

CHAPTER 256F

MINNESOTA FAMILY PRESERVATION ACT

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256F.01 PUBLIC POLICY.

The public policy of this state is to assure that all children, regardless of minority racial or ethnic heritage, live in families that offer a safe, permanent relationship with nurturing parents or caretakers. To help assure children the opportunity to establish lifetime relationships, public social services must be directed toward:

- (1) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family if it is desirable and possible;
- (2) restoring to their families children who have been removed, by continuing to provide services to the reunited child and the families;
- (3) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and
- (4) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

History: 1991 c 292 art 3 s 10

256F.02 CITATION.

Sections 256F.01 to 256F.07 may be cited as the "Minnesota family preservation act."

History: 1991 c 292 art 3 s 11

256F.03 DEFINITIONS.

[For text of subs 1 to 4, see M.S.1990]

Subd. 5. Family-based services. "Family-based services" means one or more of the services described in paragraphs (a) to (f) provided to families primarily in their own home for a limited time. Family-based services eligible for funding under the family preservation act are the services described in paragraphs (a) to (f).

(a) **Crisis services.** "Crisis services" means professional services provided within 24 hours of referral to alleviate a family crisis and to offer an alternative to placing a child outside the family home. The services are intensive and time limited. The service may offer transition to other appropriate community-based services.

(b) **Counseling services.** "Counseling services" means professional family counseling provided to alleviate individual and family dysfunction; provide an alternative to placing a child outside the family home; or permit a child to return home. The duration, frequency, and intensity of the service is determined in the individual or family service plan.

(c) **Life management skills services.** "Life management skills services" means paraprofessional services that teach family members skills in such areas as parenting, budgeting, home management, and communication. The goal is to strengthen family skills as an alternative to placing a child outside the family home or to permit a child to return home. A social worker shall coordinate these services within the family case plan.

(d) **Case coordination services.** "Case coordination services" means professional services provided to an individual, family, or caretaker as an alternative to placing a

child outside the family home, to permit a child to return home, or to stabilize the long-term or permanent placement of a child. Coordinated services are provided directly, are arranged, or are monitored to meet the needs of a child and family. The duration, frequency, and intensity of services is determined in the individual or family service plan.

(e) **Mental health services.** "Mental health services" means the professional services defined in section 245.4871, subdivision 31.

(f) **Early intervention services.** "Early intervention services" means family-based intervention services designed to help at-risk families avoid crisis situations.

[For text of subs 6 to 9, see M.S.1990]

History: 1991 c 292 art 3 s 12

256F.04 DUTIES OF COMMISSIONER OF HUMAN SERVICES.

Subdivision 1. Grant program. The commissioner shall establish a statewide family preservation grant program to assist counties in providing placement prevention and family reunification services.

Subd. 2. Forms and instructions. The commissioner shall provide necessary forms and instructions to the counties for their community social services plan, as required in section 256E.09, that incorporate the permanency plan format and information necessary to apply for a family preservation grant.

Subd. 3. Monitoring. The commissioner shall design and implement methods for monitoring the delivery and evaluating the effectiveness of placement prevention and family reunification services. The commissioner shall monitor the provision of family-based services, conduct evaluations, and prepare and submit biannual reports to the legislature.

Subd. 4. Training. The commissioner shall provide training on family-based services.

History: 1991 c 292 art 3 s 13

256F.05 DISTRIBUTION OF GRANTS.

Subd. 2. Money available. Money appropriated for family preservation grants to counties, together with an amount as determined by the commissioner of title IV-B funds distributed to Minnesota according to the Social Security Act, United States Code, title 42, section 621, must be distributed to counties on a calendar year basis according to the formula in subdivision 3.

Subd. 2a. Distribution of funds. Additional federal funds received by the commissioner, under title IV-E of the Social Security Act, as a direct result of revenue enhancement activities initiated subsequent to January 1, 1991, shall be allocated to counties. One-half of the allocation is for family preservation services under this chapter to be allocated as follows:

(1) 50 percent based on a county's title IV-E earnings for family preservation services under this chapter during the previous calendar year; and

(2) 50 percent based on the formula set forth in subdivision 3.

Subd. 3. Formula. The amount of money allocated to counties under subdivision 2 must be based on the following two factors:

(1) the population of the county under age 19 years as compared to the state as a whole as determined by the most recent data from the state demographer's office; and

(2) the county's percentage share of the number of minority children in substitute care as determined by the most recent department of human services annual report on children in foster care.

The amount of money allocated according to formula factor (1) must not be less than 90 percent of the total allocated under subdivision 2.

Subd. 4. Payments. The commissioner shall make grant payments to each county

whose biennial community social services plan includes a permanency plan under section 256F.04, subdivision 2. The payment must be made in four installments per year. The commissioner may certify the payments for the first three months of a calendar year. Subsequent payments must be made on May 15, August 15, and November 15, of each calendar year. When an amount of title IV-B funds as determined by the commissioner is made available, it shall be reimbursed to counties on November 15.

Subd. 4a. Special incentive bonus for early intervention services. In addition to the funds which are provided to counties under subdivision 2 and distributed according to the formula in subdivision 3, the commissioner, in consultation with persons knowledgeable in child abuse and neglect early intervention, shall, within the limits of appropriations made specifically for this purpose, and as part of each quarterly payment made under subdivision 4, provide an incentive bonus payment to counties as provided in this subdivision. If a county, in submitting its application for funds under this section for a given calendar year, notifies the commissioner that the county will be increasing the amount of funds that will be allocated for counseling services under section 256F.03, subdivision 5, paragraph (b); life management skills under section 256F.03, subdivision 5, paragraph (c); and early intervention family-based services under section 256F.03, subdivision 5, paragraph (f), above the amount allocated in the previous calendar year, the commissioner shall provide the county with a bonus equal to 50 percent of the increased county allocation for the early intervention services. If funds are insufficient to provide the full 50 percent bonus to all eligible counties, the funds shall be allocated proportionately. A county may not reduce the amount of permanency planning grant funds which it makes available for other services, in order to earn the bonus incentive. The special incentive bonus is subject to retroactive settle-up based on the actual county allocation.

Subd. 5. Inappropriate expenditures. Family preservation grant money must not be used for:

(1) child day care necessary solely because of the employment or training to prepare for employment, of a parent or other relative with whom the child is living;

(2) residential facility payments;

(3) adoption assistance payments;

(4) public assistance payments for aid to families with dependent children, supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145A.09 to 145A.13; or

(5) administrative costs for local social services agency public assistance staff.

Subd. 6. Termination of grant. A grant may be reduced or terminated by the commissioner when the county agency has failed to comply with the terms of the grant or sections 256F.01 to 256F.07.

Subd. 7. Transfer of funds. Notwithstanding subdivision 1, the commissioner may transfer money from the appropriation for family preservation grants to counties into the subsidized adoption account when a deficit in the subsidized adoption program occurs. The amount of the transfer must not exceed five percent of the appropriation for family preservation grants to counties.

Subd. 8. Grants for family-based crisis services. Within the limits of appropriations made for this purpose, the commissioner may award grants for the families first program, including section 256F.08, to be distributed on a calendar year basis to counties to provide programs for family-based crisis services defined in section 256F.03, subdivision 5. The commissioner shall ask counties to present proposals for the funding and shall award grants for the funding on a competitive basis. Beginning January 1, 1993, the state share of the costs of the programs shall be 75 percent and the county share, 25 percent.

History: 1991 c 292 art 3 s 14

256F.06 DUTIES OF COUNTY BOARDS.

Subdivision 1. Responsibilities. A county board may, alone or in combination with

other county boards, apply for a family preservation grant as provided in section 256F.04, subdivision 2. Upon approval of the family preservation grant, the county board may contract for or directly provide family-based services.

Subd. 2. Uses of grants. The grant must be used exclusively for family-based services. The grant may not be used as a match for other federal money or to meet the requirements of section 256E.06, subdivision 5.

Subd. 3. Description of family-based service. When a county board elects to provide family-based service as a part of its permanency plan, its written description of family-based service must include the number of families to be served in each caseload, the provider of the service, the planned frequency of contacts with the families, and the maximum length of time family-based service will be provided to families.

Subd. 4. Reporting. The commissioner shall specify requirements for reports, including quarterly fiscal reports, according to section 256.01, subdivision 2, paragraph (17). The reports must include:

(1) a detailed statement of expenses attributable to the grant during the preceding quarter; and

(2) a statement of the expenditure of money for family-based services by the county during the preceding quarter, including the number of clients served and the expenditures, by client, for each service provided.

History: 1991 c 292 art 3 s 15

256F.07 PLACEMENT PREVENTION AND FAMILY REUNIFICATION SERVICES.

Subdivision 1. Preplacement review. Each county board shall establish a preplacement procedure to review each request for substitute care placement and determine if appropriate community resources have been utilized before making a substitute care placement. Emergency placements shall be reviewed to determine services necessary to allow a child to return home. Placements shall be reviewed for compliance with the minority family heritage act, sections 257.072 and 259.255; the Minnesota minority family preservation act, section 260.181, subdivision 3; the Minnesota Indian family preservation act, sections 257.35 to 257.356; and the Indian Child Welfare Act of 1978, United States Code, title 25, part 1901.

Subd. 2. Procedure for placement. When the preplacement review has determined that a substitute care placement is required because the child is in imminent risk of abuse or neglect; or requires treatment of an emotional disorder, chemical dependency, or mental retardation; the agency shall determine the level of care most appropriate to meet the child's needs in the least restrictive setting and in closest proximity to the child's family; and estimate the length of time of the placement, project a placement goal, and provide a statement of the anticipated outcome of the placement.

Placements must be in compliance with the minority family heritage act, sections 257.071 and 259.255; the Minnesota minority family preservation act, section 260.181, subdivision 3; the Minnesota Indian family preservation act, sections 257.35 to 257.356; and the Indian Child Welfare Act of 1978, United States Code, title 25, part 1901.

Subd. 3. Types of services. Placement prevention and family reunification services include family-based services as defined in section 256F.03, subdivision 5.

Family-based services must be coordinated with additional services identified and funded in the county social service act plan to provide a comprehensive placement prevention and family reunification services program.

[For text of subs 3a and 4, see M.S.1990]

History: 1991 c 292 art 3 s 16-18