

CHAPTER 119A

DEPARTMENT OF CHILDREN, FAMILIES, AND
LEARNING

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119A.01 ABOLISHMENT; ESTABLISHMENT; PURPOSE; AND GOALS.

[For text of subds 1 and 2, see M.S.1996]

Subd. 3. **Purpose.** The purpose in creating the department is to increase the capacity of Minnesota communities to measurably improve the well-being of children and families by:

- (1) coordinating and integrating state funded and locally administered family and children programs;
- (2) improving flexibility in the design, funding, and delivery of programs affecting children and families;
- (3) providing greater focus on strategies designed to prevent problems affecting the well-being of children and families;
- (4) enhancing local decision making, collaboration, and the development of new governance models;
- (5) improving public accountability through the provision of research, information, and the development of measurable program outcomes;
- (6) increasing the capacity of communities to respond to the whole child by improving the ability of families to gain access to services;
- (7) encouraging all members of a community to nurture all the children in the community;
- (8) supporting parents in their dual roles as breadwinners and parents; and
- (9) reducing the condition of poverty for families and children through comprehensive, community-based strategies.

History: 1997 c 162 art 3 s 1

119A.03 COMMISSIONER.

Subdivision 1. **General.** The department is under the administrative control of the commissioner. The commissioner is appointed by the governor with the advice and consent of the senate. The commissioner must possess broad knowledge and experience in strengthening children and families. The commissioner has the general powers as provided in section 15.06, subdivision 6.

The commissioner's salary must be established according to the procedure in section 15A.0815, in the same range as that specified for the commissioner of finance.

[For text of subd 2, see M.S.1996]

History: 2Sp1997 c 3 s 18

119A.04 TRANSFERS FROM OTHER AGENCIES.

[For text of subds 1 to 4, see M.S.1996]

Subd. 5. **Department of public safety.** The powers and duties with respect to the following program is transferred to the department of children, families, and learning under section 15.039: drug policy and violence prevention and the community advisory violence prevention councils under sections 119A.25 to 119A.33 and 119A.34.

Subd. 6. **Funding for transferred programs.** State appropriations for programs transferred under this section may not be used to replace appropriations for K-12 programs. State and federal appropriations for programs under section 119A.15, subdivision 5a, transferred from the department of economic security, may not be used to replace, supplement, or supplant federal or state appropriations for any other program in the department.

Subd. 7. **Grantees of transferred programs.** Except as provided in Minnesota Rules, chapter 3350, the commissioner shall not reduce the number of organizations or eliminate specific types of organizations that are eligible to directly apply for grants made by programs transferred from the department of economic security after January 1, 1997.

History: 1997 c 7 art 1 s 42; 1997 c 162 art 3 s 2,3; 1Sp1997 c 5 s 30

119A.08 NEIGHBORHOOD-BASED SERVICES FOR CHILDREN AND FAMILIES.

Subdivision 1. **Pilot projects authorized.** The commissioner may establish a pilot project for family services collaboratives to deliver and broker services through neighborhood-based community organizations.

Subd. 2. **Family service collaborative; pilot.** (a) A family services collaborative under section 121.8355 may apply to the commissioner to participate in the pilot project in specified geographic areas. The selected collaborative must implement the program through family service centers and eligible community groups that have strong ties to a local neighborhood and represent the diversity of residents and that have a history of providing services in the neighborhood.

(b) An eligible organization must submit an application to the sponsoring family services collaborative with a description of areas to be served, a neighborhood presence, the needs of the area, the services to be provided with associated costs and resources, the intended outcomes, and the proposed methods of delivering service through volunteers, including any reimbursement or incentive not to exceed \$200 for any service. Proposed services and amounts must be listed in an outcomes-based format.

Subd. 3. **Eligible activities.** A participating center or group may deliver, or arrange for the delivery of, needed services listed in the application including assisting family members to achieve the GED requirements; assisting with English as a second language or citizenship classes and tests; assisting with access to early childhood programs, childhood immunizations, suitable child care, and home visits; and assisting in crime prevention through after-school enrichment activities, truancy prevention, and tutoring for academically under-achieving children.

A collaborative that receives a grant under this section shall establish procedures to ensure the quality of the services paid for with grant funds and to monitor the delivery of services.

History: 1997 c 162 art 2 s 2

119A.13 DISBURSEMENT OF FUNDS FOR CHILD ABUSE PREVENTION.

[For text of subd 1, see M.S.1996]

Subd. 2. **Advisory council.** An advisory council of 17 members is established under section 15.059. The commissioners of human services, health, and children, families, and learning shall each appoint one member. The subcommittee on committees of the senate and the speaker of the house of representatives shall each appoint two members of their respective bodies, one from each caucus. The governor shall appoint an additional ten members who shall demonstrate knowledge in the area of child abuse prevention and shall represent the demographic and geographic composition of the state, and to the extent possible, represent the following groups: local government, parents, racial and ethnic minority communi-

ties, the religious community, professional providers of child abuse prevention services, and volunteers in child abuse prevention services. The council shall advise and assist the commissioner in carrying out sections 119A.10 to 119A.16. The council does not expire as provided by section 15.059, subdivision 5.

Subd. 3. Plan for disbursement of funds. By June 1, 1987, the commissioner, assisted by the advisory council, shall develop a plan to disburse money from the trust fund. In developing the plan, the commissioner shall review prevention programs. The plan must ensure that all geographic areas of the state have an equal opportunity to establish prevention programs and receive trust fund money.

Subd. 4. Responsibilities of the commissioner. (a) The commissioner shall:

(1) provide for the coordination and exchange of information on the establishment and maintenance of prevention programs;

(2) develop and publish criteria for receiving trust fund money by prevention programs;

(3) review, approve, and monitor the spending of trust fund money by prevention programs;

(4) provide statewide educational and public informational seminars to develop public awareness on preventing child abuse; to encourage professional persons and groups to recognize instances of child abuse and work to prevent them; to make information on child abuse prevention available to the public and to organizations and agencies; and to encourage the development of prevention programs;

(5) establish a procedure for an annual, internal evaluation of the functions, responsibilities, and performance of the commissioner in carrying out Laws 1986, chapter 423;

(6) provide technical assistance to local councils and agencies working in the area of child abuse prevention; and

(7) accept and review grant applications beginning June 1, 1987.

(b) The commissioner shall recommend to the governor changes in state programs, statutes, policies, budgets, and standards that will reduce the problems of child abuse, improve coordination among state agencies that provide prevention services, and improve the condition of children, parents, or guardians in need of prevention program services.

History: 1997 c 7 art 2 s 8,9; 1997 c 162 art 2 s 3-5

119A.14 LOCAL CHILD ABUSE PREVENTION COUNCILS.

Subdivision 1. Establishment of council. A child abuse prevention council may be established in any county or group of counties that was eligible to receive funds under Minnesota Statutes 1986, section 145.917 as of January 1, 1986. A council organized in such a county or group of counties shall be authorized by the commissioner to review programs seeking trust fund money on finding that the council meets the criteria in this subdivision:

(a) The council has submitted a plan for the prevention of child abuse that includes a rank ordering of needed programs and services, assesses the need for additional programs or services, and demonstrates that standards and procedures have been established to ensure that funds will be distributed and used according to Laws 1986, chapter 423.

(b) A single-county council shall consist of:

(1) a minimum of nine members with the majority consisting of members from the community-at-large who do not represent service-providing agencies. These members shall represent the demographic and geographic composition of the county and, to the extent possible, represent the following groups: parents, businesses, racial and ethnic minority communities, and the faith communities; and

(2) if necessary, enough additional members with knowledge in the area of child abuse prevention so that a majority of the council is composed of members who do not represent public agencies.

(c) A multicounty council shall be composed of the combined membership of persons in paragraph (b).

Subd. 2. Review by council. To be eligible to receive a grant from the trust fund, an applicant must have had its application reviewed by a child abuse prevention council from

the applicant's geographic area found by the commissioner to meet the criteria in this section. In reviewing all applications, the council shall consider the extent to which the applicant meets the criteria and standards in Laws 1986, chapter 423, and the degree to which the program meets the needs of the geographic area. The council shall provide to the advisory council its comments and recommendations concerning each application reviewed and shall provide the advisory council with its prioritization by rank ordering of all applications reviewed.

History: 1997 c 162 art 2 s 6

119A.15 PROCEDURES AND CRITERIA FOR DISBURSEMENT.

[For text of subd 1, see M.S.1996]

Subd. 2. Matching and other requirements. Trust fund money shall only be distributed to applicants that demonstrate an ability to match at least 40 percent of the amount of trust fund money requested and whose proposals meet the other criteria. The matching requirement may be met through in-kind donations. In awarding grants, the commissioner shall consider the extent to which the applicant has demonstrated a willingness and ability to:

- (1) continue the prevention program or service if trust fund money is eliminated or reduced; and
- (2) provide prevention program models and consultation to other organizations and communities.

[For text of subs 3 and 4, see M.S.1996]

Subd. 5. Local council as recipient of funds. The commissioner may disburse funds to a local council for community education purposes, or for administrative costs in carrying out Laws 1986, chapter 423, if all criteria and standards are met.

Subd. 5a. Excluded programs. Programs transferred to the department of children, families, and learning from the department of economic security may not be included in the consolidated funding account and are ineligible for local consolidation. The commissioner may not apply for federal waivers to include these programs in funding consolidation initiatives. The programs include the following:

- (1) programs for the homeless under sections 268.365, 268.38, and 268.39;
- (2) emergency energy assistance and energy conservation programs under sections 4.071 and 268.371;
- (3) weatherization programs under section 268.37;
- (4) foodshelf programs under section 268.55 and the emergency food assistance program; and
- (5) lead abatement programs under section 268.92.

[For text of subs 6 and 7, see M.S.1996]

History: 1997 c 162 art 2 s 7,8; art 3 s 4

119A.16 ACCEPTANCE OF FEDERAL FUNDS AND OTHER DONATIONS.

The commissioner may accept federal money and gifts, donations, and bequests for the purposes of Laws 1986, chapter 423. Money so received and proceeds from the sale of promotional items, minus sales promotional costs, must be deposited in the trust fund and must be made available to the commissioner.

History: 1997 c 162 art 2 s 9

119A.26 OFFICE OF DRUG POLICY AND VIOLENCE PREVENTION.

[For text of subd 1, see M.S.1996]

Subd. 2. Duties. (a) The assistant commissioner shall:

- (1) gather, develop, and make available throughout the state information and educational materials on preventing and reducing violence in the family and in the community, both

directly and by serving as a clearinghouse for information and educational materials from schools, state and local agencies, community service providers, and local organizations;

(2) foster collaboration among schools, state and local agencies, community service providers, and local organizations that assist in violence intervention or prevention;

(3) assist schools, state and local agencies, service providers, and organizations, on request, with training and other programs designed to educate individuals about violence and reinforce values that contribute to ending violence;

(4) after consulting with all state agencies involved in preventing or reducing violence within the family or community, develop a statewide strategy for preventing and reducing violence that encompasses the efforts of those agencies and takes into account all money available for preventing or reducing violence from any source;

(5) submit the strategy to the governor by January 15 of each calendar year, along with a summary of activities occurring during the previous year to prevent or reduce violence experienced by children, young people, and their families; and

(6) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of activities to prevent or reduce violence within the family or community.

(b) The assistant commissioner shall gather and make available information on prevention and supply reduction activities throughout the state, foster cooperation among involved state and local agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of prevention and supply reduction activities.

(c) The assistant commissioner shall coordinate the distribution of funds received by the state of Minnesota through the federal Anti-Drug Abuse Act. The assistant commissioner shall recommend to the commissioner recipients of grants under sections 119A.30 and 299A.33, after consultation with the chemical abuse prevention resource council.

(d) The assistant commissioner shall:

(1) after consultation with all state agencies involved in prevention or supply reduction activities, develop a state chemical abuse and dependency strategy encompassing the efforts of those agencies and taking into account all money available for prevention and supply reduction activities, from any source;

(2) submit the strategy to the governor by January 15 of each year, along with a summary of prevention and supply reduction activities during the preceding calendar year;

(3) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of prevention and supply reduction activities;

(4) provide information, including information on drug trends, and assistance to state and local agencies, both directly and by functioning as a clearinghouse for information from other agencies;

(5) facilitate cooperation among drug program agencies; and

(6) in coordination with the chemical abuse prevention resource council, review, approve, and coordinate the administration of prevention, criminal justice, and treatment grants.

History: 1997 c 7 art 2 s 10

119A.30 [Repealed, 1997 c 239 art 3 s 25]

119A.31 COMMUNITY CRIME PREVENTION PROGRAMS; GRANTS.

Subdivision 1. **Programs.** The commissioner shall, in consultation with the chemical abuse and violence prevention council, administer a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control and prevention efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) community-based programs designed to provide services for children under 14 years of age who are juvenile offenders or who are at risk of becoming juvenile offenders. The programs must give priority to:

- (i) juvenile restitution;
- (ii) prearrest or pretrial diversion, including through mediation;
- (iii) probation innovation;
- (iv) teen courts, community service; or
- (v) post incarceration alternatives to assist youth in returning to their communities;

(2) community-based programs designed to provide at-risk children and youth under 14 years of age with after-school and summer enrichment activities;

(3) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities such as neighborhood youth centers;

(4) neighborhood block clubs and innovative community-based crime prevention programs;

(5) community- and school-based programs designed to enrich the educational, cultural, or recreational opportunities of at-risk children and youth, including programs designed to keep at-risk youth from dropping out of school and encourage school dropouts to return to school;

(6) community-based programs designed to intervene with juvenile offenders who are identified as likely to engage in repeated criminal activity in the future unless intervention is undertaken;

(7) community-based collaboratives that coordinate multiple programs and funding sources to address the needs of at-risk children and youth, including, but not limited to, collaboratives that address the continuum of services for juvenile offenders and those who are at risk of becoming juvenile offenders;

(8) programs that are proven successful at increasing the rate of school success or the rate of post-secondary education attendance for high-risk students;

(9) community-based programs that provide services to homeless youth;

(10) programs designed to reduce truancy;

(11) other community- and school-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program;

(12) community-based programs that attempt to prevent and ameliorate the effects of teenage prostitution;

(13) programs for mentoring at-risk youth, including youth at risk of gang involvement; and

(14) programs operated by community violence prevention councils.

[For text of subs 2 and 3, see M.S.1996]

History: 1997 c 2 s 5; 1997 c 162 art 2 s 10

119A.37 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. 2. 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. 3. 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.

In awarding grants to create or maintain a family visitation center, the commissioner shall require the proposed center to meet standards developed by the commissioner to ensure the safety of the custodial parent and children.

Subd. 4. 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. Each family visitation center must have available an individual knowledgeable about or experienced in the provision of services to battered women on its staff, its board of directors, or otherwise available to it for consultation.

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: 1992 c 571 art 10 s 17; 1995 c 207 art 4 s 21; 1997 c 203 art 5 s 37; 1997 c 239 art 7 s 2,3