

## 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 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 strive to provide culturally competent services and 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:** 1995 c 207 art 4 s 5

**256F.02 CITATION.**

Sections 256F.01 to 256F.07 and 256F.10 may be cited as the "Minnesota family preservation act."

**History:** 1995 c 207 art 4 s 6

**256F.03 DEFINITIONS.**

*[For text of subs 1 to 4, see M.S.1994]*

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.

(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.1994]*

**Subd. 10. Family preservation core services.** "Family preservation core services" means adequate capacity of crisis services as defined in subdivision 5, paragraph (a), plus either or both counseling services as defined in subdivision 5, paragraph (b), and mental health services as defined in subdivision 5, paragraph (c), plus life management skills services as defined in subdivision 5, paragraph (c).

**History:** 1995 c 207 art 4 s 7,8

#### 256F.04 DUTIES OF COMMISSIONER OF HUMAN SERVICES.

**Subdivision 1. Family preservation fund.** The commissioner shall establish a family preservation fund to assist counties in providing placement prevention and family reunification services. This fund shall include a basic grant for family preservation services, a placement earnings grant under section 256.8711, subdivision 6b, paragraph (a), and a development grant under section 256.8711, subdivision 6a, to assist counties in developing and expanding their family preservation core services as defined in section 256F.03, subdivision 10. Beginning with calendar year 1998, after each annual or quarterly calculation, these three component grants shall be added together and treated as a single family preservation grant.

**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 information necessary to apply for a family preservation fund grant, and to exercise county options under section 256F.05, subdivisions 7, paragraph (a), or 8, paragraph (c).

*[For text of subs 3 and 4, see M.S.1994]*

**History:** 1995 c 207 art 4 s 9,10

#### 256F.05 DISTRIBUTION OF GRANTS.

**Subd. 1a. Development of family preservation core services.** The commissioner shall annually determine whether a county's family preservation core services, as defined in section 256F.03, subdivision 10, are developed for that calendar year. In making this determination for any given calendar year, the commissioner shall consider factors for each county such as which family preservation core services are included in its community services plan under section 256E.09, the ratio of expenditures on family preservation core services to expenditures on out-of-home placements, the availability of crisis services as defined in section 256F.03, subdivision 5, paragraph (a), and recent trends in out-of-home placements both within that county and statewide.

**Subd. 2. Money available for the basic grant.** Money appropriated for family preservation under sections 256F.04 to 256F.07, 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.** [Repealed, 1995 c 207 art 4 s 44]

**Subd. 3. Basic grant formula.** (a) The amount of money allocated to counties under subdivision 2 shall first be allocated in amounts equal to each county's guaranteed floor according to paragraph (b), and second, any remaining available funds allocated as follows:

(1) 90 percent of the funds shall be allocated based on 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) ten percent of the funds shall be allocated based on the county's percentage share of the number of minority children receiving children's case management services as defined by the commissioner based on the most recent data as determined by the commissioner.

(b) Each county's basic grant guaranteed floor shall be calculated as follows:

(1) 90 percent of the county's allocation received in the preceding calendar year. For calendar year 1996 only, the allocation received in the preceding calendar year shall be determined by the commissioner based on the funding previously distributed as separate grants under sections 256F.04 to 256F.07; and

(2) when the amounts of funds available for allocation is less than the amount available in the previous year, each county's previous year allocation shall be reduced in proportion to the reduction in the statewide funding, for the purpose of establishing the guaranteed floor.

(c) The commissioner shall regularly review the use of family preservation fund allocations by county. The commissioner may reallocate unexpended or unencumbered money at any time among those counties that have expended or are projected to expend their full allocation.

**Subd. 4. Payments.** The commissioner shall make grant payments to each county whose biennial community social services plan has been approved under section 256F.04, subdivision 2. The basic grant under subdivisions 2 and 3 and the development grant under section 256.8711, subdivision 6a, shall be paid to counties in four installments per year. The commissioner may certify the payments for the first three months of a calendar year. Subsequent payments shall be based on reported expenditures and may be adjusted for anticipated spending patterns. The placement earnings grant under section 256.8711, subdivision 6b, paragraph (a), shall be based on earnings and coordinated with the other payments. In calendar years 1996 and 1997, the placement earnings grant and the development grant shall be distributed separately from the basic grant, except as provided in subdivision 7, paragraph (a). Beginning with calendar year 1998, after each annual or quarterly calculation, these three component grants shall be added together into a single family preservation fund grant and treated as a single grant.

**Subd. 4a.** [Repealed, 1995 c 207 art 4 s 44]

**Subd. 5. Inappropriate expenditures.** Family preservation fund basic, placement earnings, and development 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.

*[For text of subd 6, see M.S.1994]*

**Subd. 7. Uses of placement earnings and development grants.** (a) For calendar years 1996 and 1997, each county must use its placement earnings and development grants to develop and expand its family preservation core services as defined in section 256F.03, subdivision 10. If a county demonstrates that its family preservation core services are developed as provided in subdivision 1a, then at the county's written request, the commissioner shall add its placement earnings and development grant to its basic grant, to be used as a single family preservation fund grant.

(b) Beginning with calendar year 1998, each county which has demonstrated that year that its family preservation core services are developed as provided in subdivision 1a, shall have its placement earnings and development grant added to its basic grant, to be used as a single family preservation fund grant. The development grant for any county which has not so demonstrated shall be redistributed to all counties which have, in proportion to their calculated development grants.

**Subd. 8. Uses of family preservation fund grants.** For both basic grants and single family preservation fund grants:

(a) A county which has not demonstrated that year that its family preservation core services are developed as provided in subdivision 1a, must use its family preservation fund

grant exclusively for family preservation services defined in section 256F.03, subdivision 5, paragraphs (a), (b), (c), and (e).

(b) A county which has demonstrated that year that its family preservation core services are developed becomes eligible either to continue using its family preservation fund grant as provided in paragraph (a), or to exercise the expanded service option under paragraph (c).

(c) The expanded service option permits an eligible county to use its family preservation fund grant for child welfare preventative services as defined in section 256F.10, subdivision 7, paragraph (d). To exercise this option, an eligible county must notify the commissioner in writing of its intention to do so no later than 30 days into the quarter during which it intends to begin or in its county plan, as provided in section 256F.04, subdivision 2. Effective with the first day of that quarter, the county must maintain its base level of expenditures for child welfare preventative services and use the family preservation fund to expand them. The base level of expenditures for a county shall be that established under section 256F.10, subdivision 7. For counties which have no such base established, a comparable base shall be established with the base year being the calendar year ending at least two calendar quarters before the first calendar quarter in which the county exercises its expanded service option. The commissioner shall, at the request of the counties, reduce, suspend, or eliminate either or both of a county's obligations to continue the base level of expenditures and to expand child welfare preventative services based on conditions described in section 256F.10, subdivision 7, paragraph (b) or (c).

(d) Each county's placement earnings and development grant shall be determined under section 256.8711, but after each annual or quarterly calculation, if added to that county's basic grant, the three component grants shall be treated as a single family preservation fund grant.

**History:** 1995 c 207 art 4 s 11-17

#### **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 fund grant as provided in section 256F.04, subdivision 2. Upon approval of the grant, the county board may contract for or directly provide family-based and other eligible services.

Subd. 2. **Developing family preservation core services.** A county board shall endeavor to develop and expand its family preservation core services. When a county can demonstrate that its family preservation core services are developed as provided in section 256F.05, subdivision 1a, a county board becomes eligible to exercise the expanded service option under section 256F.05, subdivision 8, paragraph (c). For calendar years 1996 and 1997, the county board also becomes eligible to request that its basic, placement earnings, and development grants be added into a single grant under section 256F.05, subdivision 7, paragraph (a).

Subd. 3. [Repealed, 1995 c 207 art 4 s 44]

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

**History:** 1995 c 207 art 4 s 18-20

#### **256F.09 GRANTS FOR FAMILY VISITATION CENTERS.**

Subdivision 1. **Purpose.** The commissioner shall issue a request for proposals from existing local nonprofit, nongovernmental, or governmental organizations, to use existing local facilities as family visitation centers which may also be used for visitation exchanges. The commissioner shall award grants in amounts up to \$50,000 for the purpose of creating or maintaining family visitation centers in an effort to reduce children's vulnerability to violence and trauma related to family visitation, where there has been a history of domestic violence or abuse within the family. The commissioner shall award the grants to provide the greatest possible number of family visitation centers and to locate them to provide for the broadest possible geographic distribution of the centers throughout the state.

Each children's family visitation center must use existing local facilities to provide a healthy interactive environment for parents who are separated or divorced and for parents

with children in foster homes to visit with their children. The centers must be available for use by district courts who may order visitation to occur at a family visitation center. The centers may also be used as drop-off sites, so that parents who are under court order to have no contact with each other can exchange children for visitation at a neutral site. Each center must provide sufficient security to ensure a safe visitation environment for children and their parents. A grantee must demonstrate the ability to provide a 25 percent local match, which may include in-kind contributions.

**Subd. 1a. County involvement.** Each county or group of counties is encouraged to provide supervised visitation services in an effort to fill the gap in the court system that orders supervised visitation but does not provide a center to accomplish the supervised visitation as ordered. Each county or group of counties is encouraged to either financially contribute to an existing family visitation center in the area, or establish a new center if there is not one in the area, possibly through county social services. In creating a new center, the county may collaborate with other counties, other family visitation centers, family services collaboratives, court services, and any other entity or organization. The goal is to provide family visitation centers statewide. The county shall apply for funding that may be available through the federal government, specifically for family preservation or family reunification purposes, or any other source of funding that will aid in developing and maintaining this vital service.

**Subd. 2. Funding.** The commissioner may award grants to create or maintain family visitation centers.

In awarding grants to maintain a family visitation center, the commissioner may award a grant to a center that can demonstrate a 35 percent local match, provided the center is diligently exploring and pursuing all available funding options in an effort to become self-sustaining, and those efforts are reported to the commissioner.

In awarding grants to create a family visitation center, the commissioner shall give priority to:

- (1) areas of the state where no other family visitation center or similar facility exists;
- (2) applicants who demonstrate that private funding for the center is available and will continue; and
- (3) facilities that are adapted for use to care for children, such as day care centers, religious institutions, community centers, schools, technical colleges, parenting resource centers, and child care referral services.

**Subd. 3. Additional services.** Each family visitation center may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse.

**Subd. 4. [Repealed, 1995 c 207 art 4 s 44]**

**Subd. 5. Administration.** In administering the grants authorized by this section, the commissioner shall ensure that the term "family visitation center" is used in all future applications, publicity releases, requests for proposals, and other materials of like nature. Materials published prior to the enactment of this legislation which use different terms may be distributed by the commissioner until supplies are gone.

**History:** 1995 c 207 art 4 s 21

**NOTE:** Subdivision 4 was also amended by Laws 1995, chapter 207, article 4, section 21, to read as follows:

"Subd. 4. **Report.** The commissioner shall evaluate the operation of the family visitation centers and report to the legislature by February 1, 1994, with recommendations."

## 256F.13 FAMILY SERVICES COLLABORATIVE.

**Subdivision 1. Federal revenue enhancement. (a) Duties of the commissioner of human services.** The commissioner of human services may enter into an agreement with one or more family services collaboratives to enhance federal reimbursement under Title IV-E of the Social Security Act and federal administrative reimbursement under Title XIX of the Social Security Act. The commissioner may contract with the department of children, families, and learning for purposes of transferring the federal reimbursement to the commissioner of children, families, and learning to be distributed to the collaboratives according to clause (2). The commissioner shall have the following authority and responsibilities regarding family services collaboratives:

(1) the commissioner shall submit amendments to state plans and seek waivers as necessary to implement the provisions of this section;

(2) the commissioner shall pay the federal reimbursement earned under this subdivision to each collaborative based on their earnings. Notwithstanding section 256.025, subdivision 2, payments to collaboratives for expenditures under this subdivision will only be made of federal earnings from services provided by the collaborative;

(3) the commissioner shall review expenditures of family services collaboratives using reports specified in the agreement with the collaborative to ensure that the base level of expenditures is continued and new federal reimbursement is used to expand education, social, health, or health-related services to young children and their families;

(4) the commissioner may reduce, suspend, or eliminate a family services collaborative's obligations to continue the base level of expenditures or expansion of services if the commissioner determines that one or more of the following conditions apply:

(i) imposition of levy limits that significantly reduce available funds for social, health, or health-related services to families and children;

(ii) reduction in the net tax capacity of the taxable property eligible to be taxed by the lead county or subcontractor that significantly reduces available funds for education, social, health, or health-related services to families and children;

(iii) reduction in the number of children under age 19 in the county, collaborative service delivery area, subcontractor's district, or catchment area when compared to the number in the base year using the most recent data provided by the state demographer's office; or

(iv) termination of the federal revenue earned under the family services collaborative agreement;

(5) the commissioner shall not use the federal reimbursement earned under this subdivision in determining the allocation or distribution of other funds to counties or collaboratives;

(6) the commissioner may suspend, reduce, or terminate the federal reimbursement to a provider that does not meet the reporting or other requirements of this subdivision;

(7) the commissioner shall recover from the family services collaborative any federal fiscal disallowances or sanctions for audit exceptions directly attributable to the family services collaborative's actions in the integrated fund, or the proportional share if federal fiscal disallowances or sanctions are based on a statewide random sample; and

(8) the commissioner shall establish criteria for the family services collaborative for the accounting and financial management system that will support claims for federal reimbursement.

**(b) Family services collaborative responsibilities.** The family services collaborative shall have the following authority and responsibilities regarding federal revenue enhancement:

(1) the family services collaborative shall be the party with which the commissioner contracts. A lead county shall be designated as the fiscal agency for reporting, claiming, and receiving payments;

(2) the family services collaboratives may enter into subcontracts with other counties, school districts, special education cooperatives, municipalities, and other public and non-profit entities for purposes of identifying and claiming eligible expenditures to enhance federal reimbursement, or to expand education, social, health, or health-related services to families and children;

(3) the family services collaborative must continue the base level of expenditures for education, social, health, or health-related services to families and children from any state, county, federal, or other public or private funding source which, in the absence of the new federal reimbursement earned under this subdivision, would have been available for those services, except as provided in subdivision 1, paragraph (a), clause (4). The base year for purposes of this subdivision shall be the four-quarter calendar year ending at least two calendar quarters before the first calendar quarter in which the new federal reimbursement is earned;

(4) the family services collaborative must use all new federal reimbursement resulting from federal revenue enhancement to expand expenditures for education, social, health, or

health-related services to families and children beyond the base level, except as provided in subdivision 1, paragraph (a), clause (4);

(5) the family services collaborative must ensure that expenditures submitted for federal reimbursement are not made from federal funds or funds used to match other federal funds. Notwithstanding section 256B.19, subdivision 1, for the purposes of family services collaborative expenditures under agreement with the department, the nonfederal share of costs shall be provided by the family services collaborative from sources other than federal funds or funds used to match other federal funds;

(6) the family services collaborative must develop and maintain an accounting and financial management system adequate to support all claims for federal reimbursement, including a clear audit trail and any provisions specified in the agreement; and

(7) the family services collaborative shall submit an annual report to the commissioner as specified in the agreement.

*[For text of subs 2 and 3, see M.S.1994]*

**History:** *1Sp1995 c 3 art 16 s 6*