot return to or be in the care of either parent, documentation of
31.25 steps to finalize the transfer of permanent legal and physical custody to a relative as the
31.26 permanency plan for the child. This documentation must support the requirements of the
31.27 kinship placement agreement under section 256N.22 and must include the reasonable efforts
31.28 used to determine that it is not appropriate for the child to return home or be adopted, and
31.29 reasons why permanent placement with a relative through a Northstar kinship assistance
31.30 arrangement is in the child's best interest; how the child meets the eligibility requirements
31.31 for Northstar kinship assistance payments; agency efforts to discuss adoption with the child's
31.32 relative foster parent and reasons why the relative foster parent chose not to pursue adoption,
31.33 if applicable; and agency efforts to discuss with the child's parent or parents the permanent

32.1 transfer of permanent legal and physical custody or the reasons why these efforts were not
32.2 made;

32.3 (8) efforts to ensure the child's educational stability while in foster care for a child who
32.4 attained the minimum age for compulsory school attendance under state law and is enrolled
32.5 full time in elementary or secondary school, or instructed in elementary or secondary
32.6 education at home, or instructed in an independent study elementary or secondary program,
32.7 or incapable of attending school on a full-time basis due to a medical condition that is
32.8 documented and supported by regularly updated information in the child's case plan.

32.9 Educational stability efforts include:

32.10 (i) efforts to ensure that the child remains in the same school in which the child was
32.11 enrolled prior to placement or upon the child's move from one placement to another, including
32.12 efforts to work with the local education authorities to ensure the child's educational stability
32.13 and attendance; or

32.14 (ii) if it is not in the child's best interest to remain in the same school that the child was
32.15 enrolled in prior to placement or move from one placement to another, efforts to ensure
32.16 immediate and appropriate enrollment for the child in a new school;

32.17 (9) the educational records of the child including the most recent information available
32.18 regarding:

32.19 (i) the names and addresses of the child's educational providers;

32.20 (ii) the child's grade level performance;

32.21 (iii) the child's school record;

32.22 (iv) a statement about how the child's placement in foster care takes into account
32.23 proximity to the school in which the child is enrolled at the time of placement; and

32.24 (v) any other relevant educational information;

32.25 (10) the efforts by the responsible social services agency to ensure the oversight and
32.26 continuity of health care services for the foster child, including:

32.27 (i) the plan to schedule the child's initial health screens;

32.28 (ii) how the child's known medical problems and identified needs from the screens,
32.29 including any known communicable diseases, as defined in section 144.4172, subdivision
32.30 2, shall be monitored and treated while the child is in foster care;

32.31 (iii) how the child's medical information shall be updated and shared, including the
32.32 child's immunizations;

- 33.1 (iv) who is responsible to coordinate and respond to the child's health care needs,
33.2 including the role of the parent, the agency, and the foster parent;
- 33.3 (v) who is responsible for oversight of the child's prescription medications;
- 33.4 (vi) how physicians or other appropriate medical and nonmedical professionals shall be
33.5 consulted and involved in assessing the health and well-being of the child and determine
33.6 the appropriate medical treatment for the child; and
- 33.7 (vii) the responsibility to ensure that the child has access to medical care through either
33.8 medical insurance or medical assistance;
- 33.9 (11) the health records of the child including information available regarding:
- 33.10 (i) the names and addresses of the child's health care and dental care providers;
- 33.11 (ii) a record of the child's immunizations;
- 33.12 (iii) the child's known medical problems, including any known communicable diseases
33.13 as defined in section 144.4172, subdivision 2;
- 33.14 (iv) the child's medications; and
- 33.15 (v) any other relevant health care information such as the child's eligibility for medical
33.16 insurance or medical assistance;
- 33.17 (12) an independent living plan for a child 14 years of age or older, developed in
33.18 consultation with the child. The child may select one member of the case planning team to
33.19 be designated as the child's advisor and to advocate with respect to the application of the
33.20 reasonable and prudent parenting standards in subdivision 14. The plan should include, but
33.21 not be limited to, the following objectives:
- 33.22 (i) educational, vocational, or employment planning;
- 33.23 (ii) health care planning and medical coverage;
- 33.24 (iii) transportation including, where appropriate, assisting the child in obtaining a driver's
33.25 license;
- 33.26 (iv) money management, including the responsibility of the responsible social services
33.27 agency to ensure that the child annually receives, at no cost to the child, a consumer report
33.28 as defined under section 13C.001 and assistance in interpreting and resolving any inaccuracies
33.29 in the report;
- 33.30 (v) planning for housing;
- 33.31 (vi) social and recreational skills;

34.1 (vii) establishing and maintaining connections with the child's family and community;
34.2 and

34.3 (viii) regular opportunities to engage in age-appropriate or developmentally appropriate
34.4 activities typical for the child's age group, taking into consideration the capacities of the
34.5 individual child;

34.6 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic
34.7 and assessment information, specific services relating to meeting the mental health care
34.8 needs of the child, and treatment outcomes; ~~and~~

34.9 (14) for a child 14 years of age or older, a signed acknowledgment that describes the
34.10 child's rights regarding education, health care, visitation, safety and protection from
34.11 exploitation, and court participation; receipt of the documents identified in section 260C.452;
34.12 and receipt of an annual credit report. The acknowledgment shall state that the rights were
34.13 explained in an age-appropriate manner to the child-; and

34.14 (15) for a child placed in a qualified residential treatment program, the plan must include
34.15 the requirements in section 260C.708.

34.16 (d) The parent or parents or guardian and the child each shall have the right to legal
34.17 counsel in the preparation of the case plan and shall be informed of the right at the time of
34.18 placement of the child. The child shall also have the right to a guardian ad litem. If unable
34.19 to employ counsel from their own resources, the court shall appoint counsel upon the request
34.20 of the parent or parents or the child or the child's legal guardian. The parent or parents may
34.21 also receive assistance from any person or social services agency in preparation of the case
34.22 plan.

34.23 After the plan has been agreed upon by the parties involved or approved or ordered by
34.24 the court, the foster parents shall be fully informed of the provisions of the case plan and
34.25 shall be provided a copy of the plan.

34.26 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and
34.27 physical custodian, as appropriate, and the child, if appropriate, must be provided with a
34.28 current copy of the child's health and education record.

34.29 **EFFECTIVE DATE.** This section is effective September 30, 2021.

35.1 Sec. 37. Minnesota Statutes 2018, section 260C.212, is amended by adding a subdivision
35.2 to read:

35.3 Subd. 1a. **Out-of-home placement plan update.** (a) Within 30 days of placing the child
35.4 in foster care, the agency must file the initial out-of-home placement plan with the court.
35.5 After filing the initial out-of-home placement plan, the agency shall update and file the
35.6 out-of-home placement plan with the court as follows:

35.7 (1) when the agency moves a child to a different foster care setting, the agency shall
35.8 inform the court within 30 days of the placement change or court-ordered trial home visit.
35.9 The agency must file the updated out-of-home placement plan with the court at the next
35.10 required review hearing;

35.11 (2) when the agency places a child in a qualified residential treatment program as defined
35.12 in section 260C.007, subdivision 26d, or moves a child from one qualified residential
35.13 treatment program to a different qualified residential treatment program, the agency must
35.14 update the out-of-home placement plan within 60 days. To meet the requirements of
35.15 260C.708, the agency must file the out-of-home placement plan with the court as part of
35.16 the 60-day hearing and must update the plan after the court hearing to document the court's
35.17 approval or disapproval of the child's placement in a qualified residential treatment program;

35.18 (3) when the agency places a child with the child's parent in a licensed residential
35.19 family-based substance use disorder treatment program under section 260C.190, the agency
35.20 must identify the treatment program in the child's out-of-home placement plan prior to the
35.21 child's placement. The agency must file the out-of-home placement plan with the court at
35.22 the next required review hearing; and

35.23 (4) under sections 260C.227 and 260C.521, the agency must update the out-of-home
35.24 placement plan and file the plan with the court.

35.25 (b) When none of the items in paragraph (a) apply, the agency must update the
35.26 out-of-home placement plan no later than 180 days after the child's initial placement and
35.27 every six months thereafter, consistent with section 260C.203, paragraph (a).

35.28 **EFFECTIVE DATE.** This section is effective September 30, 2021.

35.29 Sec. 38. Minnesota Statutes 2019 Supplement, section 260C.212, subdivision 2, is amended
35.30 to read:

35.31 **Subd. 2. Placement decisions based on best interests of the child.** (a) The policy of
35.32 the state of Minnesota is to ensure that the child's best interests are met by requiring an
35.33 individualized determination of the needs of the child and of how the selected placement

36.1 will serve the needs of the child being placed. The authorized child-placing agency shall
36.2 place a child, released by court order or by voluntary release by the parent or parents, in a
36.3 family foster home selected by considering placement with relatives and important friends
36.4 in the following order:

36.5 (1) with an individual who is related to the child by blood, marriage, or adoption; or

36.6 (2) with an individual who is an important friend with whom the child has resided or
36.7 had significant contact.

36.8 For an Indian child, the agency shall follow the order of placement preferences in the Indian
36.9 Child Welfare Act of 1978, United States Code, title 25, section 1915.

36.10 (b) Among the factors the agency shall consider in determining the needs of the child
36.11 are the following:

36.12 (1) the child's current functioning and behaviors;

36.13 (2) the medical needs of the child;

36.14 (3) the educational needs of the child;

36.15 (4) the developmental needs of the child;

36.16 (5) the child's history and past experience;

36.17 (6) the child's religious and cultural needs;

36.18 (7) the child's connection with a community, school, and faith community;

36.19 (8) the child's interests and talents;

36.20 (9) the child's relationship to current caretakers, parents, siblings, and relatives;

36.21 (10) the reasonable preference of the child, if the court, or the child-placing agency in
36.22 the case of a voluntary placement, deems the child to be of sufficient age to express
36.23 preferences; and

36.24 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,
36.25 subdivision 2a.

36.26 (c) Placement of a child cannot be delayed or denied based on race, color, or national
36.27 origin of the foster parent or the child.

36.28 (d) Siblings should be placed together for foster care and adoption at the earliest possible
36.29 time unless it is documented that a joint placement would be contrary to the safety or
36.30 well-being of any of the siblings or unless it is not possible after reasonable efforts by the

37.1 responsible social services agency. In cases where siblings cannot be placed together, the
37.2 agency is required to provide frequent visitation or other ongoing interaction between
37.3 siblings unless the agency documents that the interaction would be contrary to the safety
37.4 or well-being of any of the siblings.

37.5 (e) Except for emergency placement as provided for in section 245A.035, the following
37.6 requirements must be satisfied before the approval of a foster or adoptive placement in a
37.7 related or unrelated home: (1) a completed background study under section 245C.08; and
37.8 (2) a completed review of the written home study required under section 260C.215,
37.9 subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective foster or
37.10 adoptive parent to ensure the placement will meet the needs of the individual child.

37.11 (f) The agency must determine whether colocation with a parent who is receiving services
37.12 in a licensed residential family-based substance use disorder treatment program is in the
37.13 child's best interests according to paragraph (b) and include that determination in the child's
37.14 case plan under subdivision 1. The agency may consider additional factors not identified
37.15 in paragraph (b). The agency's determination must be documented in the child's case plan
37.16 before the child is colocated with a parent.

37.17 (g) The agency must establish a juvenile treatment screening team under section 260C.157
37.18 to determine whether it is necessary and appropriate to recommend placing a child in a
37.19 qualified residential treatment program, as defined in section 260C.007, subdivision 26d.

37.20 **EFFECTIVE DATE.** This section is effective September 30, 2021.

37.21 Sec. 39. Minnesota Statutes 2018, section 260C.212, subdivision 4a, is amended to read:

37.22 Subd. 4a. **Monthly caseworker visits.** (a) Every child in foster care or on a trial home
37.23 visit shall be visited by the child's caseworker or another person who has responsibility for
37.24 visitation of the child on a monthly basis, with the majority of visits occurring in the child's
37.25 residence. The responsible social services agency may designate another person responsible
37.26 for monthly case visits. For the purposes of this section, the following definitions apply:

37.27 (1) "visit" is defined as a face-to-face contact between a child and the child's caseworker;

37.28 (2) "visited on a monthly basis" is defined as at least one visit per calendar month;

37.29 (3) "the child's caseworker" is defined as the person who has responsibility for managing
37.30 the child's foster care placement case as assigned by the responsible social ~~service~~ services
37.31 agency; ~~and~~

38.1 (4) "another person" means the professional staff whom the responsible social services
38.2 agency has assigned in the out-of-home placement plan or case plan. Another person must
38.3 be professionally trained to assess the child's safety, permanency, well-being, and case
38.4 progress. The agency may not designate the guardian ad litem, the child foster care provider,
38.5 residential facility staff, or a qualified individual as defined in section 260C.007, subdivision
38.6 26b, as another person; and

38.7 ~~(4)~~ (5) "the child's residence" is defined as the home where the child is residing, and can
38.8 include the foster home, child care institution, or the home from which the child was removed
38.9 if the child is on a trial home visit.

38.10 (b) Caseworker visits shall be of sufficient substance and duration to address issues
38.11 pertinent to case planning and service delivery to ensure the safety, permanency, and
38.12 well-being of the child, including whether the child is enrolled and attending school as
38.13 required by law.

38.14 **EFFECTIVE DATE.** This section is effective September 30, 2021.

38.15 Sec. 40. Minnesota Statutes 2018, section 260C.227, is amended to read:

38.16 **260C.227 VOLUNTARY FOSTER CARE; REQUIRED COURT REVIEW.**

38.17 (a) When the responsible social services agency and the child's parent or guardian agree
38.18 that the child's safety, health, and best interests require that the child be in foster care, the
38.19 agency and the parent or guardian may enter into a voluntary agreement for the placement
38.20 of the child in foster care. The voluntary agreement must be in writing and in a form approved
38.21 by the commissioner.

38.22 (b) When the child has been placed in foster care pursuant to a voluntary foster care
38.23 agreement between the agency and the parent, under this section and the child is not returned
38.24 home within 90 days after initial placement in foster care, the agency responsible for the
38.25 child's placement in foster care shall:

38.26 (1) return the child to the home of the parent or parents; or

38.27 (2) file a petition according to section 260C.141, subdivision 1 or 2, which may:

38.28 (i) ask the court to review the child's placement in foster care and approve it as continued
38.29 voluntary foster care for up to an additional 90 days;

38.30 (ii) ask the court to order continued foster care according to sections 260C.178 and
38.31 260C.201; or

38.32 (iii) ask the court to terminate parental rights under section 260C.301.

39.1 (3) The out-of-home placement plan must be updated and filed along with the petition.

39.2 (c) If the court approves continuing the child in foster care for up to 90 more days on a
39.3 voluntary basis, at the end of the court-approved 90-day period, the child must be returned
39.4 to the parent's home. If the child is not returned home, the responsible social services agency
39.5 must proceed on the petition filed alleging the child in need of protection or services or the
39.6 petition for termination of parental rights or other permanent placement of the child away
39.7 from the parent. The court must find a statutory basis to order the placement of the child
39.8 under section 260C.178; 260C.201; 260C.503 to 260C.521; or 260C.317.

39.9 (d) If the child is placed in a qualified residential treatment program, the placement must
39.10 follow the requirements of sections 260C.70 to 260C.714.

39.11 Sec. 41. Minnesota Statutes 2018, section 260C.4412, is amended to read:

39.12 **260C.4412 PAYMENT FOR RESIDENTIAL PLACEMENTS.**

39.13 (a) When a child is placed in a foster care group residential setting under Minnesota
39.14 Rules, parts 2960.0020 to 2960.0710, a foster residence licensed under chapter 245A that
39.15 meets the standards of Minnesota Rules, parts 2960.3200 to 2960.3230, or a children's
39.16 residential facility licensed or approved by a tribe, foster care maintenance payments must
39.17 be made on behalf of the child to cover the cost of providing food, clothing, shelter, daily
39.18 supervision, school supplies, child's personal incidentals and supports, reasonable travel for
39.19 visitation, or other transportation needs associated with the items listed. Daily supervision
39.20 in the group residential setting includes routine day-to-day direction and arrangements to
39.21 ensure the well-being and safety of the child. It may also include reasonable costs of
39.22 administration and operation of the facility.

39.23 (b) The commissioner of human services shall specify the title IV-E administrative
39.24 procedures under section 256.82 for each of the following residential program settings:

39.25 (1) residential programs licensed under chapter 245A or licensed by a tribe, including:

39.26 (i) qualified residential treatment programs as defined in section 260C.007, subdivision
39.27 26d;

39.28 (ii) program settings specializing in providing prenatal, postpartum, or parenting supports
39.29 for youth; and

39.30 (iii) program settings providing high-quality residential care and supportive services to
39.31 children and youth who are, or are at risk of becoming, sex trafficking victims;

40.1 (2) licensed residential family-based substance use disorder treatment programs as
40.2 defined in section 260C.007, subdivision 22a; and

40.3 (3) supervised settings in which a foster child age 18 or older may live independently,
40.4 consistent with section 260C.451.

40.5 **EFFECTIVE DATE.** This section is effective September 30, 2021.

40.6 Sec. 42. Minnesota Statutes 2018, section 260C.503, is amended by adding a subdivision
40.7 to read:

40.8 **Subd. 4. Qualified residential treatment program; permanency hearing**
40.9 **requirements.** When a child is placed in a qualified residential treatment program as defined
40.10 in section 260C.007, subdivision 26d, the responsible social services agency must submit
40.11 evidence to the court as specified in section 260C.712.

40.12 **EFFECTIVE DATE.** This section is effective September 30, 2021.

40.13 **PLACEMENTS IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS.**

40.14 Sec. 43. **[260C.70] CITATION.**

40.15 Sections 260C.70 to 260C.714 may be cited as "Placements in Qualified Residential
40.16 Treatment Programs." Sections 260C.70 to 260C.714 implement the requirements of the
40.17 Family First Prevention Services Act of 2018, Public Law 115-123, and apply to children
40.18 for whom the juvenile treatment screening team under section 260C.157, subdivision 3,
40.19 recommends placement in a qualified residential treatment program.

40.20 **EFFECTIVE DATE.** This section is effective September 30, 2021.

40.21 Sec. 44. **[260C.702] REQUIREMENTS FOR PLACEMENTS IN QUALIFIED**
40.22 **RESIDENTIAL TREATMENT PROGRAMS.**

40.23 For the responsible social services agency to place a child in a qualified residential
40.24 treatment program, there must be:

40.25 (1) an assessment by a qualified individual of whether it is necessary and appropriate
40.26 to place the child at a qualified residential treatment program under section 260C.704;

40.27 (2) a family and permanency team under section 260C.706;

40.28 (3) an out-of-home placement plan under section 260C.708;

40.29 (4) court approval of a child's placement in a qualified residential treatment program
40.30 under section 260C.71;

41.1 (5) ongoing reviews and permanency hearings under section 260C.712; and

41.2 (6) a court review of any extended placement of the child in a qualified residential
41.3 treatment program under section 260C.714.

41.4 **EFFECTIVE DATE.** This section is effective September 30, 2021.

41.5 Sec. 45. **[260C.704] REQUIREMENTS FOR THE QUALIFIED INDIVIDUAL'S**
41.6 **ASSESSMENT OF THE CHILD FOR PLACEMENT IN A QUALIFIED**
41.7 **RESIDENTIAL TREATMENT PROGRAM.**

41.8 (a) A qualified individual must complete an assessment of the child prior to or within
41.9 30 days of the child's placement in a qualified residential treatment program in a format
41.10 approved by the commissioner of human services, and must:

41.11 (1) assess the child's needs and strengths, using an age-appropriate, evidence-based,
41.12 validated, functional assessment approved by the commissioner of human services;

41.13 (2) determine whether the child's needs be met by the child's family members or through
41.14 placement in a family foster home; or, if not, determine which residential setting would
41.15 provide the child with the most effective and appropriate level of care to the child in the
41.16 least restrictive environment;

41.17 (3) develop a list of short- and long-term mental and behavioral health goals for the
41.18 child; and

41.19 (4) work with the child's family and permanency team using culturally competent
41.20 practices.

41.21 (b) The child and the child's parents, when appropriate, may request that a specific
41.22 culturally competent qualified individual complete the child's assessment. The agency shall
41.23 make efforts to refer the child to the identified qualified individual to complete the
41.24 assessment. The assessment must not be delayed for a specific qualified individual to
41.25 complete the assessment.

41.26 (c) The qualified individual must provide the assessment, when complete, to the
41.27 responsible social services agency, the child's parents or legal guardians, the guardian ad
41.28 litem, and to the court as required in section 260C.71. If court rules and chapter 13 permit
41.29 disclosure of the results of the child's assessment, the agency may share the results of the
41.30 child's assessment with the child's foster care provider, other members of the child's family,
41.31 and the family and permanency team. The agency must not share the child's private medical
41.32 data with the family and permanency team unless: (1) chapter 13 permits the agency to

42.1 disclose the child's private medical data to the family and permanency team; or (2) the child's
42.2 parent has authorized the agency to disclose the child's private medical data to the family
42.3 and permanency team.

42.4 (d) For an Indian child, the assessment of the child must follow the order of placement
42.5 preferences in the Indian Child Welfare Act of 1978, United States Code, title 25, section
42.6 1915.

42.7 (e) In the assessment determination, the qualified individual must specify in writing:

42.8 (1) the reasons why the child's needs cannot be met by the child's family or in a family
42.9 foster home. A shortage of family foster homes is not an acceptable reason for determining
42.10 that a family foster home cannot meet a child's needs;

42.11 (2) why the recommended placement in a qualified residential treatment program will
42.12 provide the child with the most effective and appropriate level of care to meet the child's
42.13 needs in the least restrictive environment possible and how placing the child at the treatment
42.14 program is consistent with the short-term and long-term goals of the child's permanency
42.15 plan; and

42.16 (3) if the qualified individual's placement recommendation is not the placement setting
42.17 that the parent, family and permanency team, child, or tribe prefer, the qualified individual
42.18 must identify the reasons why the qualified individual does not recommend the parent's,
42.19 family and permanency team's, child's, or tribe's placement preferences. The out-of-home
42.20 placement plan under section 260C.708 must also include reasons why the qualified
42.21 individual did not recommend the preferences of the parents, family and permanency team,
42.22 child, or tribe.

42.23 (f) If the qualified individual determines that the child's family or a family foster home
42.24 or other less restrictive placement may meet the child's needs, the agency must move the
42.25 child out of the qualified residential treatment program and transition the child to a less
42.26 restrictive setting within 30 days of the determination.

42.27 **EFFECTIVE DATE.** This section is effective September 30, 2021.

42.28 **Sec. 46. [260C.706] FAMILY AND PERMANENCY TEAM REQUIREMENTS.**

42.29 (a) When the responsible social services agency's juvenile treatment screening team, as
42.30 defined in section 260C.157, recommends placing the child in a qualified residential treatment
42.31 program, the agency must assemble a family and permanency team within ten days.

43.1 (1) The team must include all appropriate biological family members, the child's parents,
43.2 legal guardians or custodians, foster care providers, and relatives as defined in section
43.3 260C.007, subdivisions 26c and 27, and professionals, as appropriate, who are a resource
43.4 to the child's family, such as teachers, medical or mental health providers, or clergy.

43.5 (2) When a child is placed in foster care prior to the qualified residential treatment
43.6 program, the agency shall include relatives responding to the relative search notice as
43.7 required under section 260C.221 on this team, unless the juvenile court finds that contacting
43.8 a specific relative would endanger the parent, guardian, child, sibling, or any other family
43.9 member.

43.10 (3) When a qualified residential treatment program is the child's initial placement setting,
43.11 the responsible social services agency must engage with the child and the child's parents to
43.12 determine the appropriate family and permanency team members.

43.13 (4) When the permanency goal is to reunify the child with the child's parent or legal
43.14 guardian, the purpose of the relative search and focus of the family and permanency team
43.15 is to preserve family relationships and identify and develop supports for the child and parents.

43.16 (5) The responsible agency must make a good faith effort to identify and assemble all
43.17 appropriate individuals to be part of the child's family and permanency team and request
43.18 input from the parents regarding relative search efforts consistent with section 260C.221.
43.19 The out-of-home placement plan in section 260C.708 must include all contact information
43.20 for the team members, as well as contact information for family members or relatives who
43.21 are not a part of the family and permanency team.

43.22 (6) If the child is age 14 or older, the team must include members of the family and
43.23 permanency team that the child selects in accordance with section 260C.212, subdivision
43.24 1, paragraph (b).

43.25 (7) Consistent with section 260C.221, a responsible social services agency may disclose
43.26 relevant and appropriate private data about the child to relatives in order for the relatives
43.27 to participate in caring and planning for the child's placement.

43.28 (8) If the child is an Indian child under section 260.751, the responsible social services
43.29 agency must make active efforts to include the child's tribal representative on the family
43.30 and permanency team.

43.31 (b) The family and permanency team shall meet regarding the assessment required under
43.32 section 260C.704 to determine whether it is necessary and appropriate to place the child in

44.1 a qualified residential treatment program and to participate in case planning under section
44.2 260C.708.

44.3 (c) When reunification of the child with the child's parent or legal guardian is the
44.4 permanency plan, the family and permanency team shall support the parent-child relationship
44.5 by recognizing the parent's legal authority, consulting with the parent regarding ongoing
44.6 planning for the child, and assisting the parent with visiting and contacting the child.

44.7 (d) When the agency's permanency plan is to transfer the child's permanent legal and
44.8 physical custody to a relative or for the child's adoption, the team shall:

44.9 (1) coordinate with the proposed guardian to provide the child with educational services,
44.10 medical care, and dental care;

44.11 (2) coordinate with the proposed guardian, the agency, and the foster care facility to
44.12 meet the child's treatment needs after the child is placed in a permanent placement with the
44.13 proposed guardian;

44.14 (3) plan to meet the child's need for safety, stability, and connection with the child's
44.15 family and community after the child is placed in a permanent placement with the proposed
44.16 guardian; and

44.17 (4) in the case of an Indian child, communicate with the child's tribe to identify necessary
44.18 and appropriate services for the child, transition planning for the child, the child's treatment
44.19 needs, and how to maintain the child's connections to the child's community, family, and
44.20 tribe.

44.21 (e) The agency shall invite the family and permanency team to participate in case planning
44.22 and the agency shall give the team notice of court reviews under sections 260C.152 and
44.23 260C.221 until: (1) the child is reunited with the child's parents; or (2) the child's foster care
44.24 placement ends and the child is in a permanent placement.

44.25 **EFFECTIVE DATE.** This section is effective September 30, 2021.

44.26 Sec. 47. **[260C.708] OUT-OF-HOME PLACEMENT PLAN FOR QUALIFIED**
44.27 **RESIDENTIAL TREATMENT PROGRAM PLACEMENTS.**

44.28 (a) When the responsible social services agency places a child in a qualified residential
44.29 treatment program as defined in section 260C.007, subdivision 26d, the out-of-home
44.30 placement plan must include:

44.31 (1) the case plan requirements in section 260.212, subdivision 1;

45.1 (2) the reasonable and good faith efforts of the responsible social services agency to
45.2 identify and include all of the individuals required to be on the child's family and permanency
45.3 team under section 260C.007;

45.4 (3) all contact information for members of the child's family and permanency team and
45.5 for other relatives who are not part of the family and permanency team;

45.6 (4) evidence that the agency scheduled meetings of the family and permanency team,
45.7 including meetings relating to the assessment required under section 260C.704, at a time
45.8 and place convenient for the family;

45.9 (5) when reunification of the child with the child's parent or legal guardian is the agency's
45.10 goal, evidence demonstrating that the parent or legal guardian provided input about the
45.11 members of the family and permanency team under section 260C.706;

45.12 (6) when the agency's permanency goal is to reunify the child with the child's parent or
45.13 legal guardian, the out-of-home placement plan must identify services and supports that
45.14 maintain the parent-child relationship and the parent's legal authority, decision-making, and
45.15 responsibility for ongoing planning for the child. In addition, the agency must assist the
45.16 parent with visiting and contacting the child;

45.17 (7) when the agency's permanency goal is to transfer permanent legal and physical
45.18 custody of the child to a proposed guardian or to finalize the child's adoption, the case plan
45.19 must document the agency's steps to transfer permanent legal and physical custody of the
45.20 child or finalize adoption, as required in section 260C.212, subdivision 1, paragraph (c),
45.21 clauses (6) and (7); and

45.22 (8) the qualified individual's recommendation regarding the child's placement in a
45.23 qualified residential treatment program and the court approval or disapproval of the placement
45.24 as required in section 260C.71.

45.25 (b) If the placement preferences of the family and permanency team, child, and tribe, if
45.26 applicable, are not consistent with the placement setting that the qualified individual
45.27 recommends, the case plan must include the reasons why the qualified individual did not
45.28 recommend following the preferences of the family and permanency team, child, and the
45.29 tribe.

45.30 (c) The agency must file the out-of-home placement plan with the court as part of the
45.31 60-day hearing under section 260C.71.

45.32 **EFFECTIVE DATE.** This section is effective September 30, 2021.

46.1 Sec. 48. **[260C.71] COURT APPROVAL REQUIREMENTS.**

46.2 (a) Within 60 days from the beginning of each placement in a qualified residential
46.3 treatment program, the court must:

46.4 (1) consider the qualified individual's assessment of whether it is necessary and
46.5 appropriate to place the child in a qualified residential treatment program under section
46.6 260C.704;

46.7 (2) determine whether a family foster home can meet the child's needs, whether it is
46.8 necessary and appropriate to place a child in a qualified residential treatment program that
46.9 is the least restrictive environment possible, and whether the child's placement is consistent
46.10 with the child's short and long term goals as specified in the permanency plan; and

46.11 (3) approve or disapprove of the child's placement.

46.12 (b) In the out-of-home placement plan, the agency must document the court's approval
46.13 or disapproval of the placement, as specified in section 260C.708.

46.14 **EFFECTIVE DATE.** This section is effective September 30, 2021.

46.15 Sec. 49. **[260C.712] ONGOING REVIEWS AND PERMANENCY HEARING**
46.16 **REQUIREMENTS.**

46.17 As long as a child remains placed in a qualified residential treatment program, the
46.18 responsible social services agency shall submit evidence at each administrative review under
46.19 section 260C.203; each court review under sections 260C.202, 260C.203, and 260C.204;
46.20 and each permanency hearing under section 260C.515, 260C.519, or 260C.521, that:

46.21 (1) demonstrates that an ongoing assessment of the strengths and needs of the child
46.22 continues to support the determination that the child's needs cannot be met through placement
46.23 in a family foster home;

46.24 (2) demonstrates that the placement of the child in a qualified residential treatment
46.25 program provides the most effective and appropriate level of care for the child in the least
46.26 restrictive environment;

46.27 (3) demonstrates how the placement is consistent with the short-term and long-term
46.28 goals for the child, as specified in the child's permanency plan;

46.29 (4) documents how the child's specific treatment or service needs will be met in the
46.30 placement;

47.1 (5) documents the length of time that the agency expects the child to need treatment or
47.2 services; and

47.3 (6) documents the responsible social services agency's efforts to prepare the child to
47.4 return home or to be placed with a fit and willing relative, legal guardian, adoptive parent,
47.5 or foster family.

47.6 **EFFECTIVE DATE.** This section is effective September 30, 2021.

47.7 **Sec. 50. [260C.714] REVIEW OF EXTENDED QUALIFIED RESIDENTIAL**
47.8 **TREATMENT PROGRAM PLACEMENTS.**

47.9 (a) When a responsible social services agency places a child in a qualified residential
47.10 treatment program for more than 12 consecutive months or 18 nonconsecutive months or,
47.11 in the case of a child who is under 13 years of age, for more than six consecutive or
47.12 nonconsecutive months, the agency must submit: (1) the signed approval by the county
47.13 social services director of the responsible social services agency; and (2) the evidence
47.14 supporting the child's placement at the most recent court review or permanency hearing
47.15 under section 260C.712, paragraph (b).

47.16 (b) The commissioner shall specify the procedures and requirements for the agency's
47.17 review and approval of a child's extended qualified residential treatment program placement.
47.18 The commissioner may consult with counties, tribes, child-placing agencies, mental health
47.19 providers, licensed facilities, the child, the child's parents, and the family and permanency
47.20 team members to develop case plan requirements and engage in periodic reviews of the
47.21 case plan.

47.22 **EFFECTIVE DATE.** This section is effective September 30, 2021.

47.23 **Sec. 51. INSTRUCTION TO COMMISSIONER.**

47.24 The commissioner must confer with the Association of Minnesota Counties, the
47.25 Minnesota Association of County Social Service Administrators, other state and county
47.26 agencies, Minnesota's Tribal communities, National Alliance on Mental Illness Minnesota,
47.27 AspireMN, and other relevant stakeholders to make recommendations to the legislature
47.28 regarding payment for the cost of treatment and care for residential treatment services,
47.29 including community-based group care, for children currently served under Minnesota
47.30 Statutes, chapter 260D. The recommendations must include the approximate cost of care
47.31 that will no longer be eligible for federal Title IV-E reimbursement paid to the counties for
47.32 children currently served through voluntary foster care placements. The recommendations

48.1 must also explore the impact on youth currently served under Minnesota Statutes, chapter
48.2 260D, including access to medical assistance and nonresidential services, as well as the
48.3 impact on equity for overrepresented populations in the child protection and child welfare
48.4 systems in Minnesota. The commissioner must report back to the legislature by January 15,
48.5 2021.