

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**      **S.F. No. 1675**

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DATE	D-PG	OFFICIAL STATUS
02/02/2012	3705	Introduction and first reading Referred to Health and Human Services
02/23/2012	3893a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
03/12/2012	4277a	Comm report: To pass as amended
	4311	Second reading
03/22/2012		Special Order: Amended Third reading Passed

A bill for an act

1.1 relating to human services; modifying provisions related to children and  
1.2 family services; reforming adoptions under guardianship of the commissioner;  
1.3 modifying statutory provisions related to child support, child care and MFIP;  
1.4 amending Minnesota Statutes 2010, sections 13.46, subdivision 2; 13.461,  
1.5 subdivision 17; 13.465, by adding a subdivision; 119B.09, subdivision  
1.6 7; 119B.12, subdivisions 1, 2; 119B.125, subdivisions 1a, 2, 6; 119B.13,  
1.7 subdivision 6; 145.902, subdivisions 1, 3; 256.998, subdivisions 1, 5; 256J.08,  
1.8 subdivision 11; 256J.24, subdivisions 2, 5; 256J.32, subdivision 6; 256J.621;  
1.9 256J.68, subdivision 7; 256J.95, subdivision 3; 259.22, subdivision 2; 259.23,  
1.10 subdivision 1; 259.24, subdivisions 1, 3, 5, 6a, 7; 259.29, subdivision 2;  
1.11 260C.193, subdivision 3; 260C.201, subdivision 11a; 260C.212, subdivisions 1,  
1.12 2, 5, 7; 260C.217; 260C.317, subdivisions 3, 4; 260C.325, subdivisions 1, 3, 4;  
1.13 260C.328; 541.04; 548.09, subdivision 1; 609.3785; 626.556, subdivisions 2,  
1.14 10f, 10i, 11; Minnesota Statutes 2011 Supplement, section 119B.13, subdivision  
1.15 1; proposing coding for new law in Minnesota Statutes, chapter 260C; repealing  
1.16 Minnesota Statutes 2010, section 256.022.

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

**ARTICLE 1**

**CHILDREN AND FAMILIES POLICY PROVISIONS**

1.21 Section 1. Minnesota Statutes 2010, section 13.46, subdivision 2, is amended to read:

1.22 Subd. 2. **General.** (a) Unless the data is summary data or a statute specifically  
1.23 provides a different classification, data on individuals collected, maintained, used, or  
1.24 disseminated by the welfare system is private data on individuals, and shall not be  
1.25 disclosed except:

1.26 (1) according to section 13.05;

1.27 (2) according to court order;

1.28 (3) according to a statute specifically authorizing access to the private data;

2.1 (4) to an agent of the welfare system, including a law enforcement person, attorney,  
2.2 or investigator acting for it in the investigation or prosecution of a criminal or civil  
2.3 proceeding relating to the administration of a program;

2.4 (5) to personnel of the welfare system who require the data to verify an individual's  
2.5 identity; determine eligibility, amount of assistance, and the need to provide services to  
2.6 an individual or family across programs; evaluate the effectiveness of programs; assess  
2.7 parental contribution amounts; and investigate suspected fraud;

2.8 (6) to administer federal funds or programs;

2.9 (7) between personnel of the welfare system working in the same program;

2.10 (8) to the Department of Revenue to assess parental contribution amounts for  
2.11 purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit  
2.12 programs and to identify individuals who may benefit from these programs. The following  
2.13 information may be disclosed under this paragraph: an individual's and their dependent's  
2.14 names, dates of birth, Social Security numbers, income, addresses, and other data as  
2.15 required, upon request by the Department of Revenue. Disclosures by the commissioner  
2.16 of revenue to the commissioner of human services for the purposes described in this clause  
2.17 are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include,  
2.18 but are not limited to, the dependent care credit under section 290.067, the Minnesota  
2.19 working family credit under section 290.0671, the property tax refund and rental credit  
2.20 under section 290A.04, and the Minnesota education credit under section 290.0674;

2.21 (9) between the Department of Human Services, the Department of Employment  
2.22 and Economic Development, and when applicable, the Department of Education, for  
2.23 the following purposes:

2.24 (i) to monitor the eligibility of the data subject for unemployment benefits, for any  
2.25 employment or training program administered, supervised, or certified by that agency;

2.26 (ii) to administer any rehabilitation program or child care assistance program,  
2.27 whether alone or in conjunction with the welfare system;

2.28 (iii) to monitor and evaluate the Minnesota family investment program or the child  
2.29 care assistance program by exchanging data on recipients and former recipients of food  
2.30 support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance  
2.31 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

2.32 (iv) to analyze public assistance employment services and program utilization,  
2.33 cost, effectiveness, and outcomes as implemented under the authority established in Title  
2.34 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of  
2.35 1999. Health records governed by sections 144.291 to 144.298 and "protected health  
2.36 information" as defined in Code of Federal Regulations, title 45, section 160.103, and

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3.1 governed by Code of Federal Regulations, title 45, parts 160-164, including health care  
3.2 claims utilization information, must not be exchanged under this clause;

3.3 (10) to appropriate parties in connection with an emergency if knowledge of  
3.4 the information is necessary to protect the health or safety of the individual or other  
3.5 individuals or persons;

3.6 (11) data maintained by residential programs as defined in section 245A.02 may  
3.7 be disclosed to the protection and advocacy system established in this state according  
3.8 to Part C of Public Law 98-527 to protect the legal and human rights of persons with  
3.9 developmental disabilities or other related conditions who live in residential facilities for  
3.10 these persons if the protection and advocacy system receives a complaint by or on behalf  
3.11 of that person and the person does not have a legal guardian or the state or a designee of  
3.12 the state is the legal guardian of the person;

3.13 (12) to the county medical examiner or the county coroner for identifying or locating  
3.14 relatives or friends of a deceased person;

3.15 (13) data on a child support obligor who makes payments to the public agency  
3.16 may be disclosed to the Minnesota Office of Higher Education to the extent necessary to  
3.17 determine eligibility under section 136A.121, subdivision 2, clause (5);

3.18 (14) participant Social Security numbers and names collected by the telephone  
3.19 assistance program may be disclosed to the Department of Revenue to conduct an  
3.20 electronic data match with the property tax refund database to determine eligibility under  
3.21 section 237.70, subdivision 4a;

3.22 (15) the current address of a Minnesota family investment program participant  
3.23 may be disclosed to law enforcement officers who provide the name of the participant  
3.24 and notify the agency that:

3.25 (i) the participant:

3.26 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after  
3.27 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the  
3.28 jurisdiction from which the individual is fleeing; or

3.29 (B) is violating a condition of probation or parole imposed under state or federal law;

3.30 (ii) the location or apprehension of the felon is within the law enforcement officer's  
3.31 official duties; and

3.32 (iii) the request is made in writing and in the proper exercise of those duties;

3.33 (16) the current address of a recipient of general assistance or general assistance  
3.34 medical care may be disclosed to probation officers and corrections agents who are  
3.35 supervising the recipient and to law enforcement officers who are investigating the  
3.36 recipient in connection with a felony level offense;

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4.1 (17) information obtained from food support applicant or recipient households may  
4.2 be disclosed to local, state, or federal law enforcement officials, upon their written request,  
4.3 for the purpose of investigating an alleged violation of the Food Stamp Act, according  
4.4 to Code of Federal Regulations, title 7, section 272.1 (c);

4.5 (18) the address, Social Security number, and, if available, photograph of any  
4.6 member of a household receiving food support shall be made available, on request, to a  
4.7 local, state, or federal law enforcement officer if the officer furnishes the agency with the  
4.8 name of the member and notifies the agency that:

4.9 (i) the member:

4.10 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a  
4.11 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

4.12 (B) is violating a condition of probation or parole imposed under state or federal  
4.13 law; or

4.14 (C) has information that is necessary for the officer to conduct an official duty related  
4.15 to conduct described in subitem (A) or (B);

4.16 (ii) locating or apprehending the member is within the officer's official duties; and

4.17 (iii) the request is made in writing and in the proper exercise of the officer's official  
4.18 duty;

4.19 (19) the current address of a recipient of Minnesota family investment program,  
4.20 general assistance, general assistance medical care, or food support may be disclosed to  
4.21 law enforcement officers who, in writing, provide the name of the recipient and notify the  
4.22 agency that the recipient is a person required to register under section 243.166, but is not  
4.23 residing at the address at which the recipient is registered under section 243.166;

4.24 (20) certain information regarding child support obligors who are in arrears may be  
4.25 made public according to section 518A.74;

4.26 (21) data on child support payments made by a child support obligor and data on  
4.27 the distribution of those payments excluding identifying information on obligees may be  
4.28 disclosed to all obligees to whom the obligor owes support, and data on the enforcement  
4.29 actions undertaken by the public authority, the status of those actions, and data on the  
4.30 income of the obligor or obligee may be disclosed to the other party;

4.31 (22) data in the work reporting system may be disclosed under section 256.998,  
4.32 subdivision 7;

4.33 (23) to the Department of Education for the purpose of matching Department of  
4.34 Education student data with public assistance data to determine students eligible for free  
4.35 and reduced-price meals, meal supplements, and free milk according to United States  
4.36 Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and

5.1 state funds that are distributed based on income of the student's family; and to verify  
5.2 receipt of energy assistance for the telephone assistance plan;

5.3 (24) the current address and telephone number of program recipients and emergency  
5.4 contacts may be released to the commissioner of health or a local board of health as  
5.5 defined in section 145A.02, subdivision 2, when the commissioner or local board of health  
5.6 has reason to believe that a program recipient is a disease case, carrier, suspect case, or at  
5.7 risk of illness, and the data are necessary to locate the person;

5.8 (25) to other state agencies, statewide systems, and political subdivisions of this  
5.9 state, including the attorney general, and agencies of other states, interstate information  
5.10 networks, federal agencies, and other entities as required by federal regulation or law for  
5.11 the administration of the child support enforcement program;

5.12 (26) to personnel of public assistance programs as defined in section 256.741, for  
5.13 access to the child support system database for the purpose of administration, including  
5.14 monitoring and evaluation of those public assistance programs;

5.15 (27) to monitor and evaluate the Minnesota family investment program by  
5.16 exchanging data between the Departments of Human Services and Education, on  
5.17 recipients and former recipients of food support, cash assistance under chapter 256, 256D,  
5.18 256J, or 256K, child care assistance under chapter 119B, or medical programs under  
5.19 chapter 256B, 256D, or 256L;

5.20 (28) to evaluate child support program performance and to identify and prevent  
5.21 fraud in the child support program by exchanging data between the Department of Human  
5.22 Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a)  
5.23 and (b), without regard to the limitation of use in paragraph (c), Department of Health,  
5.24 Department of Employment and Economic Development, and other state agencies as is  
5.25 reasonably necessary to perform these functions;

5.26 (29) counties operating child care assistance programs under chapter 119B may  
5.27 disseminate data on program participants, applicants, and providers to the commissioner  
5.28 of education; or

5.29 (30) child support data ~~on the parents and the child~~ may be disclosed to agencies  
5.30 administering programs under titles IV-B and IV-E of the Social Security Act, as provided  
5.31 by federal law. ~~Data may be disclosed only to the extent necessary for the purpose of~~  
5.32 ~~establishing parentage or for determining who has or may have parental rights with respect~~  
5.33 ~~to a child, which could be related to permanency planning.~~

5.34 (b) Information on persons who have been treated for drug or alcohol abuse may  
5.35 only be disclosed according to the requirements of Code of Federal Regulations, title  
5.36 42, sections 2.1 to 2.67.

6.1 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),  
6.2 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected  
6.3 nonpublic while the investigation is active. The data are private after the investigation  
6.4 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

6.5 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is  
6.6 not subject to the access provisions of subdivision 10, paragraph (b).

6.7 For the purposes of this subdivision, a request will be deemed to be made in writing  
6.8 if made through a computer interface system.

6.9 Sec. 2. Minnesota Statutes 2010, section 13.461, subdivision 17, is amended to read:

6.10 Subd. 17. **Maltreatment review panels.** Data of the vulnerable adult maltreatment  
6.11 review panel ~~or the child maltreatment review panel~~ are classified under section 256.021  
6.12 ~~or 256.022.~~

6.13 Sec. 3. Minnesota Statutes 2010, section 13.465, is amended by adding a subdivision  
6.14 to read:

6.15 Subd. 5a. **Adoptive parent.** Certain data that may be disclosed to a prospective  
6.16 adoptive parent is governed by section 260C.613, subdivision 2.

6.17 Sec. 4. Minnesota Statutes 2010, section 145.902, subdivision 1, is amended to read:

6.18 Subdivision 1. **General.** (a) For purposes of this section, a "safe place" means a  
6.19 hospital licensed under sections 144.50 to 144.56, a healthcare provider that provides  
6.20 access to urgent care services, or a sheriff's office.

6.21 (b) A hospital licensed under sections 144.50 to 144.56 safe place shall receive a  
6.22 newborn left with a hospital an employee on the hospital premises of the safe place during  
6.23 its hours of operation, provided that:

6.24 (1) the newborn was born within ~~72 hours~~ seven days of being left at the ~~hospital~~  
6.25 safe place, as determined within a reasonable degree of medical certainty; and

6.26 (2) the newborn is left in an unharmed condition.

6.27 ~~(b)~~ (c) The hospital safe place must not inquire as to the identity of the mother or the  
6.28 person leaving the newborn or call the police, provided the newborn is unharmed when  
6.29 presented ~~to the hospital~~. The hospital safe place may ask the mother or the person leaving  
6.30 the newborn about the medical history of the mother or newborn but the mother or the  
6.31 person leaving the newborn is not required to provide any information. The hospital safe  
6.32 place may provide the mother or the person leaving the newborn with information about  
6.33 how to contact relevant social service agencies.

7.1           (d) A safe place that is not a hospital shall arrange to transport the newborn to a  
7.2 hospital. The safe place can either: (1) dial 911, advise the 911 dispatcher that the call  
7.3 is being made from a safe place for newborns, and request that the dispatcher send an  
7.4 ambulance; or (2) arrange to transport the newborn in a safe and appropriate manner. The  
7.5 hospital shall receive the newborn and perform the duties under subdivision 2.

7.6           Sec. 5. Minnesota Statutes 2010, section 145.902, subdivision 3, is amended to read:

7.7           Subd. 3. **Immunity.** (a) A ~~hospital~~ safe place with responsibility for performing  
7.8 duties under this section, and any employee, doctor, or other medical professional working  
7.9 at the ~~hospital~~ safe place, are immune from any criminal liability that otherwise might  
7.10 result from their actions, if they are acting in good faith in receiving a newborn, and  
7.11 are immune from any civil liability that otherwise might result from merely receiving a  
7.12 newborn.

7.13           (b) A ~~hospital~~ safe place performing duties under this section, or an employee,  
7.14 doctor, or other medical professional working at the ~~hospital~~ safe place who is a mandated  
7.15 reporter under section 626.556, is immune from any criminal or civil liability that  
7.16 otherwise might result from the failure to make a report under that section if the person is  
7.17 acting in good faith in complying with this section.

7.18           Sec. 6. Minnesota Statutes 2010, section 256.998, subdivision 1, is amended to read:

7.19           Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this  
7.20 section.

7.21           (b) "Date of hiring" means the earlier of: (1) the first day for which an employee is  
7.22 owed compensation by an employer; or (2) the first day that an employee reports to work  
7.23 or performs labor or services for an employer.

7.24           (c) "Earnings" means payment owed by an employer for labor or services rendered  
7.25 by an employee.

7.26           (d) "Employee" means a person who resides or works in Minnesota, performs  
7.27 services for compensation, in whatever form, for an employer and satisfies the criteria of  
7.28 an employee under chapter 24 of the Internal Revenue Code. Employee does not include:

7.29           (1) persons hired for domestic service in the private home of the employer, as  
7.30 defined in the Federal Tax Code; or

7.31           (2) an employee of the federal or state agency performing intelligence or  
7.32 counterintelligence functions, if the head of such agency has determined that reporting  
7.33 according to this law would endanger the safety of the employee or compromise an  
7.34 ongoing investigation or intelligence mission.

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8.1 (e) "Employer" means a person or entity located or doing business in this state that  
8.2 employs one or more employees for payment, and satisfies the criteria of an employer  
8.3 under chapter 24 of the Internal Revenue Code. Employer includes a labor organization as  
8.4 defined in paragraph (g). Employer also includes the state, political or other governmental  
8.5 subdivisions of the state, and the federal government.

8.6 (f) "Hiring" means engaging a person to perform services for compensation and  
8.7 includes the reemploying or return to work of any previous employee who was laid off,  
8.8 furloughed, separated, granted a leave without pay, or terminated from employment when  
8.9 a period of ~~90~~ 60 days elapses from the date of layoff, furlough, separation, leave, or  
8.10 termination to the date of the person's return to work.

8.11 (g) "Labor organization" means entities located or doing business in this state that  
8.12 meet the criteria of labor organization under section 2(5) of the National Labor Relations  
8.13 Act. This includes any entity, that may also be known as a hiring hall, used to carry out  
8.14 requirements described in chapter 7 of the National Labor Relations Act.

8.15 (h) "Payor" means a person or entity located or doing business in Minnesota who  
8.16 pays money to an independent contractor according to an agreement for the performance  
8.17 of services.

8.18 Sec. 7. Minnesota Statutes 2010, section 256.998, subdivision 5, is amended to read:

8.19 Subd. 5. **Report contents.** Reports required under this section must contain: all  
8.20 the information required by federal law.

8.21 ~~(1) the employee's name, address, Social Security number, and date of birth when~~  
8.22 ~~available, which can be handwritten or otherwise added to the W-4 form, W-9 form, or~~  
8.23 ~~other document submitted; and~~

8.24 ~~(2) the employer's name, address, and federal identification number.~~

8.25 Sec. 8. Minnesota Statutes 2010, section 256J.24, subdivision 5, is amended to read:

8.26 Subd. 5. **MFIP transitional standard.** The MFIP transitional standard is based  
8.27 on the number of persons in the assistance unit eligible for both food and cash assistance  
8.28 unless the restrictions in subdivision 6 on the birth of a child apply. ~~The following table~~  
8.29 ~~represents the transitional standards including a breakdown of the cash and food portions~~  
8.30 ~~effective October 1, 2009.~~

8.31	<del>Number of Eligible People</del>	<del>Transitional Standard</del>	<del>Cash Portion</del>	<del>Food Portion</del>
8.32	1	<del>\$428:</del>	\$250	\$178
8.33	2	<del>\$764:</del>	\$437	\$327
8.34	3	<del>\$1,005:</del>	\$532	\$473

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9.1	4	<del>\$1,222:</del>	\$621	<del>\$601</del>
9.2	5	<del>\$1,399:</del>	\$697	<del>\$702</del>
9.3	6	<del>\$1,608:</del>	\$773	<del>\$835</del>
9.4	7	<del>\$1,754:</del>	\$850	<del>\$904</del>
9.5	8	<del>\$1,940:</del>	\$916	<del>\$1,024</del>
9.6	9	<del>\$2,125:</del>	\$980	<del>\$1,145</del>
9.7	10	<del>\$2,304:</del>	\$1,035	<del>\$1,269</del>
9.8	over 10	<del>add \$178:</del>	\$53	<del>\$125</del>
9.9	<del>per additional member.</del>			

9.10 The amount of the transitional standard is published annually by the Department of  
9.11 Human Services.

9.12 Sec. 9. Minnesota Statutes 2010, section 259.22, subdivision 2, is amended to read:

9.13 Subd. 2. **Persons who may be adopted.** No petition for adoption shall be filed  
9.14 unless the person sought to be adopted has been placed by ~~the commissioner of human~~  
9.15 ~~services, the commissioner's agent, or~~ a licensed child-placing agency. The provisions of  
9.16 this subdivision shall not apply if:

9.17 (1) the person to be adopted is over 14 years of age;

9.18 (2) the child is sought to be adopted by an individual who is related to the child, as  
9.19 defined by section 245A.02, subdivision 13;

9.20 (3) the child has been lawfully placed under the laws of another state while the child  
9.21 and petitioner resided in that other state;

9.22 (4) the court waives the requirement of this subdivision in the best interests of the  
9.23 child or petitioners, provided that the adoption does not involve a placement as defined in  
9.24 section 259.21, subdivision 8; or

9.25 (5) the child has been lawfully placed under section 259.47.

9.26 Sec. 10. Minnesota Statutes 2010, section 259.23, subdivision 1, is amended to read:

9.27 Subdivision 1. **Venue.** (a) ~~Except as provided in section 260C.101, subdivision 2,~~  
9.28 The juvenile court shall have original jurisdiction in all adoption proceedings. The proper  
9.29 venue for an adoption proceeding shall be the county of the petitioner's residence, except  
9.30 as provided in ~~paragraph (b)~~ section 260C.621, subdivision 2, for the adoption of children  
9.31 under the guardianship of the commissioner.

9.32 ~~(b) Venue for the adoption of a child committed to the guardianship of the~~  
9.33 ~~commissioner of human services shall be the county with jurisdiction in the matter~~  
9.34 ~~according to section 260C.317, subdivision 3.~~

10.1 ~~(e) Upon request of the petitioner, the court having jurisdiction over the matter under~~  
10.2 ~~section 260C.317, subdivision 3, may transfer venue of an adoption proceeding involving~~  
10.3 ~~a child under the guardianship of the commissioner to the county of the petitioner's~~  
10.4 ~~residence upon determining that:~~

10.5 ~~(1) the commissioner has given consent to the petitioner's adoption of the child~~  
10.6 ~~or that consent is unreasonably withheld;~~

10.7 ~~(2) there is no other adoption petition for the child that has been filed or is reasonably~~  
10.8 ~~anticipated by the commissioner or the commissioner's delegate to be filed; and~~

10.9 ~~(3) transfer of venue is in the best interests of the child.~~

10.10 Transfer of venue under this paragraph shall be according to the rules of adoption court  
10.11 procedure.

10.12 ~~(d)~~ (b) In all ~~other~~ adoptions under this chapter, if the petitioner has acquired a new  
10.13 residence in another county and requests a transfer of the adoption proceeding, the court in  
10.14 which an adoption is initiated may transfer the proceeding to the appropriate court in the  
10.15 new county of residence if the transfer is in the best interests of the person to be adopted.  
10.16 The court transfers the proceeding by ordering a continuance and by forwarding to the  
10.17 court administrator of the appropriate court a certified copy of all papers filed, together  
10.18 with an order of transfer. The transferring court also shall forward copies of the order  
10.19 of transfer to the commissioner of human services and any agency participating in the  
10.20 proceedings. The judge of the receiving court shall accept the order of the transfer and any  
10.21 other documents transmitted and hear the case; provided, however, the receiving court  
10.22 may in its discretion require the filing of a new petition prior to the hearing.

10.23 Sec. 11. Minnesota Statutes 2010, section 259.24, subdivision 1, is amended to read:

10.24 Subdivision 1. **Exceptions.** (a) No child shall be adopted without the consent of the  
10.25 child's parents and the child's guardian, if there be one, except ~~in the following instances~~  
10.26 consent is not required of a parent:

10.27 ~~(a) Consent shall not be required of a parent~~ (1) who is not entitled to notice of the  
10.28 proceedings;

10.29 ~~(b) Consent shall not be required of a parent~~ (2) who has abandoned the child, ~~or~~  
10.30 ~~of a parent who has lost custody of the child through a divorce decree or a decree of~~  
10.31 ~~dissolution~~, and upon whom notice has been served as required by section 259.49; or

10.32 ~~(c) Consent shall not be required of a parent~~ (3) whose parental rights to the child  
10.33 have been terminated by a juvenile court or who has lost custody of a child through a final  
10.34 commitment of the juvenile court or through a decree in a prior adoption proceeding.

11.1 ~~(d) If there be no parent or guardian qualified to consent to the adoption, the~~  
11.2 ~~consent shall be given by the commissioner. After the court accepts a parent's consent~~  
11.3 ~~to the adoption under section 260C.201, subdivision 11, consent by the commissioner~~  
11.4 ~~or commissioner's delegate is also necessary. Agreement to the identified prospective~~  
11.5 ~~adoptive parent by the responsible social services agency under section 260C.201,~~  
11.6 ~~subdivision 11, does not constitute the required consent.~~

11.7 ~~(e) (b) If there is no parent or guardian qualified to consent to the adoption, the~~  
11.8 ~~commissioner or agency having authority to place a child for adoption pursuant to section~~  
11.9 ~~259.25, subdivision 1, shall have the exclusive right to consent to the adoption of such the~~  
11.10 ~~child. The commissioner or agency shall make every effort to place siblings together for~~  
11.11 ~~adoption. Notwithstanding any rule to the contrary, the commissioner may delegate the~~  
11.12 ~~right to consent to the adoption or separation of siblings, if it is in the child's best interest,~~  
11.13 ~~to a local social services agency.~~

11.14 Sec. 12. Minnesota Statutes 2010, section 259.24, subdivision 3, is amended to read:

11.15 Subd. 3. **Child.** When the child to be adopted is over 14 years of age, the child's  
11.16 written consent to adoption by a particular person is also necessary. ~~A child of any age~~  
11.17 ~~who is under the guardianship of the commissioner and is legally available for adoption~~  
11.18 ~~may not refuse or waive the commissioner's agent's exhaustive efforts to recruit, identify,~~  
11.19 ~~and place the child in an adoptive home required under section 260C.317, subdivision~~  
11.20 ~~3, paragraph (b), or sign a document relieving county social services agencies of all~~  
11.21 ~~recruitment efforts on the child's behalf.~~

11.22 Sec. 13. Minnesota Statutes 2010, section 259.24, subdivision 5, is amended to read:

11.23 Subd. 5. **Execution.** All consents to an adoption shall be in writing, executed  
11.24 before two competent witnesses, and acknowledged by the consenting party. ~~In addition,~~  
11.25 ~~all consents to an adoption, except those by the commissioner, the commissioner's agent,~~  
11.26 ~~a licensed child-placing agency, an adult adoptee, or the child's parent in a petition for~~  
11.27 ~~adoption by a stepparent, shall be executed before a representative of the commissioner,~~  
11.28 ~~the commissioner's agent, or a licensed child-placing agency. All consents by a parent~~  
11.29 ~~to adoption under this chapter:~~

11.30 (1) shall contain notice to the parent of the substance of subdivision 6a, providing  
11.31 for the right to withdraw consent unless the parent will not have the right to withdraw  
11.32 consent ~~because consent was executed under section 260C.201, subdivision 11, following~~  
11.33 ~~proper notice that consent given under that provision is irrevocable upon acceptance by~~  
11.34 ~~the court as provided in subdivision 6a; and~~

12.1 (2) shall contain the following written notice in all capital letters at least one-eighth  
12.2 inch high:

12.3 ~~"This~~ The agency responsible for supervising the adoptive placement of the child  
12.4 will submit your consent to adoption to the court. If you are consenting to adoption by  
12.5 the child's stepparent, the consent will be submitted to the court by the petitioner in your  
12.6 child's adoption. The consent itself does not terminate your parental rights. Parental rights  
12.7 to a child may be terminated only by an adoption decree or by a court order terminating  
12.8 parental rights. Unless the child is adopted or your parental rights are terminated, you  
12.9 may be asked to support the child."

12.10 Consents shall be filed in the adoption proceedings at any time before the matter  
12.11 is heard provided, however, that a consent executed and acknowledged outside of this  
12.12 state, either in accordance with the law of this state or in accordance with the law of the  
12.13 place where executed, is valid.

12.14 Sec. 14. Minnesota Statutes 2010, section 259.24, subdivision 6a, is amended to read:

12.15 Subd. 6a. **Withdrawal of consent.** ~~Except for consents executed under section~~  
12.16 ~~260C.201, subdivision 11,~~ A parent's consent to adoption under this chapter may be  
12.17 withdrawn for any reason within ten working days after the consent is executed and  
12.18 acknowledged. No later than the tenth working day after the consent is executed and  
12.19 acknowledged, written notification of withdrawal of consent must be received by: (1)  
12.20 the agency to which the child was surrendered ~~no later than the tenth working day after~~  
12.21 ~~the consent is executed and acknowledged;~~ (2) the agency supervising the adoptive  
12.22 placement of the child; or (3) in the case of adoption by a stepparent or any adoption  
12.23 not involving agency placement or supervision, by the district court where the adopting  
12.24 stepparent or parent resides. On the day following the tenth working day after execution  
12.25 and acknowledgment, the consent shall become irrevocable, except upon order of a court  
12.26 of competent jurisdiction after written findings that consent was obtained by fraud. ~~A~~  
12.27 ~~consent to adopt executed under section 260C.201, subdivision 11, is irrevocable upon~~  
12.28 ~~proper notice to both parents of the effect of a consent to adopt and acceptance by the~~  
12.29 ~~court, except upon order of the same court after written findings that the consent was~~  
12.30 ~~obtained by fraud. In proceedings to determine the existence of fraud, the adoptive parents~~  
12.31 ~~and the child shall be made parties.~~ The proceedings shall be conducted to preserve the  
12.32 confidentiality of the adoption process. There shall be no presumption in the proceedings  
12.33 favoring the birth parents over the adoptive parents.

12.34 Sec. 15. Minnesota Statutes 2010, section 259.24, subdivision 7, is amended to read:

13.1 Subd. 7. **Withholding consent; reason.** Consent to an adoption shall not be  
13.2 unreasonably withheld by a guardian, who is not a parent of the child, ~~by the commissioner~~  
13.3 or by an agency.

13.4 Sec. 16. Minnesota Statutes 2010, section 259.29, subdivision 2, is amended to read:

13.5 Subd. 2. **Placement with relative or friend.** The authorized child-placing agency  
13.6 shall consider placement, consistent with the child's best interests and in the following  
13.7 order, with (1) a relative or relatives of the child, or (2) an important friend with whom the  
13.8 child has resided or had significant contact. In implementing this section, an authorized  
13.9 child-placing agency may disclose private or confidential data, as defined in section 13.02,  
13.10 to relatives of the child for the purpose of locating a suitable adoptive home. The agency  
13.11 shall disclose only data that is necessary to facilitate implementing the preference.

13.12 If the child's birth parent or parents explicitly request that placement with ~~relatives a~~  
13.13 specific relative or important ~~friends friend~~ not be considered, the authorized child-placing  
13.14 agency shall honor that request if it is consistent with the best interests of the child and  
13.15 consistent with the requirements of sections 260C.212, subdivision 2, and 260C.221.

13.16 If the child's birth parent or parents express a preference for placing the child in an  
13.17 adoptive home of the same or a similar religious background to that of the birth parent  
13.18 or parents, the agency shall place the child with a family that meets the birth parent's  
13.19 religious preference.

13.20 This subdivision does not affect the Indian Child Welfare Act, United States  
13.21 Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation  
13.22 Act, sections 260.751 to 260.835.

13.23 Sec. 17. Minnesota Statutes 2010, section 260C.193, subdivision 3, is amended to read:

13.24 Subd. 3. **Best interest of the child in foster care ~~or residential care.~~** (a) The  
13.25 policy of the state is to ensure that the best interests of children in foster ~~or residential~~ care  
13.26 are met by requiring individualized determinations under section 260C.212, subdivision 2,  
13.27 paragraph (b), of the needs of the child and of how the selected placement will serve the  
13.28 needs of the child in foster care placements.

13.29 (b) The court shall review whether the responsible social services agency made  
13.30 efforts as required under section ~~260C.212, subdivision 5~~ 260C.221, and made an  
13.31 individualized determination as required under section 260C.212, subdivision 2. If  
13.32 the court finds the agency has not made efforts as required under section ~~260C.212,~~  
13.33 ~~subdivision 5~~ 260C.221, and there is a relative who qualifies to be licensed to provide

14.1 family foster care under chapter 245A, the court may order the child placed with the  
14.2 relative consistent with the child's best interests.

14.3 (c) If the child's birth parent or parents explicitly request that a relative or important  
14.4 friend not be considered, the court shall honor that request if it is consistent with the  
14.5 best interests of the child and consistent with the requirements of section 260C.221. If  
14.6 the child's birth parent or parents express a preference for placing the child in a foster or  
14.7 adoptive home of the same or a similar religious background to that of the birth parent  
14.8 or parents, the court shall order placement of the child with an individual who meets the  
14.9 birth parent's religious preference.

14.10 (d) Placement of a child cannot be delayed or denied based on race, color, or national  
14.11 origin of the foster parent or the child.

14.12 (e) Whenever possible, siblings requiring foster care placement should be placed  
14.13 together unless it is determined not to be in the best interests of a sibling after weighing  
14.14 the benefits of separate placement against the benefits of sibling connections for each  
14.15 sibling. If siblings are not placed together according to section 260C.212, subdivision 2,  
14.16 paragraph (d), the responsible social services agency shall report to the court the efforts  
14.17 made to place the siblings together and why the efforts were not successful. If the court is  
14.18 not satisfied with the agency's efforts to place siblings together, the court may order the  
14.19 agency to make further efforts. If siblings are not placed together the court shall review  
14.20 the responsible social services agency's plan for visitation among siblings required as part  
14.21 of the out-of-home placement plan under section 260C.212.

14.22 (f) This subdivision does not affect the Indian Child Welfare Act, United States  
14.23 Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation  
14.24 Act, sections 260.751 to 260.835.

14.25 Sec. 18. Minnesota Statutes 2010, section 260C.201, subdivision 11a, is amended to  
14.26 read:

14.27 Subd. 11a. **Permanency progress review for children under eight in foster care**  
14.28 **for six months**. (a) ~~If the child was under eight years of age at the time the petition~~  
14.29 ~~was filed alleging the child was in need of protection or services, and the~~ When a child  
14.30 continues in placement out of the home of the parent or guardian from whom the child  
14.31 was removed, no later than six months after the child's placement the court shall conduct a  
14.32 permanency progress hearing to review:

14.33 (1) the progress of the case, the parent's progress on the case plan or out-of-home  
14.34 placement plan, ~~and~~ whichever is applicable;

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

15.3           (3) the agency's reasonable efforts to finalize the permanent plan for the child  
15.4 under section 260.012, paragraph (e), and to make a placement as required under section  
15.5 260C.212, subdivision 2, in a home that will commit to being the legally permanent  
15.6 family for the child in the event the child cannot return home according to the timelines  
15.7 in this section; and

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

15.11           ~~(b) Based on its assessment of the parent's or guardian's progress on the out-of-home~~  
15.12 ~~placement plan, the responsible social services agency must ask the county attorney to file~~  
15.13 ~~a petition for termination of parental rights, a petition for transfer of permanent legal and~~  
15.14 ~~physical custody to a relative, or the report required under juvenile court rules.~~

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

15.16           (1) responded to the agency's notice provided under section 260C.221 indicating an  
15.17 interest in participating in planning for the child or being a permanency resource for the  
15.18 child and who has kept the court apprised of his or her address; or

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

15.21           (c)(1) If the parent or guardian has maintained contact with the child and is  
15.22 complying with the court-ordered out-of-home placement plan, and if the child would  
15.23 benefit from reunification with the parent, the court may either:

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

15.27           (ii) continue the matter up to a total of six additional months. If the child has not  
15.28 returned home by the end of the additional six months, the court must conduct a hearing  
15.29 according to subdivision 11.

15.30           (2) If the court determines that the parent or guardian is not complying with the  
15.31 out-of-home placement plan or is not maintaining regular contact with the child as outlined  
15.32 in the visitation plan required as part of the out-of-home placement plan under section  
15.33 260C.212, the court may order the responsible social services agency:

15.34           (i) to develop a plan for legally permanent placement of the child away from the  
15.35 parent ~~and~~;

16.1 (ii) to consider, identify, recruit, and support one or more permanency resources  
16.2 from the child's relatives and foster parent to be the legally permanent home in the event  
16.3 the child cannot be returned to the parent. Any relative or the child's foster parent may  
16.4 ask the court to order the agency to consider them for permanent placement of the child  
16.5 in the event the child cannot be returned to the parent. A relative or foster parent who  
16.6 wants to be considered under this item shall cooperate with the background study required  
16.7 under section 245C.08, if the individual has not already done so, and with the home study  
16.8 process required under chapter 245A for providing child foster care and for adoption  
16.9 under section 259.41; the home study referred to in this item shall be a single-home study  
16.10 in the form required by the commissioner of human services or similar study required  
16.11 by the individual's state of residence when the subject of the study is not a resident of  
16.12 Minnesota; the court may order the responsible social services agency to make a referral  
16.13 under the Interstate Compact on the Placement of Children, sections 260.851 et al., when  
16.14 necessary to obtain a home study for an individual who wants to be considered for transfer  
16.15 of permanent legal and physical custody or adoption of the child; and

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

16.17 (d) Following the review under ~~paragraphs (b) and (c)~~ this subdivision:

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

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

16.26 (3) if the court orders the agency to file a termination of parental rights, unless the  
16.27 county attorney can show cause why a termination of parental rights petition should not be  
16.28 filed, a petition for termination of parental rights shall be filed in juvenile court within  
16.29 30 days of the hearing required under this subdivision and a trial on the petition held  
16.30 within ~~90~~ 60 days of the filing of the petition.

16.31 Sec. 19. Minnesota Statutes 2010, section 260C.212, subdivision 1, is amended to read:

16.32 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan  
16.33 shall be prepared within 30 days after any child is placed in foster care by court order or a  
16.34 voluntary placement agreement between the responsible social services agency and the  
16.35 child's parent pursuant to subdivision 8 or chapter 260D.

17.1 (b) An out-of-home placement plan means a written document which is prepared by  
17.2 the responsible social services agency jointly with the parent or parents or guardian of the  
17.3 child and in consultation with the child's guardian ad litem, the child's tribe, if the child  
17.4 is an Indian child, the child's foster parent or representative of the ~~residential~~ foster care  
17.5 facility, and, where appropriate, the child. For a child in voluntary foster care for treatment  
17.6 under chapter 260D, preparation of the out-of-home placement plan shall additionally  
17.7 include the child's mental health treatment provider. As appropriate, the plan shall be:

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

17.9 (2) ordered by the court, either as presented or modified after hearing, under section  
17.10 260C.178, subdivision 7, or 260C.201, subdivision 6; and

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

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

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

17.22 (2) the specific reasons for the placement of the child in a ~~residential facility~~ foster  
17.23 care, and when reunification is the plan, a description of the problems or conditions in the  
17.24 home of the parent or parents which necessitated removal of the child from home and the  
17.25 changes the parent or parents must make in order for the child to safely return home;

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

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

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

17.35 (4) a description of any services or resources that were requested by the child or the  
17.36 child's parent, guardian, foster parent, or custodian since the date of the child's placement

18.1 in the residential facility, and whether those services or resources were provided and if  
18.2 not, the basis for the denial of the services or resources;

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

18.7 (6) documentation of steps to finalize the adoption or legal guardianship of the child  
18.8 if the court has issued an order terminating the rights of both parents of the child or of the  
18.9 only known, living parent of the child. At a minimum, the documentation must include  
18.10 child-specific recruitment efforts such as relative search and the use of state, regional, and  
18.11 national adoption exchanges to facilitate orderly and timely placements in and outside  
18.12 of the state. A copy of this documentation shall be provided to the court in the review  
18.13 required under section 260C.317, subdivision 3, paragraph (b);

18.14 (7) efforts to ensure the child's educational stability while in foster care, including:

18.15 (i) efforts to ensure that the child ~~in placement~~ remains in the same school in which  
18.16 the child was enrolled prior to placement or upon the child's move from one placement  
18.17 to another, including efforts to work with the local education authorities to ensure the  
18.18 child's educational stability; or

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

18.22 (8) the educational records of the child including the most recent information  
18.23 available regarding:

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

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

18.26 (iii) the child's school record;

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

18.29 (v) any other relevant educational information;

18.30 (9) the efforts by the local agency to ensure the oversight and continuity of health  
18.31 care services for the foster child, including:

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

18.33 (ii) how the child's known medical problems and identified needs from the screens,  
18.34 including any known communicable diseases, as defined in section 144.4172, subdivision  
18.35 2, will be monitored and treated while the child is in foster care;

19.1 (iii) how the child's medical information will be updated and shared, including  
19.2 the child's immunizations;

19.3 (iv) who is responsible to coordinate and respond to the child's health care needs,  
19.4 including the role of the parent, the agency, and the foster parent;

19.5 (v) who is responsible for oversight of the child's prescription medications;

19.6 (vi) how physicians or other appropriate medical and nonmedical professionals  
19.7 will be consulted and involved in assessing the health and well-being of the child and  
19.8 determine the appropriate medical treatment for the child; and

19.9 (vii) the responsibility to ensure that the child has access to medical care through  
19.10 either medical insurance or medical assistance;

19.11 (10) the health records of the child including information available regarding:

19.12 (i) the names and addresses of the child's health care and dental care providers;

19.13 (ii) a record of the child's immunizations;

19.14 (iii) the child's known medical problems, including any known communicable  
19.15 diseases as defined in section 144.4172, subdivision 2;

19.16 (iv) the child's medications; and

19.17 (v) any other relevant health care information such as the child's eligibility for  
19.18 medical insurance or medical assistance;

19.19 (11) an independent living plan for a child age 16 or older ~~who is in placement as~~  
19.20 ~~a result of a permanency disposition~~. The plan should include, but not be limited to,  
19.21 the following objectives:

19.22 (i) educational, vocational, or employment planning;

19.23 (ii) health care planning and medical coverage;

19.24 (iii) transportation including, where appropriate, assisting the child in obtaining a  
19.25 driver's license;

19.26 (iv) money management, including the responsibility of the agency to ensure that  
19.27 the youth annually receives, at no cost to the youth, a consumer report as defined under  
19.28 section 13C.001 and assistance in interpreting and resolving any inaccuracies in the report;

19.29 (v) planning for housing;

19.30 (vi) social and recreational skills; and

19.31 (vii) establishing and maintaining connections with the child's family and  
19.32 community; and

19.33 (12) for a child in voluntary foster care for treatment under chapter 260D, diagnostic  
19.34 and assessment information, specific services relating to meeting the mental health care  
19.35 needs of the child, and treatment outcomes.

20.1 (d) The parent or parents or guardian and the child each shall have the right to legal  
20.2 counsel in the preparation of the case plan and shall be informed of the right at the time  
20.3 of placement of the child. The child shall also have the right to a guardian ad litem.  
20.4 If unable to employ counsel from their own resources, the court shall appoint counsel  
20.5 upon the request of the parent or parents or the child or the child's legal guardian. The  
20.6 parent or parents may also receive assistance from any person or social services agency  
20.7 in preparation of the case plan.

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

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

20.14 Sec. 20. Minnesota Statutes 2010, section 260C.212, subdivision 2, is amended to read:

20.15 Subd. 2. **Placement decisions based on best interest of the child.** (a) The policy  
20.16 of the state of Minnesota is to ensure that the child's best interests are met by requiring an  
20.17 individualized determination of the needs of the child and of how the selected placement  
20.18 will serve the needs of the child being placed. The authorized child-placing agency shall  
20.19 place a child, released by court order or by voluntary release by the parent or parents, in  
20.20 a family foster home selected by considering placement with relatives and important  
20.21 friends in the following order:

20.22 (1) with an individual who is related to the child by blood, marriage, or adoption; or  
20.23 (2) with an individual who is an important friend with whom the child has resided or  
20.24 had significant contact.

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

20.27 (1) the child's current functioning and behaviors;  
20.28 (2) the medical; needs of the child;  
20.29 (3) the educational; and needs of the child;  
20.30 (4) the developmental needs of the child;  
20.31 ~~(3)~~ (5) the child's history and past experience;  
20.32 ~~(4)~~ (6) the child's religious and cultural needs;  
20.33 ~~(5)~~ (7) the child's connection with a community, school, and faith community;  
20.34 ~~(6)~~ (8) the child's interests and talents;

21.1 ~~(7)~~ (9) the child's relationship to current caretakers, parents, siblings, and relatives;  
21.2 and

21.3 ~~(8)~~ (10) the reasonable preference of the child, if the court, or the child-placing  
21.4 agency in the case of a voluntary placement, deems the child to be of sufficient age to  
21.5 express preferences.

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

21.8 (d) Siblings should be placed together for foster care and adoption at the earliest  
21.9 possible time unless it is documented that a joint placement would be contrary to the  
21.10 safety or well-being of any of the siblings or unless it is not possible after reasonable  
21.11 efforts by the responsible social services agency. In cases where siblings cannot be placed  
21.12 together, the agency is required to provide frequent visitation or other ongoing interaction  
21.13 between siblings unless the agency documents that the interaction would be contrary to  
21.14 the safety or well-being of any of the siblings.

21.15 (e) Except for emergency placement as provided for in section 245A.035, a  
21.16 completed background study is required under section 245C.08 before the approval of a  
21.17 foster placement in a related or unrelated home.

21.18 Sec. 21. Minnesota Statutes 2010, section 260C.212, subdivision 5, is amended to read:

21.19 Subd. 5. **Relative search.** (a) The responsible social services agency shall exercise  
21.20 due diligence to identify and notify adult relatives prior to placement or within 30 days  
21.21 after the child's removal from the parent. The county agency shall consider placement  
21.22 with a relative under ~~subdivision 2~~ section 260C.221 without delay. The relative search  
21.23 required by this section shall be reasonable and comprehensive in scope and may last up  
21.24 to six months or until a fit and willing relative is identified. The relative search required by  
21.25 this section shall include both maternal relatives of the child and paternal relatives of the  
21.26 child, if paternity is adjudicated. The relatives must be notified:

21.27 (1) of the need for a foster home for the child, the option to become a placement  
21.28 resource for the child, and the possibility of the need for a permanent placement for the  
21.29 child;

21.30 (2) of their responsibility to keep the responsible social services agency and the court  
21.31 informed of their current address in order to receive notice in the event that a permanent  
21.32 placement is sought for the child and to receive notice of the permanency progress review  
21.33 hearing under section 260C.204. A relative who fails to provide a current address to the  
21.34 responsible social services agency and the court forfeits the right to receive notice of  
21.35 the possibility of permanent placement and of the permanency progress review hearing

22.1 under section 260C.204. A decision by a relative not to be a placement resource at the  
22.2 beginning of the case shall not affect whether the relative is considered for placement of  
22.3 the child with that relative later;

22.4 (3) that the relative may participate in the care and planning for the child, including  
22.5 that the opportunity for such participation may be lost by failing to respond to the notice  
22.6 sent under this subdivision; and

22.7 (4) of the family foster care licensing requirements, including how to complete an  
22.8 application and how to request a variance from licensing standards that do not present a  
22.9 safety or health risk to the child in the home under section 245A.04 and supports that are  
22.10 available for relatives and children who reside in a family foster home.

22.11 (b) A responsible social services agency may disclose private or confidential data,  
22.12 as defined in section 13.02, to relatives of the child for the purpose of locating a suitable  
22.13 placement. The agency shall disclose only data that is necessary to facilitate possible  
22.14 placement with relatives. If the child's parent refuses to give the responsible social  
22.15 services agency information sufficient to identify the maternal and paternal relatives of the  
22.16 child, the agency shall ask the juvenile court to order the parent to provide the necessary  
22.17 information. If a parent makes an explicit request that ~~relatives or~~ a specific relative not  
22.18 be contacted or considered for placement due to safety reasons including past family or  
22.19 domestic violence, the agency shall bring the parent's request to the attention of the court  
22.20 to determine whether the parent's request is consistent with the best interests of the child  
22.21 and the agency shall not contact ~~relatives or a~~ the specific relative ~~unless authorized to do~~  
22.22 ~~so by~~ when the juvenile court finds that contacting the specific relative would endanger  
22.23 the parent, guardian, child, sibling, or any family member.

22.24 (c) When the placing agency determines that a permanent placement hearing is  
22.25 necessary because there is a likelihood that the child will not return to a parent's care, the  
22.26 agency may send the notice provided in paragraph (d), may ask the court to modify the  
22.27 requirements of the agency under this paragraph, or may ask the court to completely  
22.28 relieve the agency of the requirements of ~~this paragraph (d).~~ The relative notification  
22.29 ~~requirements of this paragraph do not apply when the child is placed with an appropriate~~  
22.30 ~~relative or a foster home that has committed to being the permanent legal placement for~~  
22.31 ~~the child and the agency approves of that foster home for permanent placement of the~~  
22.32 ~~child.~~ The actions ordered by the court under this section must be consistent with the best  
22.33 interests, safety, and welfare of the child.

22.34 (d) Unless required under the Indian Child Welfare Act or relieved of this duty by the  
22.35 court under paragraph (c), when the agency determines that it is necessary to prepare for  
22.36 the permanent placement determination hearing, or in anticipation of filing a termination

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23.1 of parental rights petition, the agency shall send notice to the relatives, any adult with  
23.2 whom the child is currently residing, any adult with whom the child has resided for one  
23.3 year or longer in the past, and any adults who have maintained a relationship or exercised  
23.4 visitation with the child as identified in the agency case plan. The notice must state that a  
23.5 permanent home is sought for the child and that the individuals receiving the notice may  
23.6 indicate to the agency their interest in providing a permanent home. The notice must state  
23.7 that within 30 days of receipt of the notice an individual receiving the notice must indicate  
23.8 to the agency the individual's interest in providing a permanent home for the child or that  
23.9 the individual may lose the opportunity to be considered for a permanent placement.

23.10 (e) The Department of Human Services shall develop a best practices guide and  
23.11 specialized staff training to assist the responsible social services agency in performing and  
23.12 complying with the relative search requirements under this subdivision.

23.13 Sec. 22. Minnesota Statutes 2010, section 260C.212, subdivision 7, is amended to read:

23.14 Subd. 7. **Administrative or court review of placements.** (a) There shall be an  
23.15 administrative review of the out-of-home placement plan of each child placed in foster  
23.16 care no later than 180 days after the initial placement of the child in foster care and at least  
23.17 every six months thereafter if the child is not returned to the home of the parent or parents  
23.18 within that time. The out-of-home placement plan must be monitored and updated at each  
23.19 administrative review. The administrative review shall be conducted by the responsible  
23.20 social services agency using a panel of appropriate persons at least one of whom is not  
23.21 responsible for the case management of, or the delivery of services to, either the child or  
23.22 the parents who are the subject of the review. The administrative review shall be open to  
23.23 participation by the parent or guardian of the child and the child, as appropriate.

23.24 (b) As an alternative to the administrative review required in paragraph (a), the court  
23.25 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection  
23.26 Procedure, conduct a hearing to monitor and update the out-of-home placement plan  
23.27 pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph (d).  
23.28 The party requesting review of the out-of-home placement plan shall give parties to the  
23.29 proceeding notice of the request to review and update the out-of-home placement plan.  
23.30 A court review conducted pursuant to section 260C.193; 260C.201, subdivision 1 or 11;  
23.31 260C.141, subdivision 2; 260C.317; or 260D.06 shall satisfy the requirement for the  
23.32 review so long as the other requirements of this section are met.

23.33 (c) As appropriate to the stage of the proceedings and relevant court orders, the  
23.34 responsible social services agency or the court shall review:

23.35 (1) the safety, permanency needs, and well-being of the child;

- 24.1 (2) the continuing necessity for and appropriateness of the placement;
- 24.2 (3) the extent of compliance with the out-of-home placement plan;
- 24.3 (4) the extent of progress which has been made toward alleviating or mitigating the
- 24.4 causes necessitating placement in foster care;
- 24.5 (5) the projected date by which the child may be returned to and safely maintained in
- 24.6 the home or placed permanently away from the care of the parent or parents or guardian;
- 24.7 and
- 24.8 (6) the appropriateness of the services provided to the child.
- 24.9 (d) When a child is age 16 or older, in addition to any administrative review
- 24.10 conducted by the agency, at the in-court review required under section 260C.201,
- 24.11 subdivision 11, or 260C.317, subdivision 3, clause (3), the court shall review the
- 24.12 independent living plan required under subdivision 1, paragraph (c), clause (11), and the
- 24.13 provision of services to the child related to the well-being of the child as the child prepares
- 24.14 to leave foster care. The review shall include the actual plans related to each item in the
- 24.15 plan necessary to the child's future safety and well-being when the child is no longer
- 24.16 in foster care.
- 24.17 (1) At the court review, the responsible social services agency shall establish that it
- 24.18 has given the notice required under section 260C.456 or Minnesota Rules, part 9560.0660,
- 24.19 regarding the right to continued access to services for certain children in foster care past
- 24.20 age 18 and of the right to appeal a denial of social services under section 256.045. If the
- 24.21 agency is unable to establish that the notice, including the right to appeal a denial of social
- 24.22 services, has been given, the court shall require the agency to give it.
- 24.23 (2) Consistent with the requirements of the independent living plan, the court shall
- 24.24 review progress toward or accomplishment of the following goals:
- 24.25 (i) the child has obtained a high school diploma or its equivalent;
- 24.26 (ii) the child has completed a driver's education course or has demonstrated the
- 24.27 ability to use public transportation in the child's community;
- 24.28 (iii) the child is employed or enrolled in postsecondary education;
- 24.29 (iv) the child has applied for and obtained postsecondary education financial aid for
- 24.30 which the child is eligible;
- 24.31 (v) the child has health care coverage and health care providers to meet the child's
- 24.32 physical and mental health needs;
- 24.33 (vi) the child has applied for and obtained disability income assistance for which
- 24.34 the child is eligible;
- 24.35 (vii) the child has obtained affordable housing with necessary supports, which does
- 24.36 not include a homeless shelter;

25.1 (viii) the child has saved sufficient funds to pay for the first month's rent and a  
25.2 damage deposit;

25.3 (ix) the child has an alternative affordable housing plan, which does not include a  
25.4 homeless shelter, if the original housing plan is unworkable;

25.5 (x) the child, if male, has registered for the Selective Service; and

25.6 (xi) the child has a permanent connection to a caring adult.

25.7 (3) The court shall ensure that the responsible agency in conjunction with the  
25.8 placement provider assists the child in obtaining the following documents prior to the  
25.9 child's leaving foster care: a Social Security card; the child's birth certificate; a state  
25.10 identification card or driver's license, green card, or school visa; the child's school,  
25.11 medical, and dental records; a contact list of the child's medical, dental, and mental health  
25.12 providers; and contact information for the child's siblings, if the siblings are in foster care.

25.13 (e) When a child is age 17 or older, during the 90-day period immediately prior to  
25.14 the date the child is expected to be discharged from foster care, the responsible social  
25.15 services agency is required to provide the child with assistance and support in developing  
25.16 a transition plan that is personalized at the direction of the child. The transition plan  
25.17 must be as detailed as the child may elect and include specific options on housing, health  
25.18 insurance, education, local opportunities for mentors and continuing support services, and  
25.19 work force supports and employment services. The agency shall ensure that the youth  
25.20 receives, at no cost to the youth, a copy of the youth's consumer credit report as defined  
25.21 in section 13C.001 and assistance in interpreting and resolving any inaccuracies in the  
25.22 report. The county agency shall also provide the individual youth with appropriate contact  
25.23 information if the individual youth needs more information or needs help dealing with a  
25.24 crisis situation through age 21.

25.25 Sec. 23. Minnesota Statutes 2010, section 260C.217, is amended to read:

25.26 **260C.217 SAFE PLACE FOR NEWBORNS.**

25.27 Subdivision 1. **Duty to attempt reunification, duty to search for relatives, and**  
25.28 **preferences not applicable.** A ~~local~~ responsible social service agency ~~taking custody of~~  
25.29 ~~with legal responsibility for a child after discharge from a hospital that received a child~~  
25.30 ~~under section 145.902 under subdivision 4~~ is not required to attempt to reunify the child  
25.31 with the child's parents. Additionally, the agency is not required to search for relatives  
25.32 of the child as a placement or permanency option under section 260C.212, subdivision  
25.33 5, or to implement other placement requirements that give a preference to relatives if  
25.34 the agency does not have information as to the identity of the child, the child's mother,  
25.35 or the child's father.

26.1           Subd. 1a. **Safe place.** For purposes of this section, "safe place" means a hospital  
26.2 under sections 144.50 to 144.56, health care provider that provides access to urgent care  
26.3 services, or a sheriff's office during its hours of operation.

26.4           Subd. 2. **Status of child.** For purposes of proceedings under this chapter ~~and,~~  
26.5 including adoption proceedings, a newborn left at a ~~hospital~~ safe place or with a 911  
26.6 responder under ~~section 145.902~~ subdivision 3 is considered an abandoned child under  
26.7 section 626.556, subdivision 2, paragraph (c), clause (3). The child is abandoned under  
26.8 sections 260C.007, subdivision 6, clause (1), and 260C.301, subdivision 1, paragraph  
26.9 (b), clause (1).

26.10          Subd. 3. **Relinquish newborn.** A mother or any person, with the mother's  
26.11 permission, may bring a newborn infant to a safe place during its hours of operation  
26.12 and leave the infant in the care of an employee of the safe place. The mother or person  
26.13 with the mother's permission may also call 911 and request to have an ambulance or  
26.14 other emergency responder under section 299J.02, subdivision 6, dispatched to an agreed  
26.15 upon location to relinquish a newborn infant into the custody of the 911 responder to be  
26.16 transported to a hospital. A safe place that is not a hospital must relinquish the child in  
26.17 accordance with section 145.902, subdivision 1, paragraph (d).

26.18          Subd. 4. **Placement of newborn.** A hospital with whom a newborn is left shall,  
26.19 within 24 hours, report receiving the newborn to the responsible social services agency.  
26.20 The agency shall have legal responsibility for the placement of the newborn infant in  
26.21 foster care for 72 hours during which time the agency shall file a petition under section  
26.22 260C.141 and ask the court to order continued placement of the child in foster care. The  
26.23 agency shall immediately begin planning for adoptive placement of the newborn.

26.24          Subd. 5. **Care and treatment.** A safe place or 911 responder with whom a newborn  
26.25 is left may examine the newborn and provide necessary care and treatment, if any is  
26.26 required, pending assumption of legal responsibility by the responsible social services  
26.27 agency under subdivision 4.

26.28          Subd. 6. **Immunity.** A safe place or 911 responder with responsibility for  
26.29 performing duties under this section, and any employee, doctor, or other medical, fire, or  
26.30 law enforcement professional receiving, handling, treating, caring for, and reporting the  
26.31 child as required in subdivision 4, are immune from any criminal liability that otherwise  
26.32 might result from their actions, if they are acting in good faith in receiving a newborn, and  
26.33 are immune from any civil liability that otherwise might result from merely receiving a  
26.34 newborn.

26.35          Sec. 24. Minnesota Statutes 2010, section 260C.317, subdivision 3, is amended to read:

27.1 Subd. 3. **Order; retention of jurisdiction.** (a) A certified copy of the findings and  
27.2 the order terminating parental rights, and a summary of the court's information concerning  
27.3 the child shall be furnished by the court to the commissioner or the agency to which  
27.4 guardianship is transferred.

27.5 (b) The orders shall be on a document separate from the findings. The court shall  
27.6 furnish the ~~individual to whom guardianship is transferred~~ guardian a copy of the order  
27.7 terminating parental rights.

27.8 ~~(b) (c) When the court orders guardianship pursuant to this section, the court~~  
27.9 ~~shall retain jurisdiction in a case where adoption is the intended permanent placement~~  
27.10 ~~disposition until the child's adoption is finalized, the child is 18 years of age, or, for~~  
27.11 ~~children in foster care beyond age 18 pursuant to section 260C.451, until the individual~~  
27.12 ~~becomes 21 years of age according to the provisions set forth in sections 260C.193,~~  
27.13 ~~subdivision 6, and 260C.451. The guardian ad litem and counsel for the child shall~~  
27.14 ~~continue on the case until an adoption decree is entered. An in-court appearance hearing~~  
27.15 ~~must be held every 90 days following termination of parental rights for the court to review~~  
27.16 ~~progress toward an adoptive placement and the specific recruitment efforts the agency~~  
27.17 ~~has taken to find an adoptive family or other placement living arrangement for the child~~  
27.18 ~~and to finalize the adoption or other permanency plan. Review of the progress toward~~  
27.19 ~~adoption of a child under guardianship of the commissioner of human services shall be~~  
27.20 ~~conducted according to section 260C.607.~~

27.21 (c) ~~The responsible social services agency may make a determination of compelling~~  
27.22 ~~reasons for a child to be in long-term foster care when the agency has made exhaustive~~  
27.23 ~~efforts to recruit, identify, and place the child in an adoptive home, and the child continues~~  
27.24 ~~in foster care for at least 24 months after the court has issued the order terminating~~  
27.25 ~~parental rights. A child of any age who is under the guardianship of the commissioner of~~  
27.26 ~~the Department of Human Services and is legally available for adoption may not refuse~~  
27.27 ~~or waive the commissioner's agent's exhaustive efforts to recruit, identify, and place the~~  
27.28 ~~child in an adoptive home required under paragraph (b) or sign a document relieving~~  
27.29 ~~county social services agencies of all recruitment efforts on the child's behalf. Upon~~  
27.30 ~~approving the agency's determination of compelling reasons, the court may order the child~~  
27.31 ~~placed in long-term foster care. At least every 12 months thereafter as long as the child~~  
27.32 ~~continues in out-of-home placement, the court shall conduct an in-court permanency~~  
27.33 ~~review hearing to determine the future status of the child using the review requirements of~~  
27.34 ~~section 260C.201, subdivision 11, paragraph (g).~~

28.1 (d) Upon terminating parental rights or upon a parent's consent to adoption  
28.2 under section 260C.201, subdivision 11, resulting in an order for guardianship to the  
28.3 commissioner of human services, the court shall retain jurisdiction:

28.4 (1) until the child is adopted;

28.5 (2) through the child's minority in a case where long-term; or

28.6 (3) as long as the child continues in or reenters foster care is the permanent  
28.7 disposition whether under paragraph (c) or section 260C.201, subdivision 11, or, for  
28.8 children in foster care age 18 or older under section 260C.451, until the individual  
28.9 becomes 21 years of age according to the provisions in sections 260C.193, subdivision 6,  
28.10 and 260C.451.

28.11 Sec. 25. Minnesota Statutes 2010, section 260C.317, subdivision 4, is amended to read:

28.12 Subd. 4. **Rights of terminated parent.** (a) Upon entry of an order terminating the  
28.13 parental rights of any person who is identified as a parent on the original birth record of  
28.14 the child as to whom the parental rights are terminated, the court shall cause written  
28.15 notice to be made to that person setting forth:

28.16 (1) the right of the person to file at any time with the state registrar of vital statistics  
28.17 a consent to disclosure, as defined in section 144.212, subdivision 11;

28.18 (2) the right of the person to file at any time with the state registrar of vital statistics  
28.19 an affidavit stating that the information on the original birth record shall not be disclosed  
28.20 as provided in section 144.2252; and

28.21 (3) the effect of a failure to file either a consent to disclosure, as defined in section  
28.22 144.212, subdivision 11, or an affidavit stating that the information on the original birth  
28.23 record shall not be disclosed.

28.24 (b) A parent whose rights are terminated under this section shall retain the ability to  
28.25 enter into a contact or communication agreement under section 260C.619 if an agreement  
28.26 is determined by the court to be in the best interests of the child. The agreement shall be  
28.27 filed with the court at or prior to the time the child is adopted. An order for termination of  
28.28 parental rights shall not be conditioned on an agreement under section 260C.619.

28.29 Sec. 26. Minnesota Statutes 2010, section 260C.325, subdivision 1, is amended to read:

28.30 Subdivision 1. ~~Transfer of custody~~ **Guardianship.** (a) ~~When~~ When the court terminates  
28.31 parental rights of both parents or of the only known living legal parent, the court shall  
28.32 order the guardianship ~~and the legal custody~~ of the child ~~transferred~~ to:

28.33 (1) the commissioner of human services;

28.34 (2) a licensed child-placing agency; or

29.1 (3) an individual who is willing and capable of assuming the appropriate duties  
29.2 and responsibilities to the child.

29.3 (b) The court shall order ~~transfer of guardianship and legal custody~~ of a child to  
29.4 the commissioner of human services ~~only~~ when the responsible county social services  
29.5 agency had legal responsibility for planning for the permanent placement of the child and  
29.6 the child was in foster care under the legal responsibility of the responsible county social  
29.7 services agency at the time the court orders guardianship ~~and legal custody~~ transferred to  
29.8 the commissioner. The court shall not order guardianship to the commissioner under any  
29.9 other circumstances, except as provided in subdivision 3.

29.10 Sec. 27. Minnesota Statutes 2010, section 260C.325, subdivision 3, is amended to read:

29.11 Subd. 3. **Both parents deceased.** (a) If upon petition ~~to the juvenile court for~~  
29.12 guardianship by a reputable person, including but not limited to ~~an~~ the responsible social  
29.13 services agency as agent of the commissioner of human services, and upon hearing in  
29.14 the manner provided in section 260C.163, the court finds that both parents or the only  
29.15 known legal parent are or is deceased and no appointment has been made or petition for  
29.16 appointment filed pursuant to sections 524.5-201 to 524.5-317, the court shall order the  
29.17 guardianship ~~and legal custody~~ of the child transferred to:

29.18 (1) the commissioner of human services; or

29.19 ~~(2) a licensed child-placing agency; or~~

29.20 ~~(3)~~ (2) an individual who is willing and capable of assuming the appropriate duties  
29.21 and responsibilities to the child.

29.22 (b) The court shall order ~~transfer of guardianship and legal custody~~ of a child to the  
29.23 commissioner of human services only if there is no individual who is willing and capable  
29.24 of assuming the appropriate duties and responsibilities to the child.

29.25 Sec. 28. Minnesota Statutes 2010, section 260C.325, subdivision 4, is amended to read:

29.26 Subd. 4. **Guardian's responsibilities.** (a) A guardian appointed under ~~the~~  
29.27 ~~provisions of this section~~ has legal custody of ~~a ward unless the court which appoints~~  
29.28 ~~the guardian gives legal custody to some other person. If the court awards custody to a~~  
29.29 ~~person other than the guardian, the guardian nonetheless has the right and responsibility of~~  
29.30 ~~reasonable visitation, except as limited by court order.~~ the child and the right to visit the  
29.31 child in foster care, the adoptive placement, or any other suitable setting at any time prior  
29.32 to finalization of the adoption of the child. When the child is under the guardianship of the  
29.33 commissioner, the responsible social services agency, as agent of the commissioner, has  
29.34 the right to visit the child.

30.1 (b) When the guardian is a licensed child-placing agency, the guardian ~~may~~ shall  
30.2 make all major decisions affecting the ~~person of the ward~~ child, including, but not limited  
30.3 to, giving consent, ~~(when consent is legally required),~~ to the marriage, enlistment in  
30.4 the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ~~ward~~  
30.5 ~~child~~. ~~When, pursuant to this section, the commissioner of human services is appointed~~  
30.6 ~~guardian, the commissioner may delegate to the responsible social services agency of~~  
30.7 ~~the county in which, after the appointment, the ward resides, the authority to act for the~~  
30.8 ~~commissioner in decisions affecting the person of the ward, including but not limited~~  
30.9 ~~to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or~~  
30.10 ~~psychiatric treatment of the ward.~~

30.11 (c) When the commissioner is appointed guardian, the duties of the commissioner of  
30.12 human services are established under sections 260C.601 to 260C.635.

30.13 ~~(e)~~ (d) A guardianship created under the provisions of this section shall not of itself  
30.14 include the guardianship of the estate of the ~~ward~~ child.

30.15 (e) The commissioner of human services, through the responsible social services  
30.16 agency, or a licensed child-placing agency who is a guardian or who has authority and  
30.17 responsibility for planning for the adoption of the child under section 259.25 or 259.47,  
30.18 has the duty to make reasonable efforts to finalize the adoption of the child.

30.19 Sec. 29. Minnesota Statutes 2010, section 260C.328, is amended to read:

30.20 **260C.328 CHANGE OF GUARDIAN; TERMINATION OF GUARDIANSHIP.**

30.21 (a) Upon its own motion or upon petition of an interested party, the juvenile court  
30.22 having jurisdiction of the child may, after notice to the parties and a hearing, remove  
30.23 the guardian appointed by the juvenile court and appoint a new guardian in accordance  
30.24 with the provisions of section 260C.325, subdivision 1, ~~clause (a), (b), or (c).~~ Upon a  
30.25 ~~showing that the child is emancipated, the court may discharge the guardianship. Any~~  
30.26 ~~child 14 years of age or older who is not adopted but who is placed in a satisfactory foster~~  
30.27 ~~home, may, with the consent of the foster parents, join with the guardian appointed by the~~  
30.28 ~~juvenile court in a petition to the court having jurisdiction of the child to discharge the~~  
30.29 ~~existing guardian and appoint the foster parents as guardians of the child.~~

30.30 (b) The authority of a guardian appointed by the juvenile court terminates when the  
30.31 individual under guardianship ~~is no longer a minor or when guardianship is otherwise~~  
30.32 ~~discharged.~~ becomes age 18. However, an individual who has been under the guardianship  
30.33 of the commissioner and who has not been adopted may continue in foster care or reenter  
30.34 foster care pursuant to section 260C.451 and the responsible social services agency has  
30.35 continuing legal responsibility for the placement of the individual.

31.1 Sec. 30. [260C.601] ADOPTION OF CHILDREN UNDER GUARDIANSHIP  
31.2 OF COMMISSIONER.

31.3 Subdivision 1. Review and finalization requirements; adoption procedures. (a)  
31.4 Sections 260C.601 to 260C.635 establish:

31.5 (1) the requirements for court review of children under the guardianship of the  
31.6 commissioner; and

31.7 (2) procedures for timely finalizing adoptions in the best interests of children under  
31.8 the guardianship of the commissioner.

31.9 (b) Adoption proceedings for children not under the guardianship of the  
31.10 commissioner are governed by chapter 259.

31.11 Subd. 2. Duty of responsible agency. The responsible social services agency has  
31.12 the duty to act as the commissioner's agent in making reasonable efforts to finalize the  
31.13 adoption of all children under the guardianship of the commissioner pursuant to section  
31.14 260C.325. In implementing these duties, the agency shall ensure that:

31.15 (1) the best interests of the child are met in the planning and granting of adoptions;

31.16 (2) a child under the guardianship of the commissioner is appropriately involved  
31.17 in planning for adoption;

31.18 (3) the diversity of Minnesota's population and diverse needs including culture,  
31.19 religion, and language of persons affected by adoption are recognized and respected; and

31.20 (4) the court has the timely information it needs to make a decision that is in the best  
31.21 interests of the child in reviewing the agency's planning for adoption and when ordering  
31.22 the adoption of the child.

31.23 Subd. 3. Background study. Consistent with section 245C.33 and United States  
31.24 Code, title 42, section 671, a completed background study is required before the adoptive  
31.25 placement of the child in a related or an unrelated home.

31.26 Sec. 31. [260C.603] DEFINITIONS.

31.27 Subdivision 1. Scope. For the purposes of sections 260C.601 to 260C.635, the terms  
31.28 defined in this section have the meanings given them.

31.29 Subd. 2. Adopting parent. "Adopting parent" means an adult who has signed  
31.30 an adoption placement agreement regarding the child and has the same meaning as  
31.31 "preadoptive parent" under section 259A.01, subdivision 23.

31.32 Subd. 3. Adoption placement agreement. "Adoption placement agreement" means  
31.33 the written agreement between the responsible social services agency, the commissioner,  
31.34 and the adopting parent which reflects the intent of all the signatories to the agreement that  
31.35 the adopting parent establish a parent and child relationship by adoption with the child

32.1 who is under the guardianship of the commissioner. The adoptive placement agreement  
32.2 must be in the commissioner's designated format.

32.3 Subd. 4. **Adoptive parent.** "Adoptive parent" has the meaning given in section  
32.4 259A.01, subdivision 3.

32.5 Subd. 5. **Adoptive placement.** "Adoptive placement" means a placement made by  
32.6 the responsible social services agency upon a fully executed adoption placement agreement  
32.7 including the signatures of the adopting parent, the responsible social services agency, and  
32.8 the commissioner of human services according to section 260C.613, subdivision 1.

32.9 Subd. 6. **Commissioner.** "Commissioner" means the commissioner of human  
32.10 services or any employee of the Department of Human Services to whom the commissioner  
32.11 has delegated authority regarding children under the commissioner's guardianship.

32.12 Subd. 7. **Guardianship.** "Guardianship" has the meaning given in section 259A.01,  
32.13 subdivision 17; 260C.325; or 260C.515, subdivision 3.

32.14 Subd. 8. **Prospective adoptive parent.** "Prospective adoptive parent" means an  
32.15 individual who may become an adopting parent regardless of whether the individual  
32.16 has an adoption study approving the individual for adoption, but who has not signed an  
32.17 adoption placement agreement.

32.18 Sec. 32. **[260C.605] REASONABLE EFFORTS TO FINALIZE AN ADOPTION.**

32.19 Subdivision 1. **Requirements.** (a) Reasonable efforts to finalize the adoption of a  
32.20 child under the guardianship of the commissioner shall be made by the responsible social  
32.21 services agency responsible for permanency planning for the child.

32.22 (b) Reasonable efforts to make a placement in a home according to the placement  
32.23 considerations under section 260C.212, subdivision 2, with a relative or foster parent  
32.24 who will commit to being the permanent resource for the child in the event the child  
32.25 cannot be reunified with a parent are required under section 260.012 and may be made  
32.26 concurrently with reasonable, or if the child is an Indian child, active efforts to reunify  
32.27 the child with the parent.

32.28 (c) Reasonable efforts under paragraph (b) must begin as soon as possible when the  
32.29 child is in foster care under this chapter, but not later than the hearing required under  
32.30 section 260C.204.

32.31 (d) Reasonable efforts to finalize the adoption of the child include:

32.32 (1) using age-appropriate engagement strategies to plan for adoption with the child;

32.33 (2) identifying an appropriate prospective adoptive parent for the child by updating  
32.34 the child's identified needs using the factors in section 260C.212, subdivision 2;

32.35 (3) making an adoptive placement that meets the child's needs by:

33.1 (i) completing or updating the relative search required under section 260C.221 and  
33.2 giving notice of the need for an adoptive home for the child to:

33.3 (A) relatives who have kept the agency or the court apprised of their whereabouts  
33.4 and who have indicated an interest in adopting the child; or

33.5 (B) relatives of the child who are located in an updated search;

33.6 (ii) an updated search is required whenever:

33.7 (A) there is no identified prospective adoptive placement for the child  
33.8 notwithstanding a finding by the court that the agency made diligent efforts under section  
33.9 260C.221, in a hearing required under section 260C.202;

33.10 (B) the child is removed from the home of an adopting parent; or

33.11 (C) the court determines a relative search by the agency is in the best interests of  
33.12 the child;

33.13 (iii) engaging child's foster parent and the child's relatives identified as an adoptive  
33.14 resource during the search conducted under section 260C.221, to commit to being the  
33.15 prospective adoptive parent of the child; or

33.16 (iv) when there is no identified prospective adoptive parent:

33.17 (A) registering the child on the state adoption exchange as required in section 259.75  
33.18 unless the agency documents to the court an exemption to placing the child on the state  
33.19 adoption exchange reported to the commissioner;

33.20 (B) reviewing all families with approved adoption home studies associated with the  
33.21 responsible social services agency;

33.22 (C) presenting the child to adoption agencies and adoption personnel who may assist  
33.23 with finding an adoptive home for the child;

33.24 (D) using newspapers and other media to promote the particular child;

33.25 (E) using a private agency under grant contract with the commissioner to provide  
33.26 adoption services for intensive child-specific recruitment efforts; and

33.27 (F) making any other efforts or using any other resources reasonably calculated to  
33.28 identify a prospective adoption parent for the child;

33.29 (4) updating and completing the social and medical history required under sections  
33.30 259.43 and 260C.609;

33.31 (5) making, and keeping updated, appropriate referrals required by section 260.851,  
33.32 the Interstate Compact on the Placement of Children;

33.33 (6) giving notice regarding the responsibilities of an adoptive parent to any  
33.34 prospective adoptive parent as required under section 259.35;

33.35 (7) offering the adopting parent the opportunity to apply for or decline adoption  
33.36 assistance under chapter 259A;

34.1 (8) certifying the child for adoption assistance, assessing the amount of adoption  
34.2 assistance, and ascertaining the status of the commissioner's decision on the level of  
34.3 payment if the adopting parent has applied for adoption assistance;

34.4 (9) placing the child with siblings. If the child is not placed with siblings, the agency  
34.5 must document reasonable efforts to place the siblings together, as well as the reason for  
34.6 separation. The agency may not cease reasonable efforts to place siblings together for final  
34.7 adoption until the court finds further reasonable efforts would be futile or that placement  
34.8 together for purposes of adoption is not in the best interests of one of the siblings; and

34.9 (10) working with the adopting parent to file a petition to adopt the child and with  
34.10 the court administrator to obtain a timely hearing to finalize the adoption.

34.11 Subd. 2. **No waiver.** (a) The responsible social services agency shall make  
34.12 reasonable efforts to recruit, assess, and match an adoptive home for any child under  
34.13 the guardianship of the commissioner and reasonable efforts shall continue until an  
34.14 adoptive placement is made and adoption finalized or until the child is no longer under the  
34.15 guardianship of the commissioner.

34.16 (b) A child of any age who is under the guardianship of the commissioner and is  
34.17 legally available for adoption may not refuse or waive the responsible social services  
34.18 agency's reasonable efforts to recruit, identify, and place the child in an adoptive home  
34.19 required under this section. The agency has an ongoing responsibility to work with the  
34.20 child to explore the child's opportunities for adoption, and what adoption means for the  
34.21 child, and may not accept a child's refusal to consider adoption as an option.

34.22 (c) The court may not relieve or otherwise order the responsible social services  
34.23 agency to cease fulfilling the responsible social services agency's duty regarding  
34.24 reasonable efforts to recruit, identify, and place the child in an adoptive home.

34.25 **Sec. 33. [260C.607] REVIEW OF PROGRESS TOWARD ADOPTION.**

34.26 Subdivision 1. **Review hearings.** (a) The court shall conduct a review of the  
34.27 responsible social services agency's reasonable efforts to finalize adoption for any child  
34.28 under the guardianship of the commissioner and of the progress of the case toward  
34.29 adoption at least every 90 days after the court issues an order that the commissioner is  
34.30 the guardian of the child.

34.31 (b) The review of progress toward adoption shall continue notwithstanding that an  
34.32 appeal is made of the order for guardianship.

34.33 (c) The agency's reasonable efforts to finalize the adoption must continue during the  
34.34 pendency of the appeal and all progress toward adoption shall continue except that the  
34.35 court may not finalize an adoption while the appeal is pending.

35.1 Subd. 2. **Notice.** Notice of review hearings shall be given by the court to:

35.2 (1) the responsible social services agency;

35.3 (2) the child, if the child is age ten and older;

35.4 (3) the child's guardian ad litem;

35.5 (4) relatives of the child who have kept the court informed of their whereabouts

35.6 as required in section 260C.221 and who have responded to the agency's notice under

35.7 section 260C.221, indicating a willingness to provide an adoptive home for the child

35.8 unless the relative has been previously ruled out by the court as a suitable foster parent or

35.9 permanency resource for the child;

35.10 (5) the current foster or adopting parent of the child;

35.11 (6) any foster or adopting parents of siblings of the child; and

35.12 (7) the Indian child's tribe.

35.13 Subd. 3. **Right to participate.** Any individual or entity listed in subdivision 2 may

35.14 participate in the continuing reviews conducted under this section. No other individual

35.15 or entity is required to be given notice or to participate in the reviews unless the court

35.16 specifically orders that notice be given or participation in the reviews be required.

35.17 Subd. 4. **Content of review.** (a) The court shall review:

35.18 (1) the agency's reasonable efforts under section 260C.605 to finalize an adoption

35.19 for the child as appropriate to the stage of the case; and

35.20 (2) the child's current out-of-home placement plan required under section 260C.212,

35.21 subdivision 1, to ensure the child is receiving all services and supports required to meet

35.22 the child's needs as they relate to the child's:

35.23 (i) placement;

35.24 (ii) visitation and contact with siblings;

35.25 (iii) visitation and contact with relatives;

35.26 (iv) medical, mental, and dental health; and

35.27 (v) education.

35.28 (b) When the child is age 16 and older, and as long as the child continues in foster

35.29 care, the court shall also review the agency's planning for the child's independent living

35.30 after leaving foster care including how the agency is meeting the requirements of section

35.31 260C.212, subdivision 1, paragraph (c), clause (11). The court shall use the review

35.32 requirements of section 260C.203, in any review conducted under this paragraph.

35.33 Subd. 5. **Required placement by responsible social services agency.** (a) No

35.34 petition for adoption shall be filed for a child under the guardianship of the commissioner

35.35 unless the child sought to be adopted has been placed for adoption with the adopting

36.1 parent by the responsible social services agency. The court may order the agency to make  
36.2 an adoptive placement using standards and procedures under subdivision 6.

36.3 (b) Any relative or the child's foster parent who believes the responsible agency  
36.4 has not reasonably considered their request to be considered for adoptive placement as  
36.5 required under section 260C.212, subdivision 2, and who wants to be considered for  
36.6 adoptive placement of the child shall bring their request for consideration to the attention  
36.7 of the court during a review required under this section. The child's guardian ad litem and  
36.8 the child may also bring a request for a relative or the child's foster parent to be considered  
36.9 for adoptive placement. After hearing from the agency, the court may order the agency to  
36.10 take appropriate action regarding the relative's or foster parent's request for consideration  
36.11 under section 260C.212, subdivision 2, paragraph (b).

36.12 Subd. 6. **Motion and hearing to order adoptive placement.** (a) At any time after  
36.13 the district court orders the child under the guardianship of the commissioner of human  
36.14 services, but not later than 30 days after receiving notice required under section 260C.613,  
36.15 subdivision 1, paragraph (c), that the agency has made an adoptive placement, a relative  
36.16 or the child's foster parent may file a motion for an order for adoptive placement of a  
36.17 child who is under the guardianship of the commissioner if the relative or the child's  
36.18 foster parent:

36.19 (1) has an adoption home study under section 259.41 approving the relative or foster  
36.20 parent for adoption and has been a resident of Minnesota for at least six months before  
36.21 filing the motion. The court may waive the residency requirement for the moving party  
36.22 if there is a reasonable basis to do so; or

36.23 (2) is not a resident of Minnesota, but has an approved adoption home study by  
36.24 an agency licensed or approved to complete an adoption home study in the state of the  
36.25 individual's residence and the study is filed with the motion for adoptive placement.

36.26 (b) The motion shall be filed with the court conducting reviews of the child's  
36.27 progress toward adoption under this section. The motion and supporting documents must  
36.28 make a prima facie showing that the agency has been unreasonable in failing to make the  
36.29 requested adoptive placement. The motion must be served according to the requirements  
36.30 for motions under the Minnesota Rules of Juvenile Protection Procedure and shall be  
36.31 made on all individuals and entities listed in subdivision 2.

36.32 (c) If the motion and supporting documents do not make a prima facie showing for  
36.33 the court to determine whether the agency has been unreasonable in failing to make the  
36.34 requested adoptive placement, the court shall dismiss the motion. If the court determines a  
36.35 prima facie basis is made, the court shall set the matter for evidentiary hearing.

37.1 (d) At the evidentiary hearing the responsible social services agency shall proceed  
37.2 first with evidence about the reason for not making the adoptive placement proposed by the  
37.3 moving party. The moving party then has the burden of proving by a preponderance of the  
37.4 evidence that the agency has been unreasonable in failing to make the adoptive placement.

37.5 (e) At the conclusion of the evidentiary hearing, if the court finds that the agency  
37.6 has been unreasonable in failing to make the adoptive placement and that the relative or  
37.7 the child's foster parent is the most suitable adoptive home to meet the child's needs  
37.8 using the factors in section 260C.212, subdivision 2, paragraph (b), the court may order  
37.9 the responsible social services agency to make an adoptive placement in the home of the  
37.10 relative or the child's foster parent.

37.11 (f) In order to ensure that a timely adoption may occur, when the court orders the  
37.12 responsible social services agency to make an adoptive placement under this subdivision,  
37.13 the agency shall:

37.14 (1) make reasonable efforts to obtain a fully executed adoption placement agreement;

37.15 (2) work with the moving party regarding eligibility for adoption assistance as  
37.16 required under chapter 259A; and

37.17 (3) if the moving party is not a resident of Minnesota, timely refer the matter for  
37.18 approval of the adoptive placement through the Interstate Compact on the Placement of  
37.19 Children, section 260.851 et al.

37.20 (g) Denial or granting of a motion for an order for adoptive placement after an  
37.21 evidentiary hearing is an order, which may be appealed by the responsible social services  
37.22 agency, the moving party, the child, when age ten or over, the child's guardian ad litem,  
37.23 and any individual who had a fully executed adoption placement agreement regarding  
37.24 the child at the time the motion was filed if the court's order has the effect of terminating  
37.25 the adoption placement agreement. An appeal shall be conducted according to the  
37.26 requirements of the Rules of Juvenile Protection Procedure.

37.27 **Subd. 7. Changing adoptive plan when parent has consented to adoption.**  
37.28 When the child's parent has consented to adoption under section 260C.515, subdivision 3,  
37.29 only the person identified by the parent and agreed to by the agency as the prospective  
37.30 adoptive parent qualifies for adoptive placement of the child until the responsible social  
37.31 services agency has reported to the court and the court has found in a hearing under this  
37.32 section that it is not possible to finalize an adoption by the identified prospective adoptive  
37.33 parent within 12 months of the execution of the consent to adopt under section 260C.515,  
37.34 subdivision 3, unless the responsible social services agency certifies that the failure to  
37.35 finalize is not due to either an action or a failure to act by the prospective adoptive parent.

38.1 Subd. 8. **Timing modified.** (a) The court may review the responsible social services  
38.2 agency's reasonable efforts to finalize an adoption more frequently than every 90 days  
38.3 whenever a more frequent review would assist in finalizing the adoption.

38.4 (b) In appropriate cases, the court may review the responsible social services  
38.5 agency's reasonable efforts to finalize an adoption less frequently than every 90 days. The  
38.6 court shall not find it appropriate to review progress toward adoption less frequently  
38.7 than every 90 days except when:

38.8 (1) the court has approved the agency's reasonable efforts to recruit, identify, and  
38.9 place the child in an adoptive home on a continuing basis for at least 24 months after the  
38.10 court has issued the order for guardianship;

38.11 (2) the child is at least 16 years old; and

38.12 (3) the child's guardian ad litem agrees that review less frequently than every 90  
38.13 days is in the child's best interests.

38.14 (c) In no event shall the court's review be less frequent than every six months.

38.15 Sec. 34. **[260C.609] SOCIAL AND MEDICAL HISTORY.**

38.16 (a) The responsible social services agency shall work with the birth family of the  
38.17 child, foster family, medical and treatment providers, and the child's school to ensure there  
38.18 is a detailed, thorough, and currently up-to-date social and medical history of the child as  
38.19 required under section 259.43 on the forms required by the commissioner.

38.20 (b) When the child continues in foster care, the agency's reasonable efforts to  
38.21 complete the history shall begin no later than the permanency progress review hearing  
38.22 required under section 260C.204 or six months after the child's placement in foster care.

38.23 (c) The agency shall thoroughly discuss the child's history with the adopting parent  
38.24 of the child and shall give a copy of the report of the child's social and medical history  
38.25 to the adopting parent. A copy of the child's social and medical history may also be  
38.26 given to the child as appropriate.

38.27 (d) The report shall not include information that identifies birth relatives. Redacted  
38.28 copies of all the child's relevant evaluations, assessments, and records must be attached  
38.29 to the social and medical history.

38.30 Sec. 35. **[260C.611] ADOPTION STUDY REQUIRED.**

38.31 An adoption study under section 259.41 approving placement of the child in the  
38.32 home of the prospective adoptive parent shall be completed before placing any child  
38.33 under the guardianship of the commissioner in a home for adoption. If a prospective  
38.34 adoptive parent has previously held a foster care license or adoptive home study, any

39.1 update necessary to the foster care license, or updated or new adoptive home study, if not  
39.2 completed by the licensing authority responsible for the previous license or home study,  
39.3 shall include collateral information from the previous licensing or approving agency, if  
39.4 available.

39.5 Sec. 36. **[260C.613] SOCIAL SERVICES AGENCY AS COMMISSIONER'S**  
39.6 **AGENT.**

39.7 Subdivision 1. **Adoptive placement decisions.** (a) The responsible social services  
39.8 agency has exclusive authority to make an adoptive placement of a child under the  
39.9 guardianship of the commissioner. The child shall be considered placed for adoption when  
39.10 the adopting parent, the agency, and the commissioner have fully executed an adoption  
39.11 placement agreement on the form prescribed by the commissioner.

39.12 (b) The responsible social services agency shall use an individualized determination  
39.13 of the child's current needs pursuant to section 260C.212, subdivision 2, paragraph (b), to  
39.14 determine the most suitable adopting parent for the child in the child's best interests.

39.15 (c) The responsible social services agency shall notify the court and parties entitled  
39.16 to notice under section 260C.607, subdivision 2, when there is a fully executed adoption  
39.17 placement agreement for the child.

39.18 (d) In the event an adoption placement agreement terminates, the responsible  
39.19 social services agency shall notify the court, the parties entitled to notice under section  
39.20 260C.607, subdivision 2, and the commissioner that the agreement and the adoptive  
39.21 placement have terminated.

39.22 Subd. 2. **Disclosure of data permitted to identify adoptive parent.** The  
39.23 responsible social services agency may disclose private data, as defined in section 13.02, to  
39.24 prospective adoptive parents for the purpose of identifying an adoptive parent willing and  
39.25 able to meet the child's needs as outlined in section 260C.212, subdivision 2, paragraph (b).

39.26 Subd. 3. **Siblings placed together.** The responsible social services agency shall  
39.27 place siblings together for adoption according to section 260.012, paragraph (e), clause  
39.28 (4), unless:

39.29 (1) the court makes findings required under section 260C.617; and

39.30 (2) the court orders that the adoption or progress toward adoption of the child under  
39.31 the court's jurisdiction may proceed notwithstanding that the adoption will result in  
39.32 siblings being separated.

39.33 Subd. 4. **Other considerations.** Placement of a child cannot be delayed or denied  
39.34 based on the race, color, or national origin of the prospective parent or the child.

40.1            Subd. 5. **Required record keeping.** The responsible social services agency  
40.2 shall document, in the records required to be kept under section 259.79, the reasons  
40.3 for the adoptive placement decision regarding the child, including the individualized  
40.4 determination of the child's needs based on the factors in section 260C.212, subdivision  
40.5 2, paragraph (b), and the assessment of how the selected adoptive placement meets the  
40.6 identified needs of the child. The responsible social services agency shall retain in the  
40.7 records required to be kept under section 259.79, copies of all out-of-home placement  
40.8 plans made since the child was ordered under guardianship of the commissioner and all  
40.9 court orders from reviews conducted pursuant to section 260C.607.

40.10           Subd. 6. **Death notification.** (a) The agency shall inform the adoptive parents  
40.11 that the adoptive parents of an adopted child under age 19 or an adopted person age 19  
40.12 or older may maintain a current address on file with the agency and indicate a desire to  
40.13 be notified if the agency receives information of the death of a birth parent. The agency  
40.14 shall notify the birth parents of the child's death and the cause of death, if known, provided  
40.15 that the birth parents desire notice and maintain current addresses on file with the agency.  
40.16 The agency shall inform birth parents entitled to notice under section 259.27, that they  
40.17 may designate individuals to notify the agency if a birth parent dies and that the agency  
40.18 receiving information of the birth parent's death will share the information with adoptive  
40.19 parents, if the adopted person is under age 19, or an adopted person age 19 or older who  
40.20 has indicated a desire to be notified of the death of a birth parent and who maintains  
40.21 a current address on file with the agency.

40.22           (b) Notice to a birth parent that a child has died or to the adoptive parents or an  
40.23 adopted person age 19 or older that a birth parent has died shall be provided by an  
40.24 employee of the agency through personal and confidential contact, but not by mail.

40.25           Subd. 7. **Terminal illness notification.** If a birth parent or the child is terminally ill,  
40.26 the responsible social services agency shall inform the adoptive parents and birth parents  
40.27 of a child who is adopted that the birth parents, the adoptive parents of an adopted person  
40.28 under age 19, or an adopted person age 19 or older may request to be notified of the  
40.29 terminal illness. The agency shall notify the other parties if a request is received under  
40.30 this subdivision and upon a party's request the agency shall share information regarding a  
40.31 terminal illness with the adoptive or birth parents or an adopted person age 19 or older.

40.32           Subd. 8. **Postadoption search services.** The responsible social services agency  
40.33 shall respond to requests from adopted persons aged 19 years and over, adoptive parents  
40.34 of a minor child, and birth parents for: social and medical history and genetic health  
40.35 conditions of the adopted person's birth family and genetic sibling information, according  
40.36 to section 259.83.

41.1 Sec. 37. [260C.615] DUTIES OF COMMISSIONER.

41.2 Subdivision 1. Duties. (a) For any child who is under the guardianship of the  
41.3 commissioner, the commissioner has the exclusive rights to consent to:

41.4 (1) the medical care plan for and treatment of a child who is at imminent risk of death  
41.5 or who has a chronic disease that, in a physician's judgment, will result in the child's death  
41.6 in the near future, including a physician's order not to resuscitate or intubate the child; and

41.7 (2) the child donating a part of the child's body to another person while the child  
41.8 is living. The decision to donate a body part under this subdivision shall take into  
41.9 consideration the child's wishes and the child's culture.

41.10 (b) In addition to the exclusive rights under paragraph (a), the commissioner has  
41.11 a duty to:

41.12 (1) process any complete and accurate request for home study and placement  
41.13 through the Interstate Compact on the Placement of Children under section 260.851;

41.14 (2) process any complete and accurate application for adoption assistance forwarded  
41.15 by the responsible social services agency according to chapter 259A;

41.16 (3) complete the execution of an adoption placement agreement forwarded to the  
41.17 commissioner by the responsible social services agency and return it to the agency in a  
41.18 timely fashion; and

41.19 (4) maintain records as required in chapter 259.

41.20 Subd. 2. Duties not reserved. All duties, obligations, and consents not specifically  
41.21 reserved to the commissioner in this section are delegated to the responsible social  
41.22 services agency.

41.23 Sec. 38. [260C.617] SIBLING PLACEMENT.

41.24 (a) The responsible social services agency shall make every effort to place siblings  
41.25 together for adoption.

41.26 (b) The court shall review any proposal by the responsible social services agency to  
41.27 separate siblings for purposes of adoption.

41.28 (c) If there is venue in more than one county for matters regarding siblings who are  
41.29 under the guardianship of the commissioner, the judges conducting reviews regarding  
41.30 the siblings shall communicate with each other about the siblings' needs and, where  
41.31 appropriate, shall conduct review hearings in a manner that ensures coordinated planning  
41.32 by agencies involved in decision making for the siblings.

41.33 (d) After notice to the individuals and entities listed in section 260C.627, the foster  
41.34 or prospective adoptive parent of the child, and any foster, adopting, or adoptive parents  
41.35 of the child's siblings, or relatives with permanent legal and physical custody of the

42.1 child's sibling, and upon hearing, the court may determine that a child under the court's  
42.2 jurisdiction may be separated from the child's sibling for adoption when:

42.3 (1) the responsible social services agency has made reasonable efforts to place the  
42.4 siblings together, and after finding reasonable efforts have been made, the court finds  
42.5 further efforts would significantly delay the adoption of one or more of the siblings and  
42.6 are therefore not in the best interests of one or more of the siblings; or

42.7 (2) the court determines it is not in the best interests of one or more of the siblings to  
42.8 be placed together after reasonable efforts by the responsible social services agency to  
42.9 place the siblings together.

42.10 Sec. 39. **[260C.619] COMMUNICATION AND CONTACT AGREEMENTS.**

42.11 (a) An adopting parent and a relative or foster parent of the child may enter into an  
42.12 agreement regarding communication with or contact between the adopted child, adopting  
42.13 parent, and the relative or foster parent. An agreement may be entered between:

42.14 (1) an adopting parent and a birth parent;

42.15 (2) an adopting parent and any relative or foster parent with whom the child resided  
42.16 before being adopted; and

42.17 (3) an adopting parent and the parent or legal custodian of a sibling of the child, if  
42.18 the sibling is a minor, or any adult sibling of the child.

42.19 (b) An agreement regarding communication with or contact between the child,  
42.20 adoptive parents, and a relative or foster parent, is enforceable when the terms of the  
42.21 agreement are contained in a written court order. The order must be issued before or at the  
42.22 time of the granting of the decree of adoption. The order granting the communication,  
42.23 contact, or visitation shall be filed in the adoption file.

42.24 (c) The court shall mail a certified copy of the order to the parties to the agreement or  
42.25 their representatives at the addresses provided by the parties to the agreement. Service shall  
42.26 be completed in a manner that maintains the confidentiality of confidential information.

42.27 (d) The court shall not enter a proposed order unless the terms of the order have been  
42.28 approved in writing by the prospective adoptive parents, the birth relative, the foster  
42.29 parent, or the birth parent or legal custodian of the child's sibling who desires to be a party  
42.30 to the agreement, and the responsible social services agency.

42.31 (e) An agreement under this section need not disclose the identity of the parties to be  
42.32 legally enforceable and when the identity of the parties to the agreement is not disclosed,  
42.33 data about the identities in the adoption file shall remain confidential.

42.34 (f) The court shall not enter a proposed order unless the court finds that the  
42.35 communication or contact between the minor adoptee, the adoptive parents, and the

43.1 relative, foster parents, or siblings as agreed upon and contained in the proposed order,  
43.2 would be in the child's best interests.

43.3 (g) Failure to comply with the terms of an order regarding communication or contact  
43.4 that has been entered by the court under this section is not grounds for:

43.5 (1) setting aside an adoption decree; or

43.6 (2) revocation of a written consent to an adoption after that consent has become  
43.7 irrevocable.

43.8 (h) An order regarding communication or contact entered under this section may be  
43.9 enforced by filing a motion in the existing adoption file with the court that entered the  
43.10 contact agreement. Any party to the communication or contact order or the child who is  
43.11 the subject of the order has standing to file the motion to enforce the order. The prevailing  
43.12 party may be awarded reasonable attorney fees and costs.

43.13 (i) The court shall not modify an order under this section unless it finds that the  
43.14 modification is necessary to serve the best interests of the child, and:

43.15 (1) the modification is agreed to by the parties to the agreement; or

43.16 (2) exceptional circumstances have arisen since the order was entered that justified  
43.17 modification of the order.

43.18 Sec. 40. [260C.621] JURISDICTION AND VENUE.

43.19 Subdivision 1. Jurisdiction. (a) The juvenile court has original jurisdiction for all  
43.20 adoption proceedings involving the adoption of a child under the guardianship of the  
43.21 commissioner, including when the commissioner approves the placement of the child  
43.22 through the Interstate Compact on the Placement of Children under section 260.851 for  
43.23 adoption outside the state of Minnesota and an adoption petition is filed in Minnesota.

43.24 (b) The receiving state also has jurisdiction to conduct an adoption proceeding for a  
43.25 child under the guardianship of the commissioner when the adopting home was approved  
43.26 by the receiving state through the interstate compact.

43.27 Subd. 2. Venue. (a) Venue for the adoption of a child committed to the guardianship  
43.28 of the commissioner of human services shall be the court conducting reviews in the matter  
43.29 according to section 260C.607.

43.30 (b) Upon request of the responsible social services agency, the court conducting  
43.31 reviews under section 260C.607 may order that filing an adoption petition involving a  
43.32 child under the guardianship of the commissioner be permitted in the county where the  
43.33 adopting parent resides upon determining that:

43.34 (1) there is no motion for an order for adoptive placement of the child that has been  
43.35 filed or is reasonably anticipated by the responsible social services agency to be filed; and

44.1 (2) filing the petition in the adopting parent's county of residence will expedite the  
44.2 proceedings and serve the best interests of the child.

44.3 (c) When the court issues an order under paragraph (b), a copy of the court order  
44.4 shall be filed together with the adoption petition in the court of the adopting parent's  
44.5 county of residence.

44.6 (d) The court shall notify the court conducting reviews under section 260C.607 when  
44.7 the adoption is finalized so that the court conducting reviews under section 260C.607 may  
44.8 close its jurisdiction and the court record, including the court's electronic case record, in  
44.9 the county conducting the reviews, shall reflect that adoption of the child was finalized.

44.10 Sec. 41. **[260C.623] ADOPTION PETITION.**

44.11 Subdivision 1. **Who may petition.** (a) The responsible social services agency may  
44.12 petition for the adopting parent to adopt a child who is under the guardianship of the  
44.13 commissioner. The petition shall contain or have attached a statement certified by the  
44.14 adopting parent that the adopting parent desires that the relationship of parent and child  
44.15 be established between the adopting parent and the child and that adoption is in the best  
44.16 interests of the child.

44.17 (b) The adopting parent may petition the court for adoption of the child.

44.18 (c) An adopting parent must be at least 21 years of age at the time the adoption  
44.19 petition is filed unless the adopting parent is an individual related to the child, as defined  
44.20 by section 245A.02, subdivision 13.

44.21 (d) The petition may be filed in Minnesota by an adopting parent who resides within  
44.22 or outside the state.

44.23 Subd. 2. **Time for filing petition.** (a) An adoption petition shall be filed not later  
44.24 than nine months after the date of the fully executed adoption placement agreement unless  
44.25 the court finds that:

44.26 (1) the time for filing a petition be extended because of the child's special needs  
44.27 as defined under title IV-E of the federal Social Security Act, United States Code, title  
44.28 42, section 672; or

44.29 (2) based on a written plan for completing filing of the petition, including a specific  
44.30 timeline, to which the adopting parent has agreed, the time for filing a petition be extended  
44.31 long enough to complete the plan because an extension is in the best interests of the child  
44.32 and additional time is needed for the child to adjust to the adoptive home.

44.33 (b) If an adoption petition is not filed within nine months of the execution of the  
44.34 adoption placement agreement as required under section 260C.613, subdivision 1, and  
44.35 after giving the adopting parent written notice of its request together with the date and

45.1 time of the hearing set to consider its report, the responsible social services agency shall  
45.2 file a report requesting an order for one of the following:

45.3 (1) that the time for filing a petition be extended because of the child's special needs  
45.4 as defined under title IV-E of the federal Social Security Act, United States Code, title  
45.5 42, section 673;

45.6 (2) that, based on a written plan for completing filing of the petition, including a  
45.7 specific timeline, to which the adopting parent has agreed, the time for filing a petition can  
45.8 be extended long enough to complete the plan because an extension is in the best interests  
45.9 of the child and additional time is needed for the child to adjust to the adoptive home; or

45.10 (3) that the child can be removed from the adopting home.

45.11 (c) At the conclusion of the review, the court shall issue findings, appropriate orders  
45.12 for the parties to take action or steps required to advance the case toward a finalized  
45.13 adoption, and set the date and time for the next review hearing.

45.14 Subd. 3. **Requirements of petition.** (a) The petition shall be captioned in the legal  
45.15 name of the child as that name is reflected on the child's birth record prior to adoption and  
45.16 shall be entitled "Petition to Adopt Child under the Guardianship of the Commissioner  
45.17 of Human Services." The actual name of the child shall be supplied to the court by the  
45.18 responsible social services agency if unknown to the individual with whom the agency  
45.19 has made the adoptive placement.

45.20 (b) The adoption petition shall be verified as required in section 260C.141,  
45.21 subdivision 4, and, if filed by the responsible social services agency, signed and approved  
45.22 by the county attorney.

45.23 (c) The petition shall state:

45.24 (1) the full name, age, and place of residence of the adopting parent;

45.25 (2) if the adopting parents are married, the date and place of marriage;

45.26 (3) the date the adopting parent acquired physical custody of the child;

45.27 (4) the date of the adoptive placement by the responsible social services agency;

45.28 (5) the date of the birth of the child, if known, and the county, state, and country  
45.29 where born;

45.30 (6) the name to be given the child, if a change of name is desired;

45.31 (7) the description and value of any real or personal property owned by the child;

45.32 (8) the relationship of the adopting parent to the child prior to adoptive placement, if  
45.33 any;

45.34 (9) whether the Indian Child Welfare Act does or does not apply; and

45.35 (10) the name and address of:

45.36 (i) the child's guardian ad litem;

46.1 (ii) the adoptee, if age ten or older;

46.2 (iii) the child's Indian tribe, if the child is an Indian child; and

46.3 (iv) the responsible social services agency.

46.4 (d) A petition may ask for the adoption of two or more children.

46.5 (e) If a petition is for adoption by a married person, both spouses must sign the  
46.6 petition indicating willingness to adopt the child and the petition must ask for adoption by  
46.7 both spouses unless the court approves adoption by only one spouse when spouses do not  
46.8 reside together or for other good cause shown.

46.9 (f) If the petition is for adoption by a person residing outside the state, the adoptive  
46.10 placement must have been approved by the state where the person is a resident through the  
46.11 Interstate Compact on the Placement of Children, sections 260.851 to 260.92.

46.12 Subd. 4. **Attachments to the petition.** The following must be filed with the petition:

46.13 (1) the adoption study report required under section 259.41;

46.14 (2) the social and medical history required under sections 259.43 and 260C.609; and

46.15 (3) a document prepared by the petitioner that establishes who must be given notice  
46.16 under section 260C.627, subdivision 1, that includes the names and mailing addresses of  
46.17 those to be served by the court administrator.

46.18 Sec. 42. **[260C.625] DOCUMENTS FILED BY SOCIAL SERVICES AGENCY.**

46.19 (a) The following shall be filed by the responsible social services agency prior to  
46.20 finalization of the adoption:

46.21 (1) a certified copy of the child's birth record;

46.22 (2) a certified copy of the findings and order terminating parental rights or order  
46.23 accepting the parent's consent to adoption under section 260C.515, subdivision 3, and for  
46.24 guardianship to the commissioner;

46.25 (3) a copy of any communication or contact agreement under section 260C.619;

46.26 (4) certification that the Minnesota Fathers' Adoption Registry has been searched  
46.27 which requirement may be met according to the requirements of the Minnesota Rules of  
46.28 Adoption Procedure, Rule 32.01, subdivision 2;

46.29 (5) the original of each consent to adoption required, if any, unless the original was  
46.30 filed in the permanency proceeding conducted under section 260C.515, subdivision 3, and  
46.31 the order filed under clause (2) has a copy of the consent attached; and

46.32 (6) the postplacement assessment report required under section 259.53, subdivision  
46.33 2.

46.34 (b) The responsible social services agency shall provide any known aliases of the  
46.35 child to the court.

47.1 Sec. 43. [260C.627] NOTICE OF ADOPTION PROCEEDINGS.

47.2 Subdivision 1. To whom given. (a) Notice of the adoption proceedings shall not  
47.3 be given to any parent whose rights have been terminated or who has consented to the  
47.4 adoption of the child under this chapter.

47.5 (b) Notice of the adoption proceedings shall be given to the following:

47.6 (1) the child's tribe if the child is an Indian child;

47.7 (2) the responsible social services agency;

47.8 (3) the child's guardian ad litem;

47.9 (4) the child, if the child is age ten or over;

47.10 (5) the child's attorney; and

47.11 (6) the adopting parent.

47.12 (c) Notice of a hearing regarding the adoption petition shall have a copy of the  
47.13 petition attached unless service of the petition has already been accomplished.

47.14 Subd. 2. Method of service. Notice of adoption proceedings for a child under the  
47.15 guardianship of the commissioner may be served by United States mail or any other  
47.16 method approved by the Minnesota Rules of Adoption Procedure.

47.17 Sec. 44. [260C.629] FINALIZATION HEARING.

47.18 Subdivision 1. Consent. (a) A parent whose rights to the child have not been  
47.19 terminated must consent to the adoption of the child. A parent may consent to the adoption  
47.20 of the child under section 260C.515, subdivision 3, and that consent shall be irrevocable  
47.21 upon acceptance by the court except as otherwise provided in section 260C.515,  
47.22 subdivision 3, clause (2)(i). A parent of an Indian child may consent to the adoption of  
47.23 the child according to United States Code, title 25, section 1913, and that consent may be  
47.24 withdrawn for any reason at any time before the entry of a final decree of adoption.

47.25 (b) When the child to be adopted is age 14 years or older, the child's written consent  
47.26 to adoption by the adopting parent is required.

47.27 (c) Consent by the responsible social services agency or the commissioner is not  
47.28 required because the adoptive placement has been made by the responsible social services  
47.29 agency.

47.30 Subd. 2. Required documents. In order to issue a decree for adoption and enter  
47.31 judgment accordingly, the court must have the following documents in the record:

47.32 (1) original birth record of the child;

47.33 (2) adoption study report including a background study required under section  
47.34 259.41;

48.1 (3) a certified copy of the findings and order terminating parental rights or order  
48.2 accepting the parent's consent to adoption under section 260C.515, subdivision 3, and for  
48.3 guardianship to the commissioner;

48.4 (4) any consents required under subdivision 1;

48.5 (5) child's social and medical history under section 260C.609;

48.6 (6) postplacement assessment report required under section 259.53, subdivision 2,  
48.7 unless waived by the court on the record at a hearing under section 260C.607; and

48.8 (7) report from the child's guardian ad litem.

48.9 Sec. 45. **[260C.631] JUDGMENT AND DECREE.**

48.10 (a) After taking testimony from the responsible social services agency, which may  
48.11 be by telephone or affidavit if the court has transferred venue of the matter to a county  
48.12 not conducting the posttermination of parental rights reviews under section 260C.607,  
48.13 and the adopting parent, if the court finds that it is in the best interests of the child that  
48.14 the petition be granted, a decree of adoption shall be issued ordering that the child to be  
48.15 adopted shall be the child of the adopting parent. In the decree, the court may change the  
48.16 name of the adopted child, if a name change is requested.

48.17 (b) After the decree is granted, the court administrator shall mail a copy of the decree  
48.18 to the commissioner of human services.

48.19 Sec. 46. **[260C.633] ADOPTION DENIED.**

48.20 (a) If the court is not satisfied that the proposed adoption is in the best interests of  
48.21 the child to be adopted, the court shall deny the petition, and order the responsible social  
48.22 services agency to take appropriate action for the protection and safety of the child. If  
48.23 venue has been transferred under section 260C.621, subdivision 2, the court denying  
48.24 the petition shall notify the court originally conducting the guardianship reviews under  
48.25 section 260C.607.

48.26 (b) The court responsible for conducting reviews under section 260C.607 shall set a  
48.27 hearing within 30 days of receiving notice of denial of the petition.

48.28 (c) Any appeal of the denial of an adoption petition under this section shall be made  
48.29 according to the requirements of the Minnesota Rules of Adoption Procedure.

48.30 Sec. 47. **[260C.635] EFFECT OF ADOPTION.**

48.31 Subdivision 1. **Legal effect.** (a) Upon adoption, the adopted child becomes the legal  
48.32 child of the adopting parent and the adopting parent becomes the legal parent of the child  
48.33 with all the rights and duties between them of a birth parent and child.

49.1 (b) The child shall inherit from the adoptive parent and the adoptive parent's  
49.2 relatives the same as though the child were the birth child of the parent, and in case of the  
49.3 child's death intestate, the adoptive parent and the adoptive parent's relatives shall inherit  
49.4 the child's estate as if the child had been the adoptive parent's birth child.

49.5 (c) After a decree of adoption is entered, the birth parents or previous legal parents  
49.6 of the child shall be relieved of all parental responsibilities for the child except child  
49.7 support that has accrued to the date of the order for guardianship to the commissioner  
49.8 which continues to be due and owing. The child's birth or previous legal parent shall not  
49.9 exercise or have any rights over the adopted child or the adopted child's property, person,  
49.10 privacy, or reputation.

49.11 (d) The adopted child shall not owe the birth parents or the birth parent's relatives  
49.12 any legal duty nor shall the adopted child inherit from the birth parents or kindred unless  
49.13 otherwise provided for in a will of the birth parent or kindred.

49.14 (e) Upon adoption, the court shall complete a certificate of adoption form and mail  
49.15 the form to the Office of the State Registrar at the Minnesota Department of Health. Upon  
49.16 receiving the certificate of adoption, the State Registrar shall register a replacement vital  
49.17 record in the new name of the adopted child as required under section 144.218.

49.18 Subd. 2. **Enrollment in American Indian tribe.** Notwithstanding the provisions  
49.19 of subdivision 1, the adoption of a child whose birth parent or parents are enrolled in an  
49.20 American Indian tribe shall not change the child's enrollment in that tribe.

49.21 Subd. 3. **Communication or contact agreements.** This section does not prohibit  
49.22 birth parents, relatives, birth or legal siblings, and adoptive parents from entering a  
49.23 communication or contact agreement under section 260C.619.

49.24 Sec. 48. **[260C.637] ACCESS TO ORIGINAL BIRTH RECORD**  
49.25 **INFORMATION.**

49.26 An adopted person may ask the commissioner of health to disclose the information  
49.27 on the adopted person's original birth record according to section 259.89.

49.28 Sec. 49. Minnesota Statutes 2010, section 541.04, is amended to read:

49.29 **541.04 JUDGMENTS, TEN ~~OR 20~~ YEARS.**

49.30 No action shall be maintained upon a judgment or decree of a court of the United  
49.31 States, or of any state or territory thereof, unless begun within ten years after the entry of  
49.32 such judgment ~~or, in the case of a judgment for child support, including a judgment by~~  
49.33 ~~operation of law, unless begun within 20 years after entry of the judgment.~~

50.1 EFFECTIVE DATE. The amendments to this section are effective retroactively  
50.2 from April 15, 2010, the date the language stricken in this section was finally enacted.

50.3 Sec. 50. Minnesota Statutes 2010, section 548.09, subdivision 1, is amended to read:

50.4 Subdivision 1. **Entry and docketing; survival of judgment.** Except as provided  
50.5 in section 548.091, every judgment requiring the payment of money shall be entered  
50.6 by the court administrator when ordered by the court and will be docketed by the court  
50.7 administrator upon the filing of an affidavit as provided in subdivision 2. Upon a transcript  
50.8 of the docket being filed with the court administrator in any other county, the court  
50.9 administrator shall also docket it. From the time of docketing the judgment is a lien, in  
50.10 the amount unpaid, upon all real property in the county then or thereafter owned by the  
50.11 judgment debtor, but it is not a lien upon registered land unless it is also recorded pursuant  
50.12 to sections 508.63 and 508A.63. The judgment survives, and the lien continues, for ten  
50.13 years after its entry ~~or, in the case of a judgment for child support, including a judgment~~  
50.14 ~~by operation of law, for 20 years after its entry.~~ Child support judgments may be renewed  
50.15 pursuant to section 548.091.

50.16 EFFECTIVE DATE. The amendments to this section are effective retroactively  
50.17 from April 15, 2010, the date the language stricken in this section was finally enacted.

50.18 Sec. 51. Minnesota Statutes 2010, section 609.3785, is amended to read:

50.19 **609.3785 UNHARMED NEWBORNS LEFT AT ~~HOSPITALS~~ SAFE PLACES;**  
50.20 **AVOIDANCE OF PROSECUTION.**

50.21 (a) For purposes of this section, "safe place" has the meaning given in section  
50.22 260C.217, subdivision 1a.

50.23 (b) A person may leave a newborn with a ~~hospital~~ an employee at a ~~hospital~~ safe  
50.24 place or with a 911 responder in this state without being subjected to prosecution for that  
50.25 act, provided that:

50.26 (1) the newborn was born within ~~72 hours~~ seven days of being left at ~~the hospital~~ a  
50.27 safe place or with a 911 responder, as determined within a reasonable degree of medical  
50.28 certainty;

50.29 (2) the newborn is left in an unharmed condition; and

50.30 (3) in cases where the person leaving the newborn is not the newborn's mother, the  
50.31 person has the mother's approval to do so.

50.32 Sec. 52. Minnesota Statutes 2010, section 626.556, subdivision 2, is amended to read:

51.1 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings  
51.2 given them unless the specific content indicates otherwise:

51.3 (a) "Family assessment" means a comprehensive assessment of child safety, risk  
51.4 of subsequent child maltreatment, and family strengths and needs that is applied to a  
51.5 child maltreatment report that does not allege substantial child endangerment. Family  
51.6 assessment does not include a determination as to whether child maltreatment occurred  
51.7 but does determine the need for services to address the safety of family members and the  
51.8 risk of subsequent maltreatment.

51.9 (b) "Investigation" means fact gathering related to the current safety of a child  
51.10 and the risk of subsequent maltreatment that determines whether child maltreatment  
51.11 occurred and whether child protective services are needed. An investigation must be used  
51.12 when reports involve substantial child endangerment, and for reports of maltreatment in  
51.13 facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to  
51.14 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and  
51.15 13, and 124D.10; or in a nonlicensed personal care provider association as defined in  
51.16 sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

51.17 (c) "Substantial child endangerment" means a person responsible for a child's care,  
51.18 and in the case of sexual abuse includes a person who has a significant relationship to the  
51.19 child as defined in section 609.341, or a person in a position of authority as defined in  
51.20 section 609.341, who by act or omission commits or attempts to commit an act against a  
51.21 child under their care that constitutes any of the following:

51.22 (1) egregious harm as defined in section 260C.007, subdivision 14;

51.23 (2) sexual abuse as defined in paragraph (d);

51.24 (3) abandonment under section 260C.301, subdivision 2;

51.25 (4) neglect as defined in paragraph (f), clause (2), that substantially endangers the  
51.26 child's physical or mental health, including a growth delay, which may be referred to as  
51.27 failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

51.28 (5) murder in the first, second, or third degree under section 609.185, 609.19, or  
51.29 609.195;

51.30 (6) manslaughter in the first or second degree under section 609.20 or 609.205;

51.31 (7) assault in the first, second, or third degree under section 609.221, 609.222, or  
51.32 609.223;

51.33 (8) solicitation, inducement, and promotion of prostitution under section 609.322;

51.34 (9) criminal sexual conduct under sections 609.342 to 609.3451;

51.35 (10) solicitation of children to engage in sexual conduct under section 609.352;

52.1 (11) malicious punishment or neglect or endangerment of a child under section  
52.2 609.377 or 609.378;

52.3 (12) use of a minor in sexual performance under section 617.246; or

52.4 (13) parental behavior, status, or condition which mandates that the county attorney  
52.5 file a termination of parental rights petition under section 260C.301, subdivision 3,  
52.6 paragraph (a).

52.7 (d) "Sexual abuse" means the subjection of a child by a person responsible for the  
52.8 child's care, by a person who has a significant relationship to the child, as defined in  
52.9 section 609.341, or by a person in a position of authority, as defined in section 609.341,  
52.10 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual  
52.11 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),  
52.12 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct  
52.13 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual  
52.14 abuse also includes any act which involves a minor which constitutes a violation of  
52.15 prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes  
52.16 threatened sexual abuse.

52.17 (e) "Person responsible for the child's care" means (1) an individual functioning  
52.18 within the family unit and having responsibilities for the care of the child such as a  
52.19 parent, guardian, or other person having similar care responsibilities, or (2) an individual  
52.20 functioning outside the family unit and having responsibilities for the care of the child  
52.21 such as a teacher, school administrator, other school employees or agents, or other lawful  
52.22 custodian of a child having either full-time or short-term care responsibilities including,  
52.23 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,  
52.24 and coaching.

52.25 (f) "Neglect" means the commission or omission of any of the acts specified under  
52.26 clauses (1) to (9), other than by accidental means:

52.27 (1) failure by a person responsible for a child's care to supply a child with necessary  
52.28 food, clothing, shelter, health, medical, or other care required for the child's physical or  
52.29 mental health when reasonably able to do so;

52.30 (2) failure to protect a child from conditions or actions that seriously endanger the  
52.31 child's physical or mental health when reasonably able to do so, including a growth delay,  
52.32 which may be referred to as a failure to thrive, that has been diagnosed by a physician and  
52.33 is due to parental neglect;

52.34 (3) failure to provide for necessary supervision or child care arrangements  
52.35 appropriate for a child after considering factors as the child's age, mental ability, physical

53.1 condition, length of absence, or environment, when the child is unable to care for the  
53.2 child's own basic needs or safety, or the basic needs or safety of another child in their care;

53.3 (4) failure to ensure that the child is educated as defined in sections 120A.22 and  
53.4 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's  
53.5 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

53.6 (5) nothing in this section shall be construed to mean that a child is neglected solely  
53.7 because the child's parent, guardian, or other person responsible for the child's care in  
53.8 good faith selects and depends upon spiritual means or prayer for treatment or care of  
53.9 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,  
53.10 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report  
53.11 if a lack of medical care may cause serious danger to the child's health. This section does  
53.12 not impose upon persons, not otherwise legally responsible for providing a child with  
53.13 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

53.14 (6) prenatal exposure to a controlled substance, as defined in section 253B.02,  
53.15 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal  
53.16 symptoms in the child at birth, results of a toxicology test performed on the mother at  
53.17 delivery or the child at birth, or medical effects or developmental delays during the child's  
53.18 first year of life that medically indicate prenatal exposure to a controlled substance;

53.19 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

53.20 (8) chronic and severe use of alcohol or a controlled substance by a parent or  
53.21 person responsible for the care of the child that adversely affects the child's basic needs  
53.22 and safety; or

53.23 (9) emotional harm from a pattern of behavior which contributes to impaired  
53.24 emotional functioning of the child which may be demonstrated by a substantial and  
53.25 observable effect in the child's behavior, emotional response, or cognition that is not  
53.26 within the normal range for the child's age and stage of development, with due regard to  
53.27 the child's culture.

53.28 (g) "Physical abuse" means any physical injury, mental injury, or threatened injury,  
53.29 inflicted by a person responsible for the child's care on a child other than by accidental  
53.30 means, or any physical or mental injury that cannot reasonably be explained by the child's  
53.31 history of injuries, or any aversive or deprivation procedures, or regulated interventions,  
53.32 that have not been authorized under section 121A.67 or 245.825.

53.33 Abuse does not include reasonable and moderate physical discipline of a child  
53.34 administered by a parent or legal guardian which does not result in an injury. Abuse does  
53.35 not include the use of reasonable force by a teacher, principal, or school employee as  
53.36 allowed by section 121A.582. Actions which are not reasonable and moderate include,

54.1 but are not limited to, any of the following that are done in anger or without regard to the  
54.2 safety of the child:

54.3 (1) throwing, kicking, burning, biting, or cutting a child;

54.4 (2) striking a child with a closed fist;

54.5 (3) shaking a child under age three;

54.6 (4) striking or other actions which result in any nonaccidental injury to a child  
54.7 under 18 months of age;

54.8 (5) unreasonable interference with a child's breathing;

54.9 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

54.10 (7) striking a child under age one on the face or head;

54.11 (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled  
54.12 substances which were not prescribed for the child by a practitioner, in order to control or  
54.13 punish the child; or other substances that substantially affect the child's behavior, motor  
54.14 coordination, or judgment or that results in sickness or internal injury, or subjects the  
54.15 child to medical procedures that would be unnecessary if the child were not exposed  
54.16 to the substances;

54.17 (9) unreasonable physical confinement or restraint not permitted under section  
54.18 609.379, including but not limited to tying, caging, or chaining; or

54.19 (10) in a school facility or school zone, an act by a person responsible for the child's  
54.20 care that is a violation under section 121A.58.

54.21 (h) "Report" means any report received by the local welfare agency, police  
54.22 department, county sheriff, or agency responsible for assessing or investigating  
54.23 maltreatment pursuant to this section.

54.24 (i) "Facility" means:

54.25 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,  
54.26 sanitarium, or other facility or institution required to be licensed under sections 144.50 to  
54.27 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B;

54.28 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and  
54.29 124D.10; or

54.30 (3) a nonlicensed personal care provider organization as defined in sections 256B.04,  
54.31 subdivision 16, and 256B.0625, subdivision 19a.

54.32 (j) "Operator" means an operator or agency as defined in section 245A.02.

54.33 (k) "Commissioner" means the commissioner of human services.

54.34 (l) "Practice of social services," for the purposes of subdivision 3, includes but is  
54.35 not limited to employee assistance counseling and the provision of guardian ad litem and  
54.36 parenting time expeditor services.

55.1 (m) "Mental injury" means an injury to the psychological capacity or emotional  
55.2 stability of a child as evidenced by an observable or substantial impairment in the child's  
55.3 ability to function within a normal range of performance and behavior with due regard to  
55.4 the child's culture.

55.5 (n) "Threatened injury" means a statement, overt act, condition, or status that  
55.6 represents a substantial risk of physical or sexual abuse or mental injury. Threatened  
55.7 injury includes, but is not limited to, exposing a child to a person responsible for the  
55.8 child's care, as defined in paragraph (e), clause (1), who has:

55.9 (1) subjected a child to, or failed to protect a child from, an overt act or condition  
55.10 that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a  
55.11 similar law of another jurisdiction;

55.12 (2) been found to be palpably unfit under section 260C.301, paragraph (b), clause  
55.13 (4), or a similar law of another jurisdiction;

55.14 (3) committed an act that has resulted in an involuntary termination of parental rights  
55.15 under section 260C.301, or a similar law of another jurisdiction; or

55.16 (4) committed an act that has resulted in the involuntary transfer of permanent legal  
55.17 and physical custody of a child to a relative under section 260C.201, subdivision 11,  
55.18 paragraph (d), clause (1), or a similar law of another jurisdiction.

55.19 A child is the subject of a report of threatened injury when the responsible social  
55.20 services agency receives birth match data under paragraph (o) from the Department of  
55.21 Human Services.

55.22 (o) Upon receiving data under section 144.225, subdivision 2b, contained in a  
55.23 birth record or recognition of parentage identifying a child who is subject to threatened  
55.24 injury under paragraph (n), the Department of Human Services shall send the data to the  
55.25 responsible social services agency. The data is known as "birth match" data. Unless the  
55.26 responsible social services agency has already begun an investigation or assessment of the  
55.27 report due to the birth of the child or execution of the recognition of parentage and the  
55.28 parent's previous history with child protection, the agency shall accept the birth match  
55.29 data as a report under this section. The agency may use either a family assessment or  
55.30 investigation to determine whether the child is safe. All of the provisions of this section  
55.31 apply. If the child is determined to be safe, the agency shall consult with the county  
55.32 attorney to determine the appropriateness of filing a petition alleging the child is in need  
55.33 of protection or services under section 260C.007, subdivision 6, clause (16), in order to  
55.34 deliver needed services. If the child is determined not to be safe, the agency and the county  
55.35 attorney shall take appropriate action as required under section 260C.301, subdivision 3.

56.1 ~~(o)~~ (p) Persons who conduct assessments or investigations under this section  
56.2 shall take into account accepted child-rearing practices of the culture in which a child  
56.3 participates and accepted teacher discipline practices, which are not injurious to the child's  
56.4 health, welfare, and safety.

56.5 ~~(p)~~ (q) "Accidental" means a sudden, not reasonably foreseeable, and unexpected  
56.6 occurrence or event which:

56.7 (1) is not likely to occur and could not have been prevented by exercise of due  
56.8 care; and

56.9 (2) if occurring while a child is receiving services from a facility, happens when the  
56.10 facility and the employee or person providing services in the facility are in compliance  
56.11 with the laws and rules relevant to the occurrence or event.

56.12 ~~(q)~~ (r) "Nonmaltreatment mistake" means:

56.13 (1) at the time of the incident, the individual was performing duties identified in the  
56.14 center's child care program plan required under Minnesota Rules, part 9503.0045;

56.15 (2) the individual has not been determined responsible for a similar incident that  
56.16 resulted in a finding of maltreatment for at least seven years;

56.17 (3) the individual has not been determined to have committed a similar  
56.18 nonmaltreatment mistake under this paragraph for at least four years;

56.19 (4) any injury to a child resulting from the incident, if treated, is treated only with  
56.20 remedies that are available over the counter, whether ordered by a medical professional or  
56.21 not; and

56.22 (5) except for the period when the incident occurred, the facility and the individual  
56.23 providing services were both in compliance with all licensing requirements relevant to the  
56.24 incident.

56.25 This definition only applies to child care centers licensed under Minnesota  
56.26 Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of  
56.27 substantiated maltreatment by the individual, the commissioner of human services shall  
56.28 determine that a nonmaltreatment mistake was made by the individual.

56.29 Sec. 53. Minnesota Statutes 2010, section 626.556, subdivision 10f, is amended to read:

56.30 Subd. 10f. **Notice of determinations.** Within ten working days of the conclusion  
56.31 of a family assessment, the local welfare agency shall notify the parent or guardian  
56.32 of the child of the need for services to address child safety concerns or significant risk  
56.33 of subsequent child maltreatment. The local welfare agency and the family may also  
56.34 jointly agree that family support and family preservation services are needed. Within ten  
56.35 working days of the conclusion of an investigation, the local welfare agency or agency

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57.1 responsible for assessing or investigating the report shall notify the parent or guardian  
57.2 of the child, the person determined to be maltreating the child, and if applicable, the  
57.3 director of the facility, of the determination and a summary of the specific reasons for  
57.4 the determination. When the investigation involves a child foster care setting that is  
57.5 monitored by a private licensing agency under section 245A.16, the local welfare agency  
57.6 responsible for assessing or investigating the report shall notify the private licensing  
57.7 agency of the determination and shall provide a summary of the specific reasons for  
57.8 the determination. The notice to the private licensing agency must include identifying  
57.9 private data, but not the identity of the reporter of maltreatment. The notice must also  
57.10 include a certification that the information collection procedures under subdivision 10,  
57.11 paragraphs (h), (i), and (j), were followed and a notice of the right of a data subject to  
57.12 obtain access to other private data on the subject collected, created, or maintained under  
57.13 this section. In addition, the notice shall include the length of time that the records will be  
57.14 kept under subdivision 11c. The investigating agency shall notify the parent or guardian  
57.15 of the child who is the subject of the report, and any person or facility determined to  
57.16 have maltreated a child, of their appeal or review rights under this section ~~or section~~  
57.17 ~~256.022~~. The notice must also state that a finding of maltreatment may result in denial of a  
57.18 license application or background study disqualification under chapter 245C related to  
57.19 employment or services that are licensed by the Department of Human Services under  
57.20 chapter 245A, the Department of Health under chapter 144 or 144A, the Department of  
57.21 Corrections under section 241.021, and from providing services related to an unlicensed  
57.22 personal care provider organization under chapter 256B.

57.23 Sec. 54. Minnesota Statutes 2010, section 626.556, subdivision 10i, is amended to read:

57.24 Subd. 10i. **Administrative reconsideration; review panel.** (a) Administrative  
57.25 reconsideration is not applicable in family assessments since no determination concerning  
57.26 maltreatment is made. For investigations, except as provided under paragraph (e), an  
57.27 individual or facility that the commissioner of human services, a local social service  
57.28 agency, or the commissioner of education determines has maltreated a child, an interested  
57.29 person acting on behalf of the child, regardless of the determination, who contests  
57.30 the investigating agency's final determination regarding maltreatment, may request the  
57.31 investigating agency to reconsider its final determination regarding maltreatment. The  
57.32 request for reconsideration must be submitted in writing to the investigating agency within  
57.33 15 calendar days after receipt of notice of the final determination regarding maltreatment  
57.34 or, if the request is made by an interested person who is not entitled to notice, within  
57.35 15 days after receipt of the notice by the parent or guardian of the child. If mailed, the

58.1 request for reconsideration must be postmarked and sent to the investigating agency  
58.2 within 15 calendar days of the individual's or facility's receipt of the final determination. If  
58.3 the request for reconsideration is made by personal service, it must be received by the  
58.4 investigating agency within 15 calendar days after the individual's or facility's receipt of the  
58.5 final determination. Effective January 1, 2002, an individual who was determined to have  
58.6 maltreated a child under this section and who was disqualified on the basis of serious or  
58.7 recurring maltreatment under sections 245C.14 and 245C.15, may request reconsideration  
58.8 of the maltreatment determination and the disqualification. The request for reconsideration  
58.9 of the maltreatment determination and the disqualification must be submitted within 30  
58.10 calendar days of the individual's receipt of the notice of disqualification under sections  
58.11 245C.16 and 245C.17. If mailed, the request for reconsideration of the maltreatment  
58.12 determination and the disqualification must be postmarked and sent to the investigating  
58.13 agency within 30 calendar days of the individual's receipt of the maltreatment  
58.14 determination and notice of disqualification. If the request for reconsideration is made by  
58.15 personal service, it must be received by the investigating agency within 30 calendar days  
58.16 after the individual's receipt of the notice of disqualification.

58.17 (b) Except as provided under paragraphs (e) and (f), if the investigating agency  
58.18 denies the request or fails to act upon the request within 15 working days after receiving  
58.19 the request for reconsideration, the person or facility entitled to a fair hearing under section  
58.20 256.045 may submit to the commissioner of human services or the commissioner of  
58.21 education a written request for a hearing under that section. Section 256.045 also governs  
58.22 hearings requested to contest a final determination of the commissioner of education. ~~For~~  
58.23 ~~reports involving maltreatment of a child in a facility, an interested person acting on behalf~~  
58.24 ~~of the child may request a review by the Child Maltreatment Review Panel under section~~  
58.25 ~~256.022 if the investigating agency denies the request or fails to act upon the request or~~  
58.26 ~~if the interested person contests a reconsidered determination.~~ The investigating agency  
58.27 shall notify persons who request reconsideration of their rights under this paragraph.  
58.28 The request must be submitted in writing to the review panel and a copy sent to the  
58.29 investigating agency within 30 calendar days of receipt of notice of a denial of a request  
58.30 for reconsideration or of a reconsidered determination. The request must specifically  
58.31 identify the aspects of the agency determination with which the person is dissatisfied.

58.32 (c) If, as a result of a reconsideration or review, the investigating agency changes  
58.33 the final determination of maltreatment, that agency shall notify the parties specified in  
58.34 subdivisions 10b, 10d, and 10f.

58.35 (d) Except as provided under paragraph (f), if an individual or facility contests the  
58.36 investigating agency's final determination regarding maltreatment by requesting a fair

59.1 hearing under section 256.045, the commissioner of human services shall assure that the  
59.2 hearing is conducted and a decision is reached within 90 days of receipt of the request for  
59.3 a hearing. The time for action on the decision may be extended for as many days as the  
59.4 hearing is postponed or the record is held open for the benefit of either party.

59.5 (e) If an individual was disqualified under sections 245C.14 and 245C.15, on  
59.6 the basis of a determination of maltreatment, which was serious or recurring, and  
59.7 the individual has requested reconsideration of the maltreatment determination under  
59.8 paragraph (a) and requested reconsideration of the disqualification under sections 245C.21  
59.9 to 245C.27, reconsideration of the maltreatment determination and reconsideration of the  
59.10 disqualification shall be consolidated into a single reconsideration. If reconsideration  
59.11 of the maltreatment determination is denied and the individual remains disqualified  
59.12 following a reconsideration decision, the individual may request a fair hearing under  
59.13 section 256.045. If an individual requests a fair hearing on the maltreatment determination  
59.14 and the disqualification, the scope of the fair hearing shall include both the maltreatment  
59.15 determination and the disqualification.

59.16 (f) If a maltreatment determination or a disqualification based on serious or recurring  
59.17 maltreatment is the basis for a denial of a license under section 245A.05 or a licensing  
59.18 sanction under section 245A.07, the license holder has the right to a contested case hearing  
59.19 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for  
59.20 under section 245A.08, subdivision 2a, the scope of the contested case hearing shall  
59.21 include the maltreatment determination, disqualification, and licensing sanction or denial  
59.22 of a license. In such cases, a fair hearing regarding the maltreatment determination and  
59.23 disqualification shall not be conducted under section 256.045. Except for family child  
59.24 care and child foster care, reconsideration of a maltreatment determination as provided  
59.25 under this subdivision, and reconsideration of a disqualification as provided under section  
59.26 245C.22, shall also not be conducted when:

59.27 (1) a denial of a license under section 245A.05 or a licensing sanction under section  
59.28 245A.07, is based on a determination that the license holder is responsible for maltreatment  
59.29 or the disqualification of a license holder based on serious or recurring maltreatment;

59.30 (2) the denial of a license or licensing sanction is issued at the same time as the  
59.31 maltreatment determination or disqualification; and

59.32 (3) the license holder appeals the maltreatment determination or disqualification, and  
59.33 denial of a license or licensing sanction.

59.34 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment  
59.35 determination or disqualification, but does not appeal the denial of a license or a licensing  
59.36 sanction, reconsideration of the maltreatment determination shall be conducted under

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60.1 sections 626.556, subdivision 10i, and 626.557, subdivision 9d, and reconsideration of the  
60.2 disqualification shall be conducted under section 245C.22. In such cases, a fair hearing  
60.3 shall also be conducted as provided under sections 245C.27, 626.556, subdivision 10i, and  
60.4 626.557, subdivision 9d.

60.5 If the disqualified subject is an individual other than the license holder and upon  
60.6 whom a background study must be conducted under chapter 245C, the hearings of all  
60.7 parties may be consolidated into a single contested case hearing upon consent of all parties  
60.8 and the administrative law judge.

60.9 (g) For purposes of this subdivision, "interested person acting on behalf of the  
60.10 child" means a parent or legal guardian; stepparent; grandparent; guardian ad litem; adult  
60.11 stepbrother, stepsister, or sibling; or adult aunt or uncle; unless the person has been  
60.12 determined to be the perpetrator of the maltreatment.

60.13 Sec. 55. Minnesota Statutes 2010, section 626.556, subdivision 11, is amended to read:

60.14 Subd. 11. **Records.** (a) Except as provided in paragraph (b) ~~or (d)~~ and subdivisions  
60.15 10b, 10d, 10g, and 11b, all records concerning individuals maintained by a local welfare  
60.16 agency or agency responsible for assessing or investigating the report under this  
60.17 section, including any written reports filed under subdivision 7, shall be private data on  
60.18 individuals, except insofar as copies of reports are required by subdivision 7 to be sent to  
60.19 the local police department or the county sheriff. All records concerning determinations  
60.20 of maltreatment by a facility are nonpublic data as maintained by the Department of  
60.21 Education, except insofar as copies of reports are required by subdivision 7 to be sent  
60.22 to the local police department or the county sheriff. Reports maintained by any police  
60.23 department or the county sheriff shall be private data on individuals except the reports  
60.24 shall be made available to the investigating, petitioning, or prosecuting authority, including  
60.25 county medical examiners or county coroners. Section 13.82, subdivisions 8, 9, and 14,  
60.26 apply to law enforcement data other than the reports. The local social services agency or  
60.27 agency responsible for assessing or investigating the report shall make available to the  
60.28 investigating, petitioning, or prosecuting authority, including county medical examiners or  
60.29 county coroners or their professional delegates, any records which contain information  
60.30 relating to a specific incident of neglect or abuse which is under investigation, petition, or  
60.31 prosecution and information relating to any prior incidents of neglect or abuse involving  
60.32 any of the same persons. The records shall be collected and maintained in accordance with  
60.33 the provisions of chapter 13. In conducting investigations and assessments pursuant to  
60.34 this section, the notice required by section 13.04, subdivision 2, need not be provided to a  
60.35 minor under the age of ten who is the alleged victim of abuse or neglect. An individual

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61.1 subject of a record shall have access to the record in accordance with those sections,  
61.2 except that the name of the reporter shall be confidential while the report is under  
61.3 assessment or investigation except as otherwise permitted by this subdivision. Any person  
61.4 conducting an investigation or assessment under this section who intentionally discloses  
61.5 the identity of a reporter prior to the completion of the investigation or assessment is  
61.6 guilty of a misdemeanor. After the assessment or investigation is completed, the name of  
61.7 the reporter shall be confidential. The subject of the report may compel disclosure of the  
61.8 name of the reporter only with the consent of the reporter or upon a written finding by  
61.9 the court that the report was false and that there is evidence that the report was made in  
61.10 bad faith. This subdivision does not alter disclosure responsibilities or obligations under  
61.11 the Rules of Criminal Procedure.

61.12 (b) Upon request of the legislative auditor, data on individuals maintained under  
61.13 this section must be released to the legislative auditor in order for the auditor to fulfill the  
61.14 auditor's duties under section 3.971. The auditor shall maintain the data in accordance  
61.15 with chapter 13.

61.16 (c) The commissioner of education must be provided with all requested data that are  
61.17 relevant to a report of maltreatment and are in possession of a school facility as defined  
61.18 in subdivision 2, paragraph (i), when the data is requested pursuant to an assessment or  
61.19 investigation of a maltreatment report of a student in a school. If the commissioner of  
61.20 education makes a determination of maltreatment involving an individual performing  
61.21 work within a school facility who is licensed by a board or other agency, the commissioner  
61.22 shall provide necessary and relevant information to the licensing entity to enable the  
61.23 entity to fulfill its statutory duties. Notwithstanding section 13.03, subdivision 4, data  
61.24 received by a licensing entity under this paragraph are governed by section 13.41 or other  
61.25 applicable law governing data of the receiving entity, except that this section applies to the  
61.26 classification of and access to data on the reporter of the maltreatment.

61.27 ~~(d) The investigating agency shall exchange not public data with the Child~~  
61.28 ~~Maltreatment Review Panel under section 256.022 if the data are pertinent and necessary~~  
61.29 ~~for a review requested under section 256.022. Upon completion of the review, the not~~  
61.30 ~~public data received by the review panel must be returned to the investigating agency.~~

61.31 Sec. 56. **REPEALER.**

61.32 Minnesota Statutes 2010, section 256.022, is repealed.

ARTICLE 2

CHILD CARE

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Section 1. Minnesota Statutes 2010, section 119B.09, subdivision 7, is amended to read:

Subd. 7. **Date of eligibility for assistance.** (a) The date of eligibility for child care assistance under this chapter is the later of the date the application was ~~signed~~ received by the county; the beginning date of employment, education, or training; the date the infant is born for applicants to the at-home infant care program; or the date a determination has been made that the applicant is a participant in employment and training services under Minnesota Rules, part 3400.0080, or chapter 256J.

(b) Payment ceases for a family under the at-home infant child care program when a family has used a total of 12 months of assistance as specified under section 119B.035. Payment of child care assistance for employed persons on MFIP is effective the date of employment or the date of MFIP eligibility, whichever is later. Payment of child care assistance for MFIP or DWP participants in employment and training services is effective the date of commencement of the services or the date of MFIP or DWP eligibility, whichever is later. Payment of child care assistance for transition year child care must be made retroactive to the date of eligibility for transition year child care.

(c) Notwithstanding paragraph (b), payment of child care assistance for participants eligible under section 119B.05 may only be made retroactive for a maximum of six months from the date of application for child care assistance.

Sec. 2. Minnesota Statutes 2010, section 119B.12, subdivision 1, is amended to read:

Subdivision 1. **Fee schedule.** All changes to parent fees must be implemented on the first Monday of the service period following the effective date of the change.

PARENT FEE SCHEDULE. The parent fee schedule is as follows, except as noted in subdivision 2:

Income Range (as a percent of the state median income, except at the start of the first tier)	Co-payment (as a percentage of adjusted gross income)
0-74.99% of federal poverty guidelines	<del>\$0/month</del> <u>biweekly</u>
75.00-99.99% of federal poverty guidelines	<del>\$5/month</del> <u>\$2/biweekly</u>
100.00% of federal poverty guidelines-27.72%	2.61%
27.73-29.04%	2.61%
29.05-30.36%	2.61%
30.37-31.68%	2.61%
31.69-33.00%	2.91%

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63.1	33.01-34.32%	2.91%
63.2	34.33-35.65%	2.91%
63.3	35.66-36.96%	2.91%
63.4	36.97-38.29%	3.21%
63.5	38.30-39.61%	3.21%
63.6	39.62-40.93%	3.21%
63.7	40.94-42.25%	3.84%
63.8	42.26-43.57%	3.84%
63.9	43.58-44.89%	4.46%
63.10	44.90-46.21%	4.76%
63.11	46.22-47.53%	5.05%
63.12	47.54-48.85%	5.65%
63.13	48.86-50.17%	5.95%
63.14	50.18-51.49%	6.24%
63.15	51.50-52.81%	6.84%
63.16	52.82-54.13%	7.58%
63.17	54.14-55.45%	8.33%
63.18	55.46-56.77%	9.20%
63.19	56.78-58.09%	10.07%
63.20	58.10-59.41%	10.94%
63.21	59.42-60.73%	11.55%
63.22	60.74-62.06%	12.16%
63.23	62.07-63.38%	12.77%
63.24	63.39-64.70%	13.38%
63.25	64.71- <del>66.99</del> 67.00%	14.00%
63.26	<u>Greater than</u> 67.00%	ineligible

63.27           A family's ~~monthly~~ biweekly co-payment fee is the fixed percentage established for  
63.28 the income range multiplied by the highest possible income within that income range.

63.29           Sec. 3. Minnesota Statutes 2010, section 119B.12, subdivision 2, is amended to read:

63.30           Subd. 2. **Parent fee.** A family must be assessed a parent fee for each service period.  
63.31 A family's parent fee must be a fixed percentage of its annual gross income. Parent fees  
63.32 must apply to families eligible for child care assistance under sections 119B.03 and  
63.33 119B.05. Income must be as defined in section 119B.011, subdivision 15. The fixed  
63.34 percent is based on the relationship of the family's annual gross income to 100 percent  
63.35 of the annual state median income. Parent fees must begin at 75 percent of the poverty  
63.36 level. The minimum parent fees for families between 75 percent and 100 percent of  
63.37 poverty level must be ~~\$5 per month~~ \$2 per biweekly period. Parent fees must provide  
63.38 for graduated movement to full payment. Payment of part or all of a family's parent  
63.39 fee directly to the family's child care provider on behalf of the family by a source other

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64.1 than the family shall not affect the family's eligibility for child care assistance, and the  
64.2 amount paid shall be excluded from the family's income. Child care providers who accept  
64.3 third-party payments must maintain family specific documentation of payment source,  
64.4 amount, and time period covered by the payment.

64.5 Sec. 4. Minnesota Statutes 2010, section 119B.125, subdivision 1a, is amended to read:

64.6 Subd. 1a. **Background study required.** This subdivision only applies to legal,  
64.7 nonlicensed family child care providers. Prior to authorization, and as part of each  
64.8 reauthorization required in subdivision 1, the county shall perform a background study on  
64.9 every member of the provider's household who is age 13 and older. ~~The background study~~  
64.10 ~~shall be conducted according to the procedures under subdivision 2.~~ The county shall also  
64.11 perform a background study on an individual who has reached age ten but is not yet age  
64.12 13 and is living in the household where the nonlicensed child care will be provided when  
64.13 the county has reasonable cause as defined under section 245C.02, subdivision 15.

64.14 Sec. 5. Minnesota Statutes 2010, section 119B.125, subdivision 2, is amended to read:

64.15 Subd. 2. **Persons who cannot be authorized.** (a) ~~When any member of the~~  
64.16 ~~legal, nonlicensed family child care provider's household meets any of the conditions~~  
64.17 ~~under paragraphs (b) to (n), the provider must not be authorized as a legal nonlicensed~~  
64.18 ~~family child care provider. To determine whether any of the listed conditions exist, the~~  
64.19 ~~county must request information about the provider and other household members for~~  
64.20 ~~whom a background study is required under subdivision 1a from the Bureau of Criminal~~  
64.21 ~~Apprehension, the juvenile courts, and social service agencies. When one of the listed~~  
64.22 ~~entities does not maintain information on a statewide basis, the county must contact~~  
64.23 ~~the entity in the county where the provider resides and any other county in which the~~  
64.24 ~~provider or any household member previously resided in the past year. For purposes of~~  
64.25 ~~this subdivision, a finding that a delinquency petition is proven in juvenile court must be~~  
64.26 ~~considered a conviction in state district court.~~ The provider seeking authorization under  
64.27 this section shall collect the information required under section 245C.05, subdivision 1,  
64.28 and forward the information to the county agency. The background study must include  
64.29 a review of the information required under section 245C.08, subdivisions 2, 3, and 4,  
64.30 paragraph (b). A nonlicensed family child care provider is not authorized under this  
64.31 section if any household member who is the subject of a background study is determined  
64.32 to have a disqualifying characteristic under paragraphs (b) to (e) or under section 245C.14  
64.33 or 245C.15. If a county has determined that a provider is able to be authorized in that  
64.34 county, and a family in another county later selects that provider, the provider is able to

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65.1 be authorized in the second county without undergoing a new background investigation  
65.2 unless one of the following conditions exists:

65.3 (1) two years have passed since the first authorization;

65.4 (2) another person age 13 or older has joined the provider's household since the  
65.5 last authorization;

65.6 (3) a current household member has turned 13 since the last authorization; or

65.7 (4) there is reason to believe that a household member has a factor that prevents  
65.8 authorization.

65.9 ~~(b) The person has been convicted of one of the following offenses or has admitted to~~  
65.10 ~~committing or a preponderance of the evidence indicates that the person has committed an~~  
65.11 ~~act that meets the definition of one of the following offenses: sections 609.185 to 609.195,~~  
65.12 ~~murder in the first, second, or third degree; 609.2661 to 609.2663, murder of an unborn~~  
65.13 ~~child in the first, second, or third degree; 609.322, solicitation, inducement, promotion~~  
65.14 ~~of prostitution, or receiving profit from prostitution; 609.342 to 609.345, criminal sexual~~  
65.15 ~~conduct in the first, second, third, or fourth degree; 609.352, solicitation of children to~~  
65.16 ~~engage in sexual conduct; 609.365, incest; 609.377, felony malicious punishment of a~~  
65.17 ~~child; 617.246, use of minors in sexual performance; 617.247, possession of pictorial~~  
65.18 ~~representation of a minor; 609.2242 to 609.2243, felony domestic assault; a felony offense~~  
65.19 ~~of spousal abuse; a felony offense of child abuse or neglect; a felony offense of a crime~~  
65.20 ~~against children; or an attempt or conspiracy to commit any of these offenses as defined in~~  
65.21 ~~Minnesota Statutes; or an offense in any other state or country where the elements are~~  
65.22 ~~substantially similar to any of the offenses listed in this paragraph.~~

65.23 ~~(c) Less than 15 years have passed since the discharge of the sentence imposed for~~  
65.24 ~~the offense and the person has received a felony conviction for one of the following~~  
65.25 ~~offenses, or the person has admitted to committing or a preponderance of the evidence~~  
65.26 ~~indicates that the person has committed an act that meets the definition of a felony~~  
65.27 ~~conviction for one of the following offenses: sections 609.20 to 609.205, manslaughter~~  
65.28 ~~in the first or second degree; 609.21, criminal vehicular homicide; 609.215, aiding~~  
65.29 ~~suicide or aiding attempted suicide; 609.221 to 609.2231, assault in the first, second,~~  
65.30 ~~third, or fourth degree; 609.224, repeat offenses of fifth-degree assault; 609.228, great~~  
65.31 ~~bodily harm caused by distribution of drugs; 609.2325, criminal abuse of a vulnerable~~  
65.32 ~~adult; 609.2335, financial exploitation of a vulnerable adult; 609.235, use of drugs to~~  
65.33 ~~injure or facilitate a crime; 609.24, simple robbery; 617.241, repeat offenses of obscene~~  
65.34 ~~materials and performances; 609.245, aggravated robbery; 609.25, kidnapping; 609.255,~~  
65.35 ~~false imprisonment; 609.2664 to 609.2665, manslaughter of an unborn child in the first or~~  
65.36 ~~second degree; 609.267 to 609.2672, assault of an unborn child in the first, second, or third~~

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66.1 ~~degree; 609.268, injury or death of an unborn child in the commission of a crime; 609.27,~~  
66.2 ~~coercion; 609.275, attempt to coerce; 609.324, subdivision 1, other prohibited acts, minor~~  
66.3 ~~engaged in prostitution; 609.3451, repeat offenses of criminal sexual conduct in the fifth~~  
66.4 ~~degree; 609.378, neglect or endangerment of a child; 609.52, theft; 609.521, possession of~~  
66.5 ~~shoplifting gear; 609.561 to 609.563, arson in the first, second, or third degree; 609.582,~~  
66.6 ~~burglary in the first, second, third, or fourth degree; 609.625, aggravated forgery; 609.63,~~  
66.7 ~~forgery; 609.631, check forgery, offering a forged check; 609.635, obtaining signature~~  
66.8 ~~by false pretenses; 609.66, dangerous weapon; 609.665, setting a spring gun; 609.67,~~  
66.9 ~~unlawfully owning, possessing, or operating a machine gun; 609.687, adulteration; 609.71,~~  
66.10 ~~riot; 609.713, terrorist threats; 609.749, stalking; 260C.301, termination of parental rights;~~  
66.11 ~~152.021 to 152.022 and 152.0262, controlled substance crime in the first or second degree;~~  
66.12 ~~152.023, subdivision 1, clause (3) or (4), or 152.023, subdivision 2, clause (4), controlled~~  
66.13 ~~substance crime in third degree; 152.024, subdivision 1, clause (2), (3), or (4), controlled~~  
66.14 ~~substance crime in fourth degree; 617.23, repeat offenses of indecent exposure; an attempt~~  
66.15 ~~or conspiracy to commit any of these offenses as defined in Minnesota Statutes; or an~~  
66.16 ~~offense in any other state or country where the elements are substantially similar to any of~~  
66.17 ~~the offenses listed in this paragraph.~~

66.18 ~~(d) Less than ten years have passed since the discharge of the sentence imposed for~~  
66.19 ~~the offense and the person has received a gross misdemeanor conviction for one of the~~  
66.20 ~~following offenses or the person has admitted to committing or a preponderance of the~~  
66.21 ~~evidence indicates that the person has committed an act that meets the definition of a gross~~  
66.22 ~~misdemeanor conviction for one of the following offenses: sections 609.224, fifth-degree~~  
66.23 ~~assault; 609.2242 to 609.2243, domestic assault; 518B.01, subdivision 14, violation of~~  
66.24 ~~an order for protection; 609.3451, fifth-degree criminal sexual conduct; 609.746, repeat~~  
66.25 ~~offenses of interference with privacy; 617.23, repeat offenses of indecent exposure;~~  
66.26 ~~617.241, obscene materials and performances; 617.243, indecent literature, distribution;~~  
66.27 ~~617.293, disseminating or displaying harmful material to minors; 609.71, riot; 609.66,~~  
66.28 ~~dangerous weapons; 609.749, stalking; 609.224, subdivision 2, paragraph (c), fifth-degree~~  
66.29 ~~assault against a vulnerable adult by a caregiver; 609.23, mistreatment of persons~~  
66.30 ~~confined; 609.231, mistreatment of residents or patients; 609.2325, criminal abuse of a~~  
66.31 ~~vulnerable adult; 609.2335, financial exploitation of a vulnerable adult; 609.233, criminal~~  
66.32 ~~neglect of a vulnerable adult; 609.234, failure to report maltreatment of a vulnerable adult;~~  
66.33 ~~609.72, subdivision 3, disorderly conduct against a vulnerable adult; 609.265, abduction;~~  
66.34 ~~609.378, neglect or endangerment of a child; 609.377, malicious punishment of a child;~~  
66.35 ~~609.324, subdivision 1a, other prohibited acts, minor engaged in prostitution; 609.33,~~  
66.36 ~~disorderly house; 609.52, theft; 609.582, burglary in the first, second, third, or fourth~~

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67.1 ~~degree; 609.631, check forgery, offering a forged check; 609.275, attempt to coerce; an~~  
67.2 ~~attempt or conspiracy to commit any of these offenses as defined in Minnesota Statutes; or~~  
67.3 ~~an offense in any other state or country where the elements are substantially similar to~~  
67.4 ~~any of the offenses listed in this paragraph.~~

67.5 ~~(e) Less than seven years have passed since the discharge of the sentence imposed~~  
67.6 ~~for the offense and the person has received a misdemeanor conviction for one of the~~  
67.7 ~~following offenses or the person has admitted to committing or a preponderance of the~~  
67.8 ~~evidence indicates that the person has committed an act that meets the definition of a~~  
67.9 ~~misdemeanor conviction for one of the following offenses: sections 609.224, fifth-degree~~  
67.10 ~~assault; 609.2242, domestic assault; 518B.01, violation of an order for protection;~~  
67.11 ~~609.3232, violation of an order for protection; 609.746, interference with privacy; 609.79,~~  
67.12 ~~obscene or harassing telephone calls; 609.795, letter, telegram, or package opening;~~  
67.13 ~~harassment; 617.23, indecent exposure; 609.2672, assault of an unborn child, third degree;~~  
67.14 ~~617.293, dissemination and display of harmful materials to minors; 609.66, dangerous~~  
67.15 ~~weapons; 609.665, spring guns; an attempt or conspiracy to commit any of these offenses~~  
67.16 ~~as defined in Minnesota Statutes; or an offense in any other state or country where the~~  
67.17 ~~elements are substantially similar to any of the offenses listed in this paragraph.~~

67.18 ~~(f) The person has been identified by the child protection agency in the county where~~  
67.19 ~~the provider resides or a county where the provider has resided or by the statewide child~~  
67.20 ~~protection database as a person found by a preponderance of evidence under section~~  
67.21 ~~626.556 to be responsible for physical or sexual abuse of a child within the last seven years.~~

67.22 ~~(g) The person has been identified by the adult protection agency in the county~~  
67.23 ~~where the provider resides or a county where the provider has resided or by the statewide~~  
67.24 ~~adult protection database as the person responsible for abuse or neglect of a vulnerable~~  
67.25 ~~adult within the last seven years.~~

67.26 ~~(h) (b)~~ The person has refused to give written consent for disclosure of criminal  
67.27 history records.

67.28 ~~(i) (c)~~ The person has been denied a family child care license or has received a fine  
67.29 or a sanction as a licensed child care provider that has not been reversed on appeal.

67.30 ~~(j) (d)~~ The person has a family child care licensing disqualification that has not  
67.31 been set aside.

67.32 ~~(k) (e)~~ The person has admitted or a county has found that there is a preponderance  
67.33 of evidence that fraudulent information was given to the county for child care assistance  
67.34 application purposes or was used in submitting child care assistance bills for payment.

67.35 ~~(l) The person has been convicted of the crime of theft by wrongfully obtaining~~  
67.36 ~~public assistance or has been found guilty of wrongfully obtaining public assistance by a~~

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68.1 ~~federal court, state court, or an administrative hearing determination or waiver, through a~~  
68.2 ~~disqualification consent agreement, as part of an approved diversion plan under section~~  
68.3 ~~401.065, or a court-ordered stay with probationary or other conditions.~~

68.4 ~~(m) The person has a household member age 13 or older who has access to children~~  
68.5 ~~during the hours that care is provided and who meets one of the conditions listed in~~  
68.6 ~~paragraphs (b) to (l).~~

68.7 ~~(n) The person has a household member ages ten to 12 who has access to children~~  
68.8 ~~during the hours that care is provided; information or circumstances exist which provide~~  
68.9 ~~the county with articulable suspicion that further pertinent information may exist showing~~  
68.10 ~~the household member meets one of the conditions listed in paragraphs (b) to (l); and the~~  
68.11 ~~household member actually meets one of the conditions listed in paragraphs (b) to (l).~~

68.12 Sec. 6. Minnesota Statutes 2010, section 119B.125, subdivision 6, is amended to read:

68.13 Subd. 6. **Record-keeping requirement.** All providers receiving child care  
68.14 assistance payments must keep daily attendance records for children receiving child care  
68.15 assistance and must make those records available immediately to the county upon request.  
68.16 The attendance records must be completed daily and include the date, the first and last  
68.17 name of each child in attendance, and the times when each child is dropped off and picked  
68.18 up. To the extent possible, the times that the child was dropped off to and picked up from  
68.19 the child care provider must be entered by the person dropping off or picking up the child.  
68.20 The daily attendance records must be retained for six years after the date of service.  
68.21 A county may deny authorization as a child care provider to any applicant or rescind  
68.22 authorization of any provider when the county knows or has reason to believe that the  
68.23 provider has not complied with the record-keeping requirement in this subdivision.

68.24 Sec. 7. Minnesota Statutes 2011 Supplement, section 119B.13, subdivision 1, is  
68.25 amended to read:

68.26 Subdivision 1. **Subsidy restrictions.** (a) Beginning October 31, 2011, the maximum  
68.27 rate paid for child care assistance in any county or multicounty region under the child care  
68.28 fund shall be the rate for like-care arrangements in the county effective July 1, 2006,  
68.29 decreased by 2.5 percent.

68.30 (b) ~~Every year~~ Biennially, beginning in 2012, the commissioner shall survey  
68.31 rates charged by child care providers in Minnesota to determine the 75th percentile for  
68.32 like-care arrangements in counties. When the commissioner determines that, using the  
68.33 commissioner's established protocol, the number of providers responding to the survey is  
68.34 too small to determine the 75th percentile rate for like-care arrangements in a county or

69.1 multicounty region, the commissioner may establish the 75th percentile maximum rate  
69.2 based on like-care arrangements in a county, region, or category that the commissioner  
69.3 deems to be similar.

69.4 (c) A rate which includes a special needs rate paid under subdivision 3 or under a  
69.5 school readiness service agreement paid under section 119B.231, may be in excess of the  
69.6 maximum rate allowed under this subdivision.

69.7 (d) The department shall monitor the effect of this paragraph on provider rates. The  
69.8 county shall pay the provider's full charges for every child in care up to the maximum  
69.9 established. The commissioner shall determine the maximum rate for each type of care  
69.10 on an hourly, full-day, and weekly basis, including special needs and disability care. The  
69.11 maximum payment to a provider for one day of care must not exceed the daily rate. The  
69.12 maximum payment to a provider for one week of care must not exceed the weekly rate.

69.13 (e) Child care providers receiving reimbursement under this chapter must not be  
69.14 paid activity fees or an additional amount above the maximum rates for care provided  
69.15 during nonstandard hours for families receiving assistance.

69.16 (f) When the provider charge is greater than the maximum provider rate allowed,  
69.17 the parent is responsible for payment of the difference in the rates in addition to any  
69.18 family co-payment fee.

69.19 (g) All maximum provider rates changes shall be implemented on the Monday  
69.20 following the effective date of the maximum provider rate.

69.21 Sec. 8. Minnesota Statutes 2010, section 119B.13, subdivision 6, is amended to read:

69.22 Subd. 6. **Provider payments.** (a) The provider shall bill for services provided  
69.23 within ten days of the end of the service period. If bills are submitted within ten days of  
69.24 the end of the service period, payments under the child care fund shall be made within 30  
69.25 days of receiving a bill from the provider. Counties or the state may establish policies that  
69.26 make payments on a more frequent basis.

69.27 (b) If a provider has received an authorization of care and been issued a billing form  
69.28 for an eligible family, the bill must be submitted within 60 days of the last date of service  
69.29 on the bill. A bill submitted more than 60 days after the last date of service must be  
69.30 paid if the county determines that the provider has shown good cause why the bill was  
69.31 not submitted within 60 days. Good cause must be defined in the county's child care  
69.32 fund plan under section 119B.08, subdivision 3, and the definition of good cause must  
69.33 include county error. Any bill submitted more than a year after the last date of service on  
69.34 the bill must not be paid.

70.1 (c) If a provider provided care for a time period without receiving an authorization  
70.2 of care and a billing form for an eligible family, payment of child care assistance may only  
70.3 be made retroactively for a maximum of six months from the date the provider is issued  
70.4 an authorization of care and billing form.

70.5 (d) A county may refuse to issue a child care authorization to a licensed or legal  
70.6 nonlicensed provider, revoke an existing child care authorization to a licensed or legal  
70.7 nonlicensed provider, stop payment issued to a licensed or legal nonlicensed provider, or  
70.8 ~~may~~ refuse to pay a bill submitted by a licensed or legal nonlicensed provider if:

70.9 (1) the provider admits to intentionally giving the county materially false information  
70.10 on the provider's billing forms; ~~or~~

70.11 (2) a county finds by a preponderance of the evidence that the provider intentionally  
70.12 gave the county materially false information on the provider's billing forms;

70.13 (3) the provider is in violation of licensing or child care assistance program rules and  
70.14 the provider has not corrected the violation;

70.15 (4) the provider submits false attendance reports or refuses to provide documentation  
70.16 of the child's attendance upon request; or

70.17 (5) the provider gives false child care price information.

70.18 (e) A county's payment policies must be included in the county's child care plan  
70.19 under section 119B.08, subdivision 3. If payments are made by the state, in addition to  
70.20 being in compliance with this subdivision, the payments must be made in compliance  
70.21 with section 16A.124.

70.22 Sec. 9. **CHILD CARE ASSISTANCE PROGRAM RULE CHANGE.**

70.23 The commissioner shall amend Minnesota Rules, part 3400.0035, subpart 2, to  
70.24 remove the requirement that applications must be submitted by mail or delivered to the  
70.25 agency within 15 calendar days after the date of signature. The commissioner shall  
70.26 comply with Minnesota Statutes, section 14.389, in adopting the amendment.

70.27 **ARTICLE 3**

70.28 **SIMPLIFICATION OF MFIP AND DWP**

70.29 Section 1. Minnesota Statutes 2010, section 256J.08, subdivision 11, is amended to  
70.30 read:

70.31 Subd. 11. **Caregiver.** "Caregiver" means a minor child's ~~natural~~ birth or adoptive  
70.32 parent or parents and stepparent who live in the home with the minor child. For purposes  
70.33 of determining eligibility for this program, caregiver also means any of the following  
70.34 individuals, if adults, who live with and provide care and support to a minor child when

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71.1 the minor child's ~~natural~~ birth or adoptive parent or parents or stepparents do not reside  
71.2 in the same home: legal custodian or guardian, grandfather, grandmother, brother, sister,  
71.3 half brother, half sister, stepbrother, stepsister, uncle, aunt, first cousin or first cousin once  
71.4 removed, nephew, niece, person of preceding generation as denoted by prefixes of "great,"  
71.5 "great-great," or "great-great-great," or a spouse of any person named in the above groups  
71.6 even after the marriage ends by death or divorce.

71.7 Sec. 2. Minnesota Statutes 2010, section 256J.24, subdivision 2, is amended to read:

71.8 Subd. 2. **Mandatory assistance unit composition.** Except for minor caregivers  
71.9 and their children who must be in a separate assistance unit from the other persons in  
71.10 the household, when the following individuals live together, they must be included in  
71.11 the assistance unit:

- 71.12 (1) a minor child, including a pregnant minor;
- 71.13 (2) the minor child's minor siblings, minor half siblings, and minor stepsiblings;
- 71.14 (3) the minor child's ~~natural~~ birth parents, adoptive parents, and stepparents; and
- 71.15 (4) the spouse of a pregnant woman.

71.16 A minor child must have a caregiver for the child to be included in the assistance unit.

71.17 Sec. 3. Minnesota Statutes 2010, section 256J.32, subdivision 6, is amended to read:

71.18 Subd. 6. **Recertification.** (a) The county agency shall recertify eligibility in an  
71.19 annual face-to-face interview with the participant and. The county agency may waive the  
71.20 face-to-face interview and conduct a phone interview for participants who qualify under  
71.21 paragraph (b). During the interview the county agency shall verify the following:

- 71.22 (1) presence of the minor child in the home, if questionable;
- 71.23 (2) income, unless excluded, including self-employment expenses used as a  
71.24 deduction or deposits or withdrawals from business accounts;
- 71.25 (3) assets when the value is within \$200 of the asset limit;
- 71.26 (4) information to establish an exception under section 256J.24, subdivision 9, if  
71.27 questionable;
- 71.28 (5) inconsistent information, if related to eligibility; and
- 71.29 (6) whether a single caregiver household meets requirements in section 256J.575,  
71.30 subdivision 3.

71.31 (b) A participant who is employed any number of hours must be given the option of  
71.32 conducting a face-to-face or phone interview to recertify eligibility. The participant must  
71.33 be employed at the time the interview is scheduled. If the participant loses the participant's

72.1 job between the time the interview is scheduled and when it is to be conducted, the phone  
72.2 interview may still be conducted.

72.3 **EFFECTIVE DATE.** This section is effective October 1, 2012.

72.4 Sec. 4. Minnesota Statutes 2010, section 256J.621, is amended to read:

72.5 **256J.621 WORK PARTICIPATION CASH BENEFITS.**

72.6 (a) Effective October 1, 2009, upon exiting the diversionary work program (DWP)  
72.7 or upon terminating the Minnesota family investment program with earnings, a participant  
72.8 who is employed may be eligible for work participation cash benefits of \$25 per month  
72.9 to assist in meeting the family's basic needs as the participant continues to move toward  
72.10 self-sufficiency.

72.11 (b) To be eligible for work participation cash benefits, the participant shall not  
72.12 receive MFIP or diversionary work program assistance during the month and the  
72.13 participant or participants must meet the following work requirements:

72.14 (1) if the participant is a single caregiver and has a child under six years of age, the  
72.15 participant must be employed at least 87 hours per month;

72.16 (2) if the participant is a single caregiver and does not have a child under six years of  
72.17 age, the participant must be employed at least 130 hours per month; or

72.18 (3) if the household is a two-parent family, at least one of the parents must be  
72.19 employed ~~an average of at least~~ 130 hours per month.

72.20 Whenever a participant exits the diversionary work program or is terminated from  
72.21 MFIP and meets the other criteria in this section, work participation cash benefits are  
72.22 available for up to 24 consecutive months.

72.23 (c) Expenditures on the program are maintenance of effort state funds under  
72.24 a separate state program for participants under paragraph (b), clauses (1) and (2).  
72.25 Expenditures for participants under paragraph (b), clause (3), are nonmaintenance of effort  
72.26 funds. Months in which a participant receives work participation cash benefits under this  
72.27 section do not count toward the participant's MFIP 60-month time limit.

72.28 Sec. 5. Minnesota Statutes 2010, section 256J.68, subdivision 7, is amended to read:

72.29 Subd. 7. **Exclusive procedure.** The procedure established by this section is  
72.30 exclusive of all other legal, equitable, and statutory remedies against the state, its political  
72.31 subdivisions, or employees of the state or its political subdivisions. The claimant shall  
72.32 not be entitled to seek damages from any state, county, tribal, or reservation insurance  
72.33 policy or self-insurance program. A provider who accepts or agrees to accept an injury

73.1 protection program payment for services provided to an individual must not require any  
73.2 payment from the individual.

73.3 Sec. 6. Minnesota Statutes 2010, section 256J.95, subdivision 3, is amended to read:

73.4 Subd. 3. **Eligibility for diversionary work program.** (a) Except for the categories  
73.5 of family units listed ~~below~~ in clauses (1) to (8), all family units who apply for cash  
73.6 benefits and who meet MFIP eligibility as required in sections 256J.11 to 256J.15 are  
73.7 eligible and must participate in the diversionary work program. Family units or individuals  
73.8 that are not eligible for the diversionary work program include:

73.9 (1) child only cases;

73.10 (2) ~~a~~ single-parent family ~~unit~~ units that ~~includes~~ include a child under 12 months of  
73.11 age. A parent is eligible for this exception once in a parent's lifetime;

73.12 (3) family units with a minor parent without a high school diploma or its equivalent;

73.13 (4) family units with an 18- or 19-year-old caregiver without a high school diploma  
73.14 or its equivalent who chooses to have an employment plan with an education option;

73.15 ~~(5) a caregiver age 60 or over;~~

73.16 ~~(6)~~ (5) family units with a caregiver who received DWP benefits ~~in~~ within the 12  
73.17 months prior to the month the family applied for DWP, except as provided in paragraph (c);

73.18 ~~(7)~~ (6) family units with a caregiver who received MFIP within the 12 months prior  
73.19 to the month the family ~~unit~~ applied for DWP;

73.20 ~~(8)~~ (7) family ~~unit~~ units with a caregiver who received 60 or more months of  
73.21 TANF assistance; and

73.22 ~~(9)~~ (8) family units with a caregiver who is disqualified from the work participation  
73.23 cash benefit program, DWP, or MFIP due to fraud; ~~and~~

73.24 ~~(10) refugees and asylees as defined in Code of Federal Regulations, title 45, part~~  
73.25 ~~400, subpart d, section 400.43, who arrived in the United States in the 12 months prior to~~  
73.26 ~~the date of application for family cash assistance.~~

73.27 (b) A two-parent family must participate in DWP unless both caregivers meet the  
73.28 criteria for an exception under paragraph (a), clauses (1) through (5), or the family unit  
73.29 includes a parent who meets the criteria in paragraph (a), clause (6), (7), or (8), ~~(9), or (10)~~.

73.30 (c) Once DWP eligibility is determined, the four months run consecutively. If a  
73.31 participant leaves the program for any reason and reapplies during the four-month period,  
73.32 the county must redetermine eligibility for DWP.

APPENDIX  
Article locations in S1675-2

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