

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 1063

(SENATE AUTHORS: BIGHAM, Abeler and Hoffman)		
DATE	D-PG	OFFICIAL STATUS
02/17/2021	421	Introduction and first reading Referred to Human Services Reform Finance and Policy
03/04/2021	702	Author added Hoffman
03/10/2021	778a	Comm report: To pass as amended and re-refer to Civil Law and Data Practices Policy
03/22/2021	1131	Comm report: To pass and re-referred to Human Services Reform Finance and Policy See HF2128, Art. 10, Sec. 1-12, 26-30, 32,36, 43-54, 58

1.1

A bill for an act

1.2

relating to children; modifying requirements for the responsible social services

1.3

agency placing children in qualified residential treatment programs; amending

1.4

Minnesota Statutes 2020, sections 245.4885, subdivision 1; 245A.02, by adding

1.5

subdivisions; 245A.041, by adding a subdivision; 256.01, subdivision 14b;

1.6

256.0112, subdivision 6; 260C.007, subdivisions 26c, 31; 260C.157, subdivision

1.7

3; 260C.212, subdivisions 1a, 13; 260C.452; 260C.704; 260C.706; 260C.708;

1.8

260C.71; 260C.712; 260C.714; 260D.01; 260D.05; 260D.06, subdivision 2;

1.9

260D.07; 260D.08; 260D.14; 260E.36, by adding a subdivision; proposing coding

1.10

for new law in Minnesota Statutes, chapter 245A.

1.11

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

1.12

ARTICLE 1

1.13

FAMILY FIRST PREVENTION ACT UPDATES

1.14

Section 1. Minnesota Statutes 2020, section 245.4885, subdivision 1, is amended to read:

1.15

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

1.16

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

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in a treatment foster care setting, residential treatment facility, or informally admitted to a

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regional treatment center shall undergo an assessment to determine the appropriate level of

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care if public funds are used to pay for the child's services.

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(b) The responsible social services agency shall determine the appropriate level of care

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for a child when county-controlled funds are used to pay for the child's services or placement

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in a qualified residential treatment facility under chapter 260C and licensed by the

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commissioner under chapter 245A. In accordance with section 260C.157, a juvenile treatment

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screening team shall conduct a screeningof a child before the team may recommend whether

1.25

to place a child in a qualified residential treatment program as defined in section 260C.007,

subdivision 26d. When a social services agency does not have responsibility for a child's placement and the child is enrolled in a prepaid health program under section 256B.69, the enrolled child's contracted health plan must determine the appropriate level of care for the child. When Indian Health Services funds or funds of a tribally owned facility funded under the Indian Self-Determination and Education Assistance Act, Public Law 93-638, are to be used for a child, the Indian Health Services or 638 tribal health facility must determine the appropriate level of care for the child. When more than one entity bears responsibility for a child's coverage, the entities shall coordinate level of care determination activities for the child to the extent possible.

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

(1) is necessary;

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

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

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

(d) When a level of care determination is conducted, the responsible social services agency or other entity may not determine that a screening of a child under section 260C.157 or referral or admission to a treatment foster care setting or residential treatment facility is not appropriate solely because services were not first provided to the child in a less restrictive setting and the child failed to make progress toward or meet treatment goals in the less restrictive setting. The level of care determination must be based on a diagnostic assessment of a child that includes a functional assessment which evaluates the child's family, school, and community living situations; and an assessment of the child's need for care out of the home using a validated tool which assesses a child's functional status and assigns an appropriate level of care to the child. The validated tool must be approved by the commissioner of human services and may be the validated tool approved for the child's assessment under section 260C.704 if the juvenile treatment screening team recommended placement of the child in a qualified residential treatment program. If a diagnostic assessment

including a functional assessment has been completed by a mental health professional within the past 180 days, a new diagnostic assessment need not be completed unless in the opinion of the current treating mental health professional the child's mental health status has changed markedly since the assessment was completed. The child's parent shall be notified if an assessment will not be completed and of the reasons. A copy of the notice shall be placed in the child's file. Recommendations developed as part of the level of care determination process shall include specific community services needed by the child and, if appropriate, the child's family, and shall indicate whether or not these services are available and accessible to the child and the child's family.

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

(f) When the responsible social services agency has authority, the agency must engage the child's parents in case planning under sections 260C.212 and 260C.708 unless a court terminates the parent's rights or court orders restrict the parent from participating in case planning, visitation, or parental responsibilities.

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

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

Sec. 2. Minnesota Statutes 2020, section 256.01, subdivision 14b, is amended to read:

Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human services may authorize projects to initiate tribal delivery of child welfare services to American Indian children and their parents and custodians living on the reservation. The commissioner has authority to solicit and determine which tribes may participate in a project. Grants may be issued to Minnesota Indian tribes to support the projects. The commissioner may waive existing state rules as needed to accomplish the projects. The commissioner may authorize projects to use alternative methods of (1) screening, investigating, and assessing reports of child maltreatment, and (2) administrative reconsideration, administrative appeal, and judicial appeal of maltreatment determinations, provided the alternative methods used by the projects comply with the provisions of section 256.045 and chapter 260E that deal with the rights of individuals who are the subjects of reports or investigations, including notice and appeal rights and data practices requirements. The commissioner shall only authorize

alternative methods that comply with the public policy under section 260E.01. The commissioner may seek any federal approval necessary to carry out the projects as well as seek and use any funds available to the commissioner, including use of federal funds, foundation funds, existing grant funds, and other funds. The commissioner is authorized to advance state funds as necessary to operate the projects. Federal reimbursement applicable to the projects is appropriated to the commissioner for the purposes of the projects. The projects must be required to address responsibility for safety, permanency, and well-being of children.

(b) For the purposes of this section, "American Indian child" means a person under 21 years old and who is a tribal member or eligible for membership in one of the tribes chosen for a project under this subdivision and who is residing on the reservation of that tribe.

(c) In order to qualify for an American Indian child welfare project, a tribe must:

(1) be one of the existing tribes with reservation land in Minnesota;

(2) have a tribal court with jurisdiction over child custody proceedings;

(3) have a substantial number of children for whom determinations of maltreatment have occurred;

(4)(i) have capacity to respond to reports of abuse and neglect under chapter 260E; or
(ii) have codified the tribe's screening, investigation, and assessment of reports of child maltreatment procedures, if authorized to use an alternative method by the commissioner under paragraph (a);

(5) provide a wide range of services to families in need of child welfare services; ~~and~~

(6) have a tribal-state title IV-E agreement in effect; and

(7) enter into host tribal contracts pursuant to section 256.0112, subdivision 6.

(d) Grants awarded under this section may be used for the nonfederal costs of providing child welfare services to American Indian children on the tribe's reservation, including costs associated with:

(1) assessment and prevention of child abuse and neglect;

(2) family preservation;

(3) facilitative, supportive, and reunification services;

(4) out-of-home placement for children removed from the home for child protective purposes; and

(5) other activities and services approved by the commissioner that further the goals of providing safety, permanency, and well-being of American Indian children.

(e) When a tribe has initiated a project and has been approved by the commissioner to assume child welfare responsibilities for American Indian children of that tribe under this section, the affected county social service agency is relieved of responsibility for responding to reports of abuse and neglect under chapter 260E for those children during the time within which the tribal project is in effect and funded. The commissioner shall work with tribes and affected counties to develop procedures for data collection, evaluation, and clarification of ongoing role and financial responsibilities of the county and tribe for child welfare services prior to initiation of the project. Children who have not been identified by the tribe as participating in the project shall remain the responsibility of the county. Nothing in this section shall alter responsibilities of the county for law enforcement or court services.

(f) Participating tribes may conduct children's mental health screenings under section 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the initiative and living on the reservation and who meet one of the following criteria:

(1) the child must be receiving child protective services;

(2) the child must be in foster care; or

(3) the child's parents must have had parental rights suspended or terminated.

Tribes may access reimbursement from available state funds for conducting the screenings. Nothing in this section shall alter responsibilities of the county for providing services under section 245.487.

(g) Participating tribes may establish a local child mortality review panel. In establishing a local child mortality review panel, the tribe agrees to conduct local child mortality reviews for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes with established child mortality review panels shall have access to nonpublic data and shall protect nonpublic data under subdivision 12, paragraphs (c) to (e). The tribe shall provide written notice to the commissioner and affected counties when a local child mortality review panel has been established and shall provide data upon request of the commissioner for purposes of sharing nonpublic data with members of the state child mortality review panel in connection to an individual case.

(h) The commissioner shall collect information on outcomes relating to child safety, permanency, and well-being of American Indian children who are served in the projects.

Participating tribes must provide information to the state in a format and completeness deemed acceptable by the state to meet state and federal reporting requirements.

(i) In consultation with the White Earth Band, the commissioner shall develop and submit to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services a plan to transfer legal responsibility for providing child protective services to White Earth Band member children residing in Hennepin County to the White Earth Band. The plan shall include a financing proposal, definitions of key terms, statutory amendments required, and other provisions required to implement the plan. The commissioner shall submit the plan by January 15, 2012.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2020, section 256.0112, subdivision 6, is amended to read:

Subd. 6. **Contracting within and across county lines; lead county contracts; lead tribal contracts.** Paragraphs (a) to (e) govern contracting within and across county lines and lead county contracts. Paragraphs (a) to (e) govern contracting within and across reservation boundaries and lead tribal contracts for initiative tribes under section 256.01, subdivision 14b. For purposes of this subdivision, "local agency" includes a tribe or a county agency.

(a) Once a local agency and an approved vendor execute a contract that meets the requirements of this subdivision, the contract governs all other purchases of service from the vendor by all other local agencies for the term of the contract. The local agency that negotiated and entered into the contract becomes the lead tribe or county for the contract.

(b) When the local agency in the county or reservation where a vendor is located wants to purchase services from that vendor and the vendor has no contract with the local agency or any other tribe or county, the local agency must negotiate and execute a contract with the vendor.

(c) When a local agency ~~in one county~~ wants to purchase services from a vendor located in another county or reservation, it must notify the local agency in the county or reservation where the vendor is located. Within 30 days of being notified, the local agency in the vendor's county or reservation must:

(1) if it has a contract with the vendor, send a copy to the inquiring local agency;

(2) if there is a contract with the vendor for which another local agency is the lead tribe or county, identify the lead tribe or county to the inquiring agency; or

(3) if no local agency has a contract with the vendor, inform the inquiring agency whether it will negotiate a contract and become the lead tribe or county. If the agency where the vendor is located will not negotiate a contract with the vendor because of concerns related to clients' health and safety, the agency must share those concerns with the inquiring local agency.

(d) If the local agency in the county where the vendor is located declines to negotiate a contract with the vendor or fails to respond within 30 days of receiving the notification under paragraph (c), the inquiring agency is authorized to negotiate a contract and must notify the local agency that declined or failed to respond.

(e) When the inquiring ~~county~~ local agency under paragraph (d) becomes the lead tribe or county for a contract and the contract expires and needs to be renegotiated, that tribe or county must again follow the requirements under paragraph (c) and notify the local agency where the vendor is located. The local agency where the vendor is located has the option of becoming the lead tribe or county for the new contract. If the local agency does not exercise the option, paragraph (d) applies.

(f) This subdivision does not affect the requirement to seek county concurrence under section 256B.092, subdivision 8a, when the services are to be purchased for a person with a developmental disability or under section 245.4711, subdivision 3, when the services to be purchased are for an adult with serious and persistent mental illness.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2020, section 260C.007, subdivision 26c, is amended to read:

Subd. 26c. **Qualified individual.** "Qualified individual" means a trained culturally competent professional or licensed clinician, including a mental health professional under section 245.4871, subdivision 27, who is ~~not~~ qualified to conduct the assessment approved by the commissioner. The qualified individual must not be an employee of the responsible social services agency and who is not connected to or affiliated with any placement setting in which a responsible social services agency has placed children.

When the Indian Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963, applies to a child, the county must contact the child's tribe without delay to give the tribe the option to designate a qualified individual who is a trained culturally competent professional or licensed clinician, including a mental health professional under section 245.4871, subdivision 27, who is not employed by the responsible social services agency and who is not connected to or affiliated with any placement setting in which a responsible

social services agency has placed children. Only a federal waiver that demonstrates maintained objectivity may allow a responsible social services agency employee or tribal employee affiliated with any placement setting in which the responsible social services agency has placed children to be designated the qualified individual.

Sec. 5. Minnesota Statutes 2020, section 260C.007, subdivision 31, is amended to read:

Subd. 31. **Sexually exploited youth.** "Sexually exploited youth" means an individual who:

(1) is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct;

(2) is a victim of a crime described in section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, 609.352, 617.246, or 617.247;

(3) is a victim of a crime described in United States Code, title 18, section 2260; 2421; 2422; 2423; 2425; 2425A; or 2256; ~~or~~

(4) is a sex trafficking victim as defined in section 609.321, subdivision 7b.; or

(5) is a victim of commercial sexual exploitation as defined in United States Code, title 22, section 7102(11)(A) and (12).

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

Sec. 6. Minnesota Statutes 2020, section 260C.157, subdivision 3, is amended to read:

Subd. 3. **Juvenile treatment screening team.** (a) The responsible social services agency shall establish a juvenile treatment screening team to conduct screenings under this chapter, chapter 260D, and section 245.487, subdivision 3, for a child to receive treatment for an emotional disturbance, a developmental disability, or related condition in a residential treatment facility licensed by the commissioner of human services under chapter 245A, or licensed or approved by a tribe. A screening team is not required for a child to be in: (1) a residential facility specializing in prenatal, postpartum, or parenting support; (2) a facility specializing in high-quality residential care and supportive services to children and youth who are have been or are at risk of becoming victims of sex-trafficking victims or are at risk of becoming sex-trafficking victims or commercial sexual exploitation; (3) supervised settings for youth who are 18 years ~~old~~ of age or older and living independently; or (4) a licensed residential family-based treatment facility for substance abuse consistent with

section 260C.190. Screenings are also not required when a child must be placed in a facility due to an emotional crisis or other mental health emergency.

(b) The responsible social services agency shall conduct screenings within 15 days of a request for a screening, unless the screening is for the purpose of residential treatment and the child is enrolled in a prepaid health program under section 256B.69, in which case the agency shall conduct the screening within ten working days of a request. The responsible social services agency shall convene the juvenile treatment screening team, which may be constituted under section 245.4885 or 256B.092 or Minnesota Rules, parts 9530.6600 to 9530.6655. The team shall consist of social workers; persons with expertise in the treatment of juveniles who are emotionally ~~disabled~~ disturbed, chemically dependent, or have a developmental disability; and the child's parent, guardian, or permanent legal custodian. The team may include the child's relatives as defined in section 260C.007, subdivisions 26b and 27, the child's foster care provider, and professionals who are a resource to the child's family such as teachers, medical or mental health providers, and clergy, as appropriate, consistent with the family and permanency team as defined in section 260C.007, subdivision 16a. Prior to forming the team, the responsible social services agency must consult with the child's parents, the child if the child is age 14 or older, ~~the child's parents~~, and, if applicable, the child's tribe to obtain recommendations regarding which individuals to include on the team and to ensure that the team is family-centered and will act in the child's best interest ~~interests~~. If the child, child's parents, or legal guardians raise concerns about specific relatives or professionals, the team should not include those individuals. This provision does not apply to paragraph (c).

(c) If the agency provides notice to tribes under section 260.761, and the child screened is an Indian child, the responsible social services agency must make a rigorous and concerted effort to include a designated representative of the Indian child's tribe on the juvenile treatment screening team, unless the child's tribal authority declines to appoint a representative. The Indian child's tribe may delegate its authority to represent the child to any other federally recognized Indian tribe, as defined in section 260.755, subdivision 12. The provisions of the Indian Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963, and the Minnesota Indian Family Preservation Act, sections 260.751 to 260.835, apply to this section.

(d) If the court, prior to, or as part of, a final disposition or other court order, proposes to place a child with an emotional disturbance or developmental disability or related condition in residential treatment, the responsible social services agency must conduct a screening.

10.1 If the team recommends treating the child in a qualified residential treatment program, the
10.2 agency must follow the requirements of sections 260C.70 to 260C.714.

10.3 The court shall ascertain whether the child is an Indian child and shall notify the
10.4 responsible social services agency and, if the child is an Indian child, shall notify the Indian
10.5 child's tribe as paragraph (c) requires.

10.6 (e) When the responsible social services agency is responsible for placing and caring
10.7 for the child and the screening team recommends placing a child in a qualified residential
10.8 treatment program as defined in section 260C.007, subdivision 26d, the agency must: (1)
10.9 begin the assessment and processes required in section 260C.704 without delay; and (2)
10.10 conduct a relative search according to section 260C.221 to assemble the child's family and
10.11 permanency team under section 260C.706. Prior to notifying relatives regarding the family
10.12 and permanency team, the responsible social services agency must consult with the child's
10.13 parents and the child if the child is age 14 or older, ~~the child's parents~~ and, if applicable, the
10.14 child's tribe to ensure that the agency is providing notice to individuals who will act in the
10.15 child's best interest. The child and the child's parents may identify a culturally competent
10.16 qualified individual to complete the child's assessment. The agency shall make efforts to
10.17 refer the assessment to the identified qualified individual. The assessment may not be delayed
10.18 for the purpose of having the assessment completed by a specific qualified individual.

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

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

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

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

10.26 (g) When the Indian child's tribe or tribal health care services provider or Indian Health
10.27 Services provider proposes to place a child for the primary purpose of treatment for an
10.28 emotional disturbance, a developmental disability, or co-occurring emotional disturbance
10.29 and chemical dependency, the Indian child's tribe or the tribe delegated by the child's tribe
10.30 shall submit necessary documentation to the county juvenile treatment screening team,
10.31 which must invite the Indian child's tribe to designate a representative to the screening team.

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

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

11.2 Sec. 7. Minnesota Statutes 2020, section 260C.212, subdivision 1a, is amended to read:

11.3 Subd. 1a. **Out-of-home placement plan update.** (a) Within 30 days of placing the child
11.4 in foster care, the agency must file the child's initial out-of-home placement plan with the
11.5 court. After filing the child's initial out-of-home placement plan, the agency shall update
11.6 and file the child's out-of-home placement plan with the court as follows:

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

11.11 (2) when the agency places a child in a qualified residential treatment program as defined
11.12 in section 260C.007, subdivision 26d, or moves a child from one qualified residential
11.13 treatment program to a different qualified residential treatment program, the agency must
11.14 update the child's out-of-home placement plan within 60 days. To meet the requirements
11.15 of section 260C.708, the agency must file the child's out-of-home placement plan ~~with the~~
11.16 ~~court as part of the 60-day hearing and~~ along with the agency's report seeking the court's
11.17 approval of the child's placement at a qualified residential treatment program under section
11.18 260C.71. After the court issues an order, the agency must update the child's out-of-home
11.19 placement plan after the court hearing to document the court's approval or disapproval of
11.20 the child's placement in a qualified residential treatment program;

11.21 (3) when the agency places a child with the child's parent in a licensed residential
11.22 family-based substance use disorder treatment program under section 260C.190, the agency
11.23 must identify the treatment program where the child will be placed in the child's out-of-home
11.24 placement plan prior to the child's placement. The agency must file the child's out-of-home
11.25 placement plan with the court at the next required review hearing; and

11.26 (4) under sections 260C.227 and 260C.521, the agency must update the child's
11.27 out-of-home placement plan and file the child's out-of-home placement plan with the court.

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

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

12.1 Sec. 8. Minnesota Statutes 2020, section 260C.212, subdivision 13, is amended to read:

12.2 Subd. 13. **Protecting missing and runaway children and youth at risk of sex**
12.3 **trafficking or commercial sexual exploitation.** (a) The local social services agency shall
12.4 expeditiously locate any child missing from foster care.

12.5 (b) The local social services agency shall report immediately, but no later than 24 hours,
12.6 after receiving information on a missing or abducted child to the local law enforcement
12.7 agency for entry into the National Crime Information Center (NCIC) database of the Federal
12.8 Bureau of Investigation, and to the National Center for Missing and Exploited Children.

12.9 (c) The local social services agency shall not discharge a child from foster care or close
12.10 the social services case until diligent efforts have been exhausted to locate the child and the
12.11 court terminates the agency's jurisdiction.

12.12 (d) The local social services agency shall determine the primary factors that contributed
12.13 to the child's running away or otherwise being absent from care and, to the extent possible
12.14 and appropriate, respond to those factors in current and subsequent placements.

12.15 (e) The local social services agency shall determine what the child experienced while
12.16 absent from care, including screening the child to determine if the child is a possible sex
12.17 trafficking or commercial sexual exploitation victim as defined in section ~~609.321~~,
12.18 ~~subdivision 7b~~ 260C.007, subdivision 31.

12.19 (f) The local social services agency shall report immediately, but no later than 24 hours,
12.20 to the local law enforcement agency any reasonable cause to believe a child is, or is at risk
12.21 of being, a sex trafficking or commercial sexual exploitation victim.

12.22 (g) The local social services agency shall determine appropriate services as described
12.23 in section 145.4717 with respect to any child for whom the local social services agency has
12.24 responsibility for placement, care, or supervision when the local social services agency has
12.25 reasonable cause to believe that the child is, or is at risk of being, a sex trafficking or
12.26 commercial sexual exploitation victim.

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

12.28 Sec. 9. Minnesota Statutes 2020, section 260C.452, is amended to read:

12.29 **260C.452 SUCCESSFUL TRANSITION TO ADULTHOOD.**

12.30 Subdivision 1. **Scope and purpose.** (a) For purposes of this section, "youth" means a
12.31 person who is at least 14 years of age and under 23 years of age.

12.32 (b) This section pertains to a ~~child~~ youth who:

13.1 (1) is in foster care and is 14 years of age or older, including a youth who is under the
13.2 guardianship of the commissioner of human services, or who;

13.3 (2) has a permanency disposition of permanent custody to the agency, or who;

13.4 (3) will leave foster care at 18 to 21 years of age, when the youth is 18 years of age or
13.5 older and under 21 years of age;

13.6 (4) has left foster care and was placed at a permanent adoptive placement when the youth
13.7 was 16 years of age or older;

13.8 (5) is 16 years of age or older, has left foster care, and was placed with a relative to
13.9 whom permanent legal and physical custody of the youth has been transferred; or

13.10 (6) was reunified with the youth's primary caretaker when the youth was 14 years of age
13.11 or older and under 18 years of age.

13.12 (c) The purpose of this section is to provide support to each youth who is transitioning
13.13 to adulthood by providing services to the youth in the areas of:

13.14 (1) education;

13.15 (2) employment;

13.16 (3) daily living skills such as financial literacy training and driving instruction; preventive
13.17 health activities including promoting abstinence from substance use and smoking; and
13.18 nutrition education and pregnancy prevention;

13.19 (4) forming meaningful, permanent connections with caring adults;

13.20 (5) engaging in age and developmentally appropriate activities under section 260C.212,
13.21 subdivision 14, and positive youth development;

13.22 (6) financial, housing, counseling, and other services to assist a youth over 18 years of
13.23 age in achieving self-sufficiency and accepting personal responsibility for the transition
13.24 from adolescence to adulthood; and

13.25 (7) making vouchers available for education and training.

13.26 (d) The responsible social services agency may provide support and case management
13.27 services to a youth as defined in paragraph (a) until the youth reaches the age of 23 years.
13.28 According to section 260C.451, a youth's placement in a foster care setting will end when
13.29 the youth reaches the age of 21 years.

13.30 Subd. 1a. **Case management services.** Case management services include the
13.31 responsibility for planning, coordinating, authorizing, monitoring, and evaluating services

14.1 for a youth and shall be provided to a youth by the responsible social services agency or
14.2 the contracted agency. Case management services include the out-of-home placement plan
14.3 under section 260C.212, subdivision 1, when the youth is in out-of-home placement.

14.4 Subd. 2. **Independent living plan.** When the ~~child~~ youth is 14 years of age or older and
14.5 is receiving support from the responsible social services agency under this section, the
14.6 responsible social services agency, in consultation with the ~~child~~ youth, shall complete the
14.7 youth's independent living plan according to section 260C.212, subdivision 1, paragraph
14.8 (c), clause (12), regardless of the youth's current placement status.

14.9 Subd. 3. ~~**Notification.** Six months before the child is expected to be discharged from~~
14.10 ~~foster care, the responsible social services agency shall provide written notice to the child~~
14.11 ~~regarding the right to continued access to services for certain children in foster care past 18~~
14.12 ~~years of age and of the right to appeal a denial of social services under section 256.045.~~

14.13 Subd. 4. **Administrative or court review of placements.** (a) When the ~~child~~ youth is
14.14 14 years of age or older, the court, in consultation with the ~~child~~ youth, shall review the
14.15 youth's independent living plan according to section 260C.203, paragraph (d).

14.16 (b) The responsible social services agency shall file a copy of the notification ~~required~~
14.17 ~~in subdivision 3 of foster care benefits for a youth who is 18 years of age or older according~~
14.18 ~~to section 260C.451, subdivision 1, with the court. If the responsible social services agency~~
14.19 ~~does not file the notice by the time the ~~child~~ youth is 17-1/2 years of age, the court shall~~
14.20 ~~require the responsible social services agency to file the notice.~~

14.21 (c) When a youth is 18 years of age or older, the court shall ensure that the responsible
14.22 social services agency assists the ~~child~~ youth in obtaining the following documents before
14.23 the ~~child~~ youth leaves foster care: a Social Security card; an official or certified copy of the
14.24 ~~child's~~ youth's birth certificate; a state identification card or driver's license, tribal enrollment
14.25 identification card, green card, or school visa; health insurance information; the ~~child's~~
14.26 youth's school, medical, and dental records; a contact list of the ~~child's~~ youth's medical,
14.27 dental, and mental health providers; and contact information for the ~~child's~~ youth's siblings,
14.28 if the siblings are in foster care.

14.29 (d) For a ~~child~~ youth who will be discharged from foster care at 18 years of age or older
14.30 because the youth is not eligible for extended foster care benefits or chooses to leave foster
14.31 care, the responsible social services agency must develop a personalized transition plan as
14.32 directed by the ~~child~~ youth during the 90-day period immediately prior to the expected date
14.33 of discharge. The transition plan must be as detailed as the ~~child~~ youth elects and include
14.34 specific options, including but not limited to:

- 15.1 (1) affordable housing with necessary supports that does not include a homeless shelter;
- 15.2 (2) health insurance, including eligibility for medical assistance as defined in section
- 15.3 256B.055, subdivision 17;
- 15.4 (3) education, including application to the Education and Training Voucher Program;
- 15.5 (4) local opportunities for mentors and continuing support services, ~~including the Healthy~~
- 15.6 ~~Transitions and Homeless Prevention program, if available;~~
- 15.7 (5) workforce supports and employment services;
- 15.8 (6) a copy of the ~~child's~~ youth's consumer credit report as defined in section 13C.001
- 15.9 and assistance in interpreting and resolving any inaccuracies in the report, at no cost to the
- 15.10 ~~child~~ youth;
- 15.11 (7) information on executing a health care directive under chapter 145C and on the
- 15.12 importance of designating another individual to make health care decisions on behalf of the
- 15.13 ~~child~~ youth if the ~~child~~ youth becomes unable to participate in decisions;
- 15.14 (8) appropriate contact information through 21 years of age if the ~~child~~ youth needs
- 15.15 information or help dealing with a crisis situation; and
- 15.16 (9) official documentation that the youth was previously in foster care.

15.17 Subd. 5. **Notice of termination of foster care social services.** (a) ~~When~~ Before a ~~child~~

15.18 youth who is 18 years of age or older leaves foster care at ~~18 years of age or older~~, the

15.19 responsible social services agency shall give the ~~child~~ youth written notice that foster care

15.20 shall terminate 30 days from the date that the notice is sent by the agency according to

15.21 section 260C.451, subdivision 8.

15.22 ~~(b) The child or the child's guardian ad litem may file a motion asking the court to review~~

15.23 ~~the responsible social services agency's determination within 15 days of receiving the notice.~~

15.24 ~~The child shall not be discharged from foster care until the motion is heard. The responsible~~

15.25 ~~social services agency shall work with the child to transition out of foster care.~~

15.26 ~~(c) The written notice of termination of benefits shall be on a form prescribed by the~~

15.27 ~~commissioner and shall give notice of the right to have the responsible social services~~

15.28 ~~agency's determination reviewed by the court under this section or sections 260C.203,~~

15.29 ~~260C.317, and 260C.515, subdivision 5 or 6. A copy of the termination notice shall be sent~~

15.30 ~~to the child and the child's attorney, if any, the foster care provider, the child's guardian ad~~

15.31 ~~litem, and the court. The responsible social services agency is not responsible for paying~~

15.32 ~~foster care benefits for any period of time after the child leaves foster care.~~

(b) Before case management services will end for a youth who is at least 18 years of age and under 23 years of age, the responsible social services agency shall give the youth: (1) written notice that case management services for the youth shall terminate; and (2) written notice that the youth has the right to appeal the termination of case management services under section 256.045, subdivision 3, by responding in writing within ten days of the date that the agency mailed the notice. The termination notice must include information about services for which the youth is eligible and how to access the services.

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 10. Minnesota Statutes 2020, section 260C.704, is amended to read:

**260C.704 REQUIREMENTS FOR THE QUALIFIED INDIVIDUAL'S
ASSESSMENT OF THE CHILD FOR PLACEMENT IN A QUALIFIED
RESIDENTIAL TREATMENT PROGRAM.**

(a) A qualified individual must complete an assessment of the child prior to ~~or within~~
~~30 days of~~ the child's placement in a qualified residential treatment program in a format
approved by the commissioner of human services, ~~and~~ unless, due to a crisis, the child must
immediately be placed in a qualified residential treatment program. When a child must
immediately be placed in a qualified residential treatment program without an assessment,
the qualified individual must complete the child's assessment within 30 days of the child's
placement. The qualified individual must:

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

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

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

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

(b) The child and the child's parents, when appropriate, may request that a specific
culturally competent qualified individual complete the child's assessment. The agency shall
make efforts to refer the child to the identified qualified individual to complete the

17.1 assessment. The assessment must not be delayed for a specific qualified individual to
17.2 complete the assessment.

17.3 (c) The qualified individual must provide the assessment, when complete, to the
17.4 responsible social services agency, ~~the child's parents or legal guardians, the guardian ad~~
17.5 ~~litem, and the court.~~ If the assessment recommends placement of the child in a qualified
17.6 residential treatment facility, the agency must distribute the assessment to the child's parent
17.7 or legal guardian and file the assessment with the court report as required in section 260C.71,
17.8 subdivision 2. If the assessment does not recommend placement in a qualified residential
17.9 treatment facility, the agency must provide a copy of the assessment to the parents or legal
17.10 guardians and the guardian ad litem and file the assessment determination with the court at
17.11 the next required hearing as required in section 260C.71, subdivision 5. If court rules and
17.12 chapter 13 permit disclosure of the results of the child's assessment, the agency may share
17.13 the results of the child's assessment with the child's foster care provider, other members of
17.14 the child's family, and the family and permanency team. The agency must not share the
17.15 child's private medical data with the family and permanency team unless: (1) chapter 13
17.16 permits the agency to disclose the child's private medical data to the family and permanency
17.17 team; or (2) the child's parent has authorized the agency to disclose the child's private medical
17.18 data to the family and permanency team.

17.19 (d) For an Indian child, the assessment of the child must follow the order of placement
17.20 preferences in the Indian Child Welfare Act of 1978, United States Code, title 25, section
17.21 1915.

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

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

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

17.31 (3) if the qualified individual's placement recommendation is not the placement setting
17.32 that the parent, family and permanency team, child, or tribe prefer, the qualified individual
17.33 must identify the reasons why the qualified individual does not recommend the parent's,
17.34 family and permanency team's, child's, or tribe's placement preferences. The out-of-home

placement plan under section 260C.708 must also include reasons why the qualified individual did not recommend the preferences of the parents, family and permanency team, child, or tribe.

(f) If the qualified individual determines that the child's family or a family foster home or other less restrictive placement may meet the child's needs, the agency must move the child out of the qualified residential treatment program and transition the child to a less restrictive setting within 30 days of the determination. If the responsible social services agency has placement authority of the child, the agency must make a plan for the child's placement according to section 260C.212, subdivision 2. The agency must file the child's assessment determination with the court at the next required hearing.

(g) If the qualified individual recommends placing the child in a qualified residential treatment program and if the responsible social services agency has placement authority of the child, the agency shall make referrals to appropriate qualified residential treatment programs and upon acceptance by an appropriate program, place the child in an approved or certified qualified residential treatment program.

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

Sec. 11. Minnesota Statutes 2020, section 260C.706, is amended to read:

260C.706 FAMILY AND PERMANENCY TEAM REQUIREMENTS.

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

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

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

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

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

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

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

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

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

(b) The family and permanency team shall meet regarding the assessment required under section 260C.704 to determine whether it is necessary and appropriate to place the child in a qualified residential treatment program and to participate in case planning under section 260C.708.

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

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

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

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

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

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

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

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

Sec. 12. Minnesota Statutes 2020, section 260C.708, is amended to read:

**260C.708 OUT-OF-HOME PLACEMENT PLAN FOR QUALIFIED
RESIDENTIAL TREATMENT PROGRAM PLACEMENTS.**

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

(1) the case plan requirements in section ~~260C.212, subdivision 1~~ 260C.212;

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

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

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

(5) evidence that the family and permanency team is involved in the assessment required under section 260C.704 to determine the appropriateness of the child's placement in a qualified residential treatment program;

(6) the family and permanency team's placement preferences for the child in the assessment required under section 260C.704. When making a decision about the child's placement preferences, the family and permanency team must recognize:

(i) that the agency should place a child with the child's siblings unless a court finds that placing a child with the child's siblings is not possible due to a child's specialized placement needs or is otherwise contrary to the child's best interests; and

(ii) that the agency should place an Indian child according to the requirements of the Indian Child Welfare Act, the Minnesota Family Preservation Act under sections 260.751 to 260.835, and section 260C.193, subdivision 3, paragraph (g);

~~(5)~~ (7) when reunification of the child with the child's parent or legal guardian is the agency's goal, evidence demonstrating that the parent or legal guardian provided input about the members of the family and permanency team under section 260C.706;

~~(6)~~ (8) when the agency's permanency goal is to reunify the child with the child's parent or legal guardian, the out-of-home placement plan must identify services and supports that maintain the parent-child relationship and the parent's legal authority, decision-making, and responsibility for ongoing planning for the child. In addition, the agency must assist the parent with visiting and contacting the child;

~~(7)~~ (9) when the agency's permanency goal is to transfer permanent legal and physical custody of the child to a proposed guardian or to finalize the child's adoption, the case plan must document the agency's steps to transfer permanent legal and physical custody of the child or finalize adoption, as required in section 260C.212, subdivision 1, paragraph (c), clauses (6) and (7); and

~~(8)~~ (10) the qualified individual's recommendation regarding the child's placement in a qualified residential treatment program and the court approval or disapproval of the placement as required in section 260C.71.

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

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

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

22.1 Sec. 13. Minnesota Statutes 2020, section 260C.71, is amended to read:

22.2 **260C.71 COURT APPROVAL REQUIREMENTS.**

22.3 Subdivision 1. **Judicial review.** When the responsible social services agency has legal
22.4 authority to place a child at a qualified residential treatment facility under section 260C.007,
22.5 subdivision 21a, and the child's assessment under section 260C.704 recommends placing
22.6 the child in a qualified residential treatment facility, the agency shall place the child at a
22.7 qualified residential facility. Within 60 days of placing the child at a qualified residential
22.8 treatment facility, the agency must obtain a court order finding that the child's placement
22.9 is appropriate and meets the child's individualized needs.

22.10 Subd. 2. **Qualified residential treatment program; agency report to court.** (a) The
22.11 responsible social services agency shall file a written report with the court after receiving
22.12 the qualified individual's assessment as specified in section 260C.704 prior to the child's
22.13 placement or within 35 days of the date of the child's placement in a qualified residential
22.14 treatment facility. The written report shall contain or have attached:

22.15 (1) the child's name, date of birth, race, gender, and current address;

22.16 (2) the names, races, dates of birth, residence, and post office address of the child's
22.17 parents or legal custodian, or guardian;

22.18 (3) the name and address of the qualified residential treatment program, including a
22.19 chief administrator of the facility;

22.20 (4) a statement of the facts that necessitated the child's foster care placement;

22.21 (5) the child's out-of-home placement plan under section 260C.212, subdivision 1,
22.22 including the requirements in section 260C.708;

22.23 (6) if the child is placed in an out-of-state qualified residential treatment program, the
22.24 compelling reasons why the child's needs cannot be met by an in-state placement;

22.25 (7) the qualified individual's assessment of the child under section 260C.704, paragraph
22.26 (c), in a format approved by the commissioner;

22.27 (8) if, at the time required for the report under this subdivision, the child's parent or legal
22.28 guardian, a child who is ten years of age or older, the family and permanency team, or a
22.29 tribe disagrees with the recommended qualified residential treatment program placement,
22.30 the agency shall include information regarding the disagreement, and to the extent possible,
22.31 the basis for the disagreement in the report;

23.1 (9) any other information that the responsible social services agency, child's parent, legal
23.2 custodian or guardian, child, or in the case of an Indian child, tribe would like the court to
23.3 consider; and

23.4 (10) the agency shall file the written report with the court and serve on the parties a
23.5 request for a hearing or a court order without a hearing.

23.6 (b) The agency must inform the child's parent or legal guardian and a child who is ten
23.7 years of age or older of the court review requirements of this section and the child and child's
23.8 parent's or legal guardian's right to submit information to the court:

23.9 (1) the agency must inform the child's parent or legal guardian and a child who is ten
23.10 years of age or older of the reporting date and the date by which the agency must receive
23.11 information from the child and child's parent so that the agency is able to submit the report
23.12 required by this subdivision to the court;

23.13 (2) the agency must inform the child's parent or legal guardian, and a child who is ten
23.14 years of age or older that the court will hold a hearing upon the request of the child or the
23.15 child's parent; and

23.16 (3) the agency must inform the child's parent or legal guardian, and a child who is ten
23.17 years of age or older that they have the right to request a hearing and the right to present
23.18 information to the court for the court's review under this subdivision.

23.19 Subd. 3. **Court hearing.** (a) The court shall hold a hearing when a party or a child who
23.20 is ten years of age or older requests a hearing.

23.21 (b) In all other circumstances, the court has the discretion to hold a hearing or issue an
23.22 order without a hearing.

23.23 Subd. 4. **Court findings and order.** (a) Within 60 days from the beginning of each
23.24 placement in a qualified residential treatment program when the qualified individual's
23.25 assessment of the child recommends placing the child in a qualified residential treatment
23.26 program, the court must consider the qualified individual's assessment of the child under
23.27 section 260C.704 and issue an order to:

23.28 ~~(1) consider the qualified individual's assessment of whether it is necessary and~~
23.29 ~~appropriate to place the child in a qualified residential treatment program under section~~
23.30 ~~260C.704;~~

23.31 ~~(2)~~ (1) determine whether a family foster home can meet the child's needs, whether it is
23.32 necessary and appropriate to place a child in a qualified residential treatment program that

is the least restrictive environment possible, and whether the child's placement is consistent with the child's short and long term goals as specified in the permanency plan; and

~~(3)~~ (2) approve or disapprove of the child's placement.

~~(b) In the out-of-home placement plan, the agency must document the court's approval or disapproval of the placement, as specified in section 260C.708. If the court disapproves of the child's placement in a qualified residential treatment program, the responsible social services agency shall: (1) remove the child from the qualified residential treatment program within 30 days of the court's order; and (2) make a plan for the child's placement that is consistent with the child's best interests under section 260C.212, subdivision 2.~~

Subd. 5. Court review and approval is not required. When the responsible social services agency has legal authority to place a child under section 260C.007, subdivision 21a, and the qualified individual's assessment of the child does not recommend placing the child in a qualified residential treatment program, the court is not required to hold a hearing and the court is not required to issue an order. Pursuant to section 260C.704, paragraph (f), the responsible social services agency shall make a plan for the child's placement consistent with the child's best interests under section 260C.212, subdivision 2. The agency must file the agency's assessment determination for the child with the court at the next required hearing.

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

Sec. 14. Minnesota Statutes 2020, section 260C.712, is amended to read:

260C.712 ONGOING REVIEWS AND PERMANENCY HEARING REQUIREMENTS.

As long as a child remains placed in a qualified residential treatment program, the responsible social services agency shall submit evidence at each administrative review under section 260C.203; each court review under sections 260C.202, 260C.203, and 260C.204, 260D.06, 260D.07, and 260D.08; and each permanency hearing under section 260C.515, 260C.519, ~~or 260C.521~~, or 260D.07 that:

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

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

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

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

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

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

(7) if the child is placed in a qualified residential treatment program out-of-state, the compelling reasons for placing the child out-of-state and the reasons that the child's needs cannot be met by an in-state placement.

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

Sec. 15. Minnesota Statutes 2020, section 260C.714, is amended to read:

260C.714 REVIEW OF EXTENDED QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENTS.

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

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

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

Sec. 16. Minnesota Statutes 2020, section 260E.36, is amended by adding a subdivision to read:

Subd. 1b. Sex trafficking and sexual exploitation training requirement. As required by the Child Abuse Prevention and Treatment Act amendments through Public Law 114-22 and to implement Public Law 115-123, all child protection social workers and social services staff who have responsibility for child protective duties under this chapter or chapter 260C shall complete training implemented by the commissioner of human services regarding sex trafficking and sexual exploitation of children and youth.

EFFECTIVE DATE. This section is effective July 1, 2021.

ARTICLE 2

FAMILY FIRST PREVENTION ACT CHAPTER 260D PROVISIONS

Section 1. Minnesota Statutes 2020, section 260D.01, is amended to read:

260D.01 CHILD IN VOLUNTARY FOSTER CARE FOR TREATMENT.

(a) Sections 260D.01 to 260D.10, may be cited as the "child in voluntary foster care for treatment" provisions of the Juvenile Court Act.

(b) The juvenile court has original and exclusive jurisdiction over a child in voluntary foster care for treatment upon the filing of a report or petition required under this chapter. All obligations of the responsible social services agency to a child and family in foster care contained in chapter 260C not inconsistent with this chapter are also obligations of the agency with regard to a child in foster care for treatment under this chapter.

(c) This chapter shall be construed consistently with the mission of the children's mental health service system as set out in section 245.487, subdivision 3, and the duties of an agency under sections 256B.092 and 260C.157 and Minnesota Rules, parts 9525.0004 to 9525.0016, to meet the needs of a child with a developmental disability or related condition. This chapter:

(1) establishes voluntary foster care through a voluntary foster care agreement as the means for an agency and a parent to provide needed treatment when the child must be in foster care to receive necessary treatment for an emotional disturbance or developmental disability or related condition;

(2) establishes court review requirements for a child in voluntary foster care for treatment due to emotional disturbance or developmental disability or a related condition;

(3) establishes the ongoing responsibility of the parent as legal custodian to visit the child, to plan together with the agency for the child's treatment needs, to be available and accessible to the agency to make treatment decisions, and to obtain necessary medical, dental, and other care for the child; ~~and~~

(4) applies to voluntary foster care when the child's parent and the agency agree that the child's treatment needs require foster care either:

(i) due to a level of care determination by the agency's screening team informed by the child's diagnostic and functional assessment under section 245.4885; or

(ii) due to a determination regarding the level of services needed by the child by the responsible social ~~services'~~ services agency's screening team under section 256B.092, and Minnesota Rules, parts 9525.0004 to 9525.0016-; and

(5) includes the requirements for a child's placement in sections 260C.70 to 260C.714, when the juvenile treatment screening team recommends placing a child in a qualified residential treatment program.

(d) This chapter does not apply when there is a current determination under chapter 260E that the child requires child protective services or when the child is in foster care for any reason other than treatment for the child's emotional disturbance or developmental disability or related condition. When there is a determination under chapter 260E that the child requires child protective services based on an assessment that there are safety and risk issues for the child that have not been mitigated through the parent's engagement in services or otherwise, or when the child is in foster care for any reason other than the child's emotional disturbance or developmental disability or related condition, the provisions of chapter 260C apply.

(e) The paramount consideration in all proceedings concerning a child in voluntary foster care for treatment is the safety, health, and the best interests of the child. The purpose of this chapter is:

(1) to ensure that a child with a disability is provided the services necessary to treat or ameliorate the symptoms of the child's disability;

(2) to preserve and strengthen the child's family ties whenever possible and in the child's best interests, approving the child's placement away from the child's parents only when the child's need for care or treatment requires ~~it~~ out-of-home placement and the child cannot be maintained in the home of the parent; and

(3) to ensure that the child's parent retains legal custody of the child and associated decision-making authority unless the child's parent willfully fails or is unable to make decisions that meet the child's safety, health, and best interests. The court may not find that the parent willfully fails or is unable to make decisions that meet the child's needs solely because the parent disagrees with the agency's choice of foster care facility, unless the agency files a petition under chapter 260C, and establishes by clear and convincing evidence that the child is in need of protection or services.

(f) The legal parent-child relationship shall be supported under this chapter by maintaining the parent's legal authority and responsibility for ongoing planning for the child and by the agency's assisting the parent, ~~where~~ when necessary, to exercise the parent's ongoing right and obligation to visit or to have reasonable contact with the child. Ongoing planning means:

(1) actively participating in the planning and provision of educational services, medical, and dental care for the child;

(2) actively planning and participating with the agency and the foster care facility for the child's treatment needs; ~~and~~

(3) planning to meet the child's need for safety, stability, and permanency, and the child's need to stay connected to the child's family and community; and

(4) engaging with the responsible social services agency to ensure that the family and permanency team under section 260C.706 consists of appropriate family members. For purposes of voluntary placement of a child in foster care for treatment under chapter 260D, prior to forming the child's family and permanency team, the responsible social services agency must consult with the child's parents and the child if the child is 14 years of age or older, and if applicable, the child's tribe to obtain recommendations regarding which individuals to include on the team and to ensure that the team is family-centered and will act in the child's best interests. If the child or the child's parent or legal guardian raises concerns about specific relatives or professionals, the team should not include those individuals on the team unless the individual is a treating professional or an important connection to the youth as outlined in the case or crisis plan.

(g) The provisions of section 260.012 to ensure placement prevention, family reunification, and all active and reasonable effort requirements of that section apply. This chapter shall be construed consistently with the requirements of the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et al., and the provisions of the Minnesota Indian Family Preservation Act, sections 260.751 to 260.835.

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

29.1 Sec. 2. Minnesota Statutes 2020, section 260D.05, is amended to read:

29.2 **260D.05 ADMINISTRATIVE REVIEW OF CHILD IN VOLUNTARY FOSTER**
29.3 **CARE FOR TREATMENT.**

29.4 The administrative reviews required under section 260C.203 must be conducted for a
29.5 child in voluntary foster care for treatment, except that the initial administrative review
29.6 must take place prior to the submission of the report to the court required under section
29.7 260D.06, subdivision 2. When a child is placed in a qualified residential treatment program
29.8 as defined in section 260C.007, subdivision 26d, the responsible social services agency
29.9 must submit evidence to the court as specified in section 260C.712.

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

29.11 Sec. 3. Minnesota Statutes 2020, section 260D.06, subdivision 2, is amended to read:

29.12 Subd. 2. **Agency report to court; court review.** The agency shall obtain judicial review
29.13 by reporting to the court according to the following procedures:

29.14 (a) A written report shall be forwarded to the court within 165 days of the date of the
29.15 voluntary placement agreement. The written report shall contain or have attached:

29.16 (1) a statement of facts that necessitate the child's foster care placement;

29.17 (2) the child's name, date of birth, race, gender, and current address;

29.18 (3) the names, race, date of birth, residence, and post office addresses of the child's
29.19 parents or legal custodian;

29.20 (4) a statement regarding the child's eligibility for membership or enrollment in an Indian
29.21 tribe and the agency's compliance with applicable provisions of sections 260.751 to 260.835;

29.22 (5) the names and addresses of the foster parents or chief administrator of the facility in
29.23 which the child is placed, if the child is not in a family foster home or group home;

29.24 (6) a copy of the out-of-home placement plan required under section 260C.212,
29.25 subdivision 1;

29.26 (7) a written summary of the proceedings of any administrative review required under
29.27 section 260C.203; ~~and~~

29.28 (8) evidence as specified in section 260C.712 when a child is placed in a qualified
29.29 residential treatment program as defined in section 260C.007, subdivision 26d; and

29.30 (9) any other information the agency, parent or legal custodian, the child or the foster
29.31 parent, or other residential facility wants the court to consider.

(b) In the case of a child in placement due to emotional disturbance, the written report shall include as an attachment, the child's individual treatment plan developed by the child's treatment professional, as provided in section 245.4871, subdivision 21, or the child's standard written plan, as provided in section 125A.023, subdivision 3, paragraph (e).

(c) In the case of a child in placement due to developmental disability or a related condition, the written report shall include as an attachment, the child's individual service plan, as provided in section 256B.092, subdivision 1b; the child's individual program plan, as provided in Minnesota Rules, part 9525.0004, subpart 11; the child's waiver care plan; or the child's standard written plan, as provided in section 125A.023, subdivision 3, paragraph (e).

(d) The agency must inform the child, age 12 or older, the child's parent, and the foster parent or foster care facility of the reporting and court review requirements of this section and of their right to submit information to the court:

(1) if the child or the child's parent or the foster care provider wants to send information to the court, the agency shall advise those persons of the reporting date and the date by which the agency must receive the information they want forwarded to the court so the agency is timely able submit it with the agency's report required under this subdivision;

(2) the agency must also inform the child, age 12 or older, the child's parent, and the foster care facility that they have the right to be heard in person by the court and how to exercise that right;

(3) the agency must also inform the child, age 12 or older, the child's parent, and the foster care provider that an in-court hearing will be held if requested by the child, the parent, or the foster care provider; and

(4) if, at the time required for the report under this section, a child, age 12 or older, disagrees about the foster care facility or services provided under the out-of-home placement plan required under section 260C.212, subdivision 1, the agency shall include information regarding the child's disagreement, and to the extent possible, the basis for the child's disagreement in the report required under this section.

(e) After receiving the required report, the court has jurisdiction to make the following determinations and must do so within ten days of receiving the forwarded report, whether a hearing is requested:

(1) whether the voluntary foster care arrangement is in the child's best interests;

(2) whether the parent and agency are appropriately planning for the child; and

(3) in the case of a child age 12 or older, who disagrees with the foster care facility or services provided under the out-of-home placement plan, whether it is appropriate to appoint counsel and a guardian ad litem for the child using standards and procedures under section 260C.163.

(f) Unless requested by a parent, representative of the foster care facility, or the child, no in-court hearing is required in order for the court to make findings and issue an order as required in paragraph (e).

(g) If the court finds the voluntary foster care arrangement is in the child's best interests and that the agency and parent are appropriately planning for the child, the court shall issue an order containing explicit, individualized findings to support its determination. The individualized findings shall be based on the agency's written report and other materials submitted to the court. The court may make this determination notwithstanding the child's disagreement, if any, reported under paragraph (d).

(h) The court shall send a copy of the order to the county attorney, the agency, parent, child, age 12 or older, and the foster parent or foster care facility.

(i) The court shall also send the parent, the child, age 12 or older, the foster parent, or representative of the foster care facility notice of the permanency review hearing required under section 260D.07, paragraph (e).

(j) If the court finds continuing the voluntary foster care arrangement is not in the child's best interests or that the agency or the parent are not appropriately planning for the child, the court shall notify the agency, the parent, the foster parent or foster care facility, the child, age 12 or older, and the county attorney of the court's determinations and the basis for the court's determinations. In this case, the court shall set the matter for hearing and appoint a guardian ad litem for the child under section 260C.163, subdivision 5.

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

Sec. 4. Minnesota Statutes 2020, section 260D.07, is amended to read:

260D.07 REQUIRED PERMANENCY REVIEW HEARING.

(a) When the court has found that the voluntary arrangement is in the child's best interests and that the agency and parent are appropriately planning for the child pursuant to the report submitted under section 260D.06, and the child continues in voluntary foster care as defined in section 260D.02, subdivision 10, for 13 months from the date of the voluntary foster care agreement, or has been in placement for 15 of the last 22 months, the agency must:

32.1 (1) terminate the voluntary foster care agreement and return the child home; or

32.2 (2) determine whether there are compelling reasons to continue the voluntary foster care
32.3 arrangement and, if the agency determines there are compelling reasons, seek judicial
32.4 approval of its determination; or

32.5 (3) file a petition for the termination of parental rights.

32.6 (b) When the agency is asking for the court's approval of its determination that there are
32.7 compelling reasons to continue the child in the voluntary foster care arrangement, the agency
32.8 shall file a "Petition for Permanency Review Regarding a Child in Voluntary Foster Care
32.9 for Treatment" and ask the court to proceed under this section.

32.10 (c) The "Petition for Permanency Review Regarding a Child in Voluntary Foster Care
32.11 for Treatment" shall be drafted or approved by the county attorney and be under oath. The
32.12 petition shall include:

32.13 (1) the date of the voluntary placement agreement;

32.14 (2) whether the petition is due to the child's developmental disability or emotional
32.15 disturbance;

32.16 (3) the plan for the ongoing care of the child and the parent's participation in the plan;

32.17 (4) a description of the parent's visitation and contact with the child;

32.18 (5) the date of the court finding that the foster care placement was in the best interests
32.19 of the child, if required under section 260D.06, or the date the agency filed the motion under
32.20 section 260D.09, paragraph (b);

32.21 (6) the agency's reasonable efforts to finalize the permanent plan for the child, including
32.22 returning the child to the care of the child's family; ~~and~~

32.23 (7) a citation to this chapter as the basis for the petition; and

32.24 (8) evidence as specified in section 260C.712 when a child is placed in a qualified
32.25 residential treatment program as defined in section 260C.007, subdivision 26d.

32.26 (d) An updated copy of the out-of-home placement plan required under section 260C.212,
32.27 subdivision 1, shall be filed with the petition.

32.28 (e) The court shall set the date for the permanency review hearing no later than 14 months
32.29 after the child has been in placement or within 30 days of the petition filing date when the
32.30 child has been in placement 15 of the last 22 months. The court shall serve the petition
32.31 together with a notice of hearing by United States mail on the parent, the child age 12 or

33.1 older, the child's guardian ad litem, if one has been appointed, the agency, the county
33.2 attorney, and counsel for any party.

33.3 (f) The court shall conduct the permanency review hearing on the petition no later than
33.4 14 months after the date of the voluntary placement agreement, within 30 days of the filing
33.5 of the petition when the child has been in placement 15 of the last 22 months, or within 15
33.6 days of a motion to terminate jurisdiction and to dismiss an order for foster care under
33.7 chapter 260C, as provided in section 260D.09, paragraph (b).

33.8 (g) At the permanency review hearing, the court shall:

33.9 (1) inquire of the parent if the parent has reviewed the "Petition for Permanency Review
33.10 Regarding a Child in Voluntary Foster Care for Treatment," whether the petition is accurate,
33.11 and whether the parent agrees to the continued voluntary foster care arrangement as being
33.12 in the child's best interests;

33.13 (2) inquire of the parent if the parent is satisfied with the agency's reasonable efforts to
33.14 finalize the permanent plan for the child, including whether there are services available and
33.15 accessible to the parent that might allow the child to safely be with the child's family;

33.16 (3) inquire of the parent if the parent consents to the court entering an order that:

33.17 (i) approves the responsible agency's reasonable efforts to finalize the permanent plan
33.18 for the child, which includes ongoing future planning for the safety, health, and best interests
33.19 of the child; and

33.20 (ii) approves the responsible agency's determination that there are compelling reasons
33.21 why the continued voluntary foster care arrangement is in the child's best interests; and

33.22 (4) inquire of the child's guardian ad litem and any other party whether the guardian or
33.23 the party agrees that:

33.24 (i) the court should approve the responsible agency's reasonable efforts to finalize the
33.25 permanent plan for the child, which includes ongoing and future planning for the safety,
33.26 health, and best interests of the child; and

33.27 (ii) the court should approve of the responsible agency's determination that there are
33.28 compelling reasons why the continued voluntary foster care arrangement is in the child's
33.29 best interests.

33.30 (h) At a permanency review hearing under this section, the court may take the following
33.31 actions based on the contents of the sworn petition and the consent of the parent:

(1) approve the agency's compelling reasons that the voluntary foster care arrangement is in the best interests of the child; and

(2) find that the agency has made reasonable efforts to finalize the permanent plan for the child.

(i) A child, age 12 or older, may object to the agency's request that the court approve its compelling reasons for the continued voluntary arrangement and may be heard on the reasons for the objection. Notwithstanding the child's objection, the court may approve the agency's compelling reasons and the voluntary arrangement.

(j) If the court does not approve the voluntary arrangement after hearing from the child or the child's guardian ad litem, the court shall dismiss the petition. In this case, either:

(1) the child must be returned to the care of the parent; or

(2) the agency must file a petition under section 260C.141, asking for appropriate relief under sections 260C.301 or 260C.503 to 260C.521.

(k) When the court approves the agency's compelling reasons for the child to continue in voluntary foster care for treatment, and finds that the agency has made reasonable efforts to finalize a permanent plan for the child, the court shall approve the continued voluntary foster care arrangement, and continue the matter under the court's jurisdiction for the purposes of reviewing the child's placement every 12 months while the child is in foster care.

(l) A finding that the court approves the continued voluntary placement means the agency has continued legal authority to place the child while a voluntary placement agreement remains in effect. The parent or the agency may terminate a voluntary agreement as provided in section 260D.10. Termination of a voluntary foster care placement of an Indian child is governed by section 260.765, subdivision 4.

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

Sec. 5. Minnesota Statutes 2020, section 260D.08, is amended to read:

260D.08 ANNUAL REVIEW.

(a) After the court conducts a permanency review hearing under section 260D.07, the matter must be returned to the court for further review of the responsible social services reasonable efforts to finalize the permanent plan for the child and the child's foster care placement at least every 12 months while the child is in foster care. The court shall give notice to the parent and child, age 12 or older, and the foster parents of the continued review requirements under this section at the permanency review hearing.

(b) Every 12 months, the court shall determine whether the agency made reasonable efforts to finalize the permanency plan for the child, which means the exercise of due diligence by the agency to:

(1) ensure that the agreement for voluntary foster care is the most appropriate legal arrangement to meet the child's safety, health, and best interests and to conduct a genuine examination of whether there is another permanency disposition order under chapter 260C, including returning the child home, that would better serve the child's need for a stable and permanent home;

(2) engage and support the parent in continued involvement in planning and decision making for the needs of the child;

(3) strengthen the child's ties to the parent, relatives, and community;

(4) implement the out-of-home placement plan required under section 260C.212, subdivision 1, and ensure that the plan requires the provision of appropriate services to address the physical health, mental health, and educational needs of the child; and

(5) submit evidence to the court as specified in section 260C.712 when a child is placed in a qualified residential treatment program setting as defined in section 260C.007, subdivision 26d; and

~~(5)~~ (6) ensure appropriate planning for the child's safe, permanent, and independent living arrangement after the child's 18th birthday.

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

Sec. 6. Minnesota Statutes 2020, section 260D.14, is amended to read:

**260D.14 SUCCESSFUL TRANSITION TO ADULthood FOR CHILDREN
YOUTH IN VOLUNTARY PLACEMENT.**

Subdivision 1. **Case planning.** When ~~the child~~ a youth is 14 years of age or older, the responsible social services agency shall ensure that ~~a child~~ youth in foster care under this chapter is provided with the case plan requirements in section 260C.212, subdivisions 1 and 14.

Subd. 2. **Notification.** The responsible social services agency shall provide a youth with written notice of the right to continued access to services for certain children in foster care past 18 years of age under section 260C.452, subdivision 3 foster care benefits that a youth who is 18 years of age or older may continue to receive according to section 260C.451, subdivision 1, and of the right to appeal a denial of social services under section 256.045.

The notice must be provided to the ~~child~~ youth six months before the ~~child's~~ youth's 18th birthday.

Subd. 3. **Administrative or court reviews.** When ~~the child~~ a youth is ~~17~~ 14 years of age or older, the administrative review or court hearing must include a review of the responsible social services agency's support for the ~~child's~~ youth's successful transition to adulthood as required in section 260C.452, subdivision 4.

EFFECTIVE DATE. This section is effective July 1, 2021.

ARTICLE 3

FAMILY FIRST PREVENTION ACT PROVIDER CERTIFICATION

Section 1. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to read:

Subd. 3c. **At risk of becoming a victim of sex trafficking or commercial sexual exploitation.** For the purposes of section 245A.25, a youth who is "at risk of becoming a victim of sex trafficking or commercial sexual exploitation" means a youth who meets the criteria established by the commissioner of human services for this purpose.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to read:

Subd. 4a. **Children's residential facility.** "Children's residential facility" is defined as a residential program licensed under this chapter or chapter 241 according to the applicable standards in Minnesota Rules, parts 2960.0010 to 2960.0710.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to read:

Subd. 6d. **Foster family setting.** "Foster family setting" has the meaning given in Minnesota Rules, chapter 2960.3010, subpart 23, and includes settings licensed by the commissioner of human services or the commissioner of corrections.

EFFECTIVE DATE. This section is effective the day following final enactment.

37.1 Sec. 4. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to
37.2 read:

37.3 Subd. 6e. **Foster residence setting.** "Foster residence setting" has the meaning given
37.4 in Minnesota Rules, chapter 2960.3010, subpart 26, and includes settings licensed by the
37.5 commissioner of human services or the commissioner of corrections.

37.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

37.7 Sec. 5. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to
37.8 read:

37.9 Subd. 18a. **Trauma.** For the purposes of section 245A.25, "trauma" means an event,
37.10 series of events, or set of circumstances experienced by an individual as physically or
37.11 emotionally harmful or life-threatening and has lasting adverse effects on the individual's
37.12 functioning and mental, physical, social, emotional, or spiritual well-being. Trauma includes
37.13 the cumulative emotional or psychological harm of group traumatic experiences transmitted
37.14 across generations within a community that are often associated with racial and ethnic
37.15 population groups that have suffered major intergenerational losses.

37.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

37.17 Sec. 6. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to
37.18 read:

37.19 Subd. 23. **Victim of sex trafficking or commercial sexual exploitation.** For the purposes
37.20 of section 245A.25, "victim of sex trafficking or commercial sexual exploitation" means a
37.21 person who meets the definitions in section 260C.007, subdivision 31, clauses (4) and (5).

37.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

37.23 Sec. 7. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to
37.24 read:

37.25 Subd. 24. **Youth.** For the purposes of section 245A.25, "youth" means a "child" as
37.26 defined in section 260C.007, subdivision 4, and includes individuals under 21 years of age
37.27 who are in foster care pursuant to section 260C.451.

37.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2020, section 245A.041, is amended by adding a subdivision to read:

Subd. 6. First date of working in a facility or setting; documentation requirements. Children's residential facility and foster residence setting license holders must document the first date that a person who is a background study subject begins working in the license holder's facility or setting. If the license holder does not maintain documentation of each background study subject's first date of working in the facility or setting in the license holder's personnel files, the license holder must provide documentation to the commissioner that contains the first date that each background study subject began working in the license holder's program upon the commissioner's request.

EFFECTIVE DATE. This section is effective August 1, 2021.

Sec. 9. [245A.25] RESIDENTIAL PROGRAM CERTIFICATIONS FOR COMPLIANCE WITH THE FAMILY FIRST PREVENTION SERVICES ACT.

Subdivision 1. Certification scope and applicability. (a) This section establishes the requirements that a children's residential facility or child foster residence setting must meet to be certified for the purposes of Title IV-E funding requirements as:

(1) a qualified residential treatment program;

(2) a residential setting specializing in providing care and supportive services for youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation;

(3) a residential setting specializing in providing prenatal, postpartum, or parenting support for youth; or

(4) a supervised independent living setting for youth 18 years of age or older.

(b) This section does not apply to a foster family setting in which the license holder resides in the foster home.

(c) Children's residential facilities licensed as detention settings according to Minnesota Rules, parts 2960.0230 to 2960.0290, or secure programs according to Minnesota Rules, parts 2960.0300 to 2960.0420, may not be certified under this section.

(d) For purposes of this section, "license holder" means an individual, organization, or government entity that was issued a children's residential facility or foster residence setting license by the commissioner of human services under this chapter or by the commissioner of corrections under chapter 241.

(e) Certifications issued under this section for foster residence settings may only be issued by the commissioner of human services and are not delegated to county or private licensing agencies under section 245A.16.

Subd. 2. **Program certification types and requests for certification.** (a) By July 1, 2021, the commissioner of human services must offer certifications to license holders for the following types of programs:

(1) qualified residential treatment programs;

(2) residential settings specializing in providing care and supportive services for youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation;

(3) residential settings specializing in providing prenatal, postpartum, or parenting support for youth; and

(4) supervised independent living settings for youth 18 years of age or older.

(b) An applicant or license holder must submit a request for certification under this section on a form and in a manner prescribed by the commissioner of human services. The decision of the commissioner of human services to grant or deny a certification request is final and not subject to appeal under chapter 14.

Subd. 3. **Trauma-informed care.** (a) Programs certified under subdivisions 4 or 5 must provide services to a person according to a trauma-informed model of care that meets the requirements of this subdivision, except that programs certified under subdivision 5 are not required to meet the requirements of paragraph (e).

(b) For the purposes of this section, "trauma-informed care" is defined as care that:

(1) acknowledges the effects of trauma on a person receiving services and on the person's family;

(2) modifies services to respond to the effects of trauma on the person receiving services;

(3) emphasizes skill and strength-building rather than symptom management; and

(4) focuses on the physical and psychological safety of the person receiving services and the person's family.

(c) The license holder must have a process for identifying the signs and symptoms of trauma in a youth and must address the youth's needs related to trauma. This process must include:

(1) screening for trauma by completing a trauma-specific screening tool with each youth upon the youth's admission or obtaining the results of a trauma-specific screening tool that was completed with the youth within 30 days prior to the youth's admission to the program; and

(2) ensuring that trauma-based interventions targeting specific trauma-related symptoms are available to each youth when needed to assist the youth in obtaining services. For qualified residential treatment programs, this must include the provision of services in paragraph (e).

(d) The license holder must develop and provide services to each youth according to the principles of trauma-informed care including:

(1) recognizing the impact of trauma on a youth when determining the youth's service needs and providing services to the youth;

(2) allowing each youth to participate in reviewing and developing the youth's individualized treatment or service plan;

(3) providing services to each youth that are person-centered and culturally responsive; and

(4) adjusting services for each youth to address additional needs of the youth.

(e) In addition to the other requirements of this subdivision, qualified residential treatment programs must use a trauma-based treatment model that includes:

(1) assessing each youth to determine if the youth needs trauma-specific treatment interventions;

(2) identifying in each youth's treatment plan how the program will provide trauma-specific treatment interventions to the youth;

(3) providing trauma-specific treatment interventions to a youth that target the youth's specific trauma-related symptoms; and

(4) training all clinical staff of the program on trauma-specific treatment interventions.

(f) At the license holder's program, the license holder must provide a physical, social, and emotional environment that:

(1) promotes the physical and psychological safety of each youth;

(2) avoids aspects that may be retraumatizing;

(3) responds to trauma experienced by each youth and the youth's other needs; and

41.1 (4) includes designated spaces that are available to each youth for engaging in sensory
41.2 and self-soothing activities.

41.3 (g) The license holder must base the program's policies and procedures on
41.4 trauma-informed principles. In the program's policies and procedures, the license holder
41.5 must:

41.6 (1) describe how the program provides services according to a trauma-informed model
41.7 of care;

41.8 (2) describe how the program's environment fulfills the requirements of paragraph (f);

41.9 (3) prohibit the use of aversive consequences for a youth's violation of program rules
41.10 or any other reason;

41.11 (4) describe the process for how the license holder incorporates trauma-informed
41.12 principles and practices into the organizational culture of the license holder's program; and

41.13 (5) if the program is certified to use restrictive procedures under Minnesota Rules, part
41.14 2960.0710, how the program uses restrictive procedures only when necessary for a youth
41.15 in a manner that addresses the youth's history of trauma and avoids causing the youth
41.16 additional trauma.

41.17 (h) Prior to allowing a staff person to have direct contact, as defined in section 245C.02,
41.18 subdivision 11, with a youth and annually thereafter, the license holder must train each staff
41.19 person about:

41.20 (1) concepts of trauma-informed care and how to provide services to each youth according
41.21 to these concepts; and

41.22 (2) impacts of each youth's culture, race, gender, and sexual orientation on the youth's
41.23 behavioral health and traumatic experiences.

41.24 **Subd. 4. Qualified residential treatment programs; certification requirements. (a)**
41.25 **To be certified as a qualified residential treatment program, a license holder must meet:**

41.26 (1) the definition of a qualified residential treatment program in section 260C.007,
41.27 subdivision 26d;

41.28 (2) the requirements for providing trauma-informed care and using a trauma-based
41.29 treatment model in subdivision 3; and

41.30 (3) the requirements of this subdivision.

(b) For each youth placed at the license holder's program, the license holder must collaborate with the responsible social services agency and other appropriate parties to implement the youth's out-of-home placement plan and the youth's short-term and long-term mental health and behavioral health goals in the assessment required by sections 260C.212, subdivision 1; 260C.704; and 260C.708.

(c) A qualified residential treatment program must use a trauma-based treatment model that meets all of the requirements of subdivision 3 that is designed to address the needs, including clinical needs, of youth with serious emotional or behavioral disorders or disturbances. The license holder must develop, document, and review a treatment plan for each youth according to the requirements of Minnesota Rules, parts 2960.0180, subpart 2, item B; and 2960.0190, subpart 2.

(d) The following types of staff must be on-site according to the program's treatment model and must be available 24 hours a day and seven days a week to provide care within the scope of their practice:

(1) a registered nurse or licensed practical nurse licensed by the Minnesota Board of Nursing to practice professional nursing or practical nursing as defined in section 148.171, subdivisions 14 and 15; and

(2) other licensed clinical staff to meet each youth's clinical needs.

(e) A qualified residential treatment program must be accredited by one of the following independent, not-for-profit organizations:

(1) the Commission on Accreditation of Rehabilitation Facilities (CARF);

(2) the Joint Commission;

(3) the Council on Accreditation (COA); or

(4) another independent, not-for-profit accrediting organization approved by the Secretary of the United States Department of Health and Human Services.

(f) The license holder must facilitate participation of a youth's family members in the youth's treatment program, consistent with the youth's best interests and according to the youth's out-of-home placement plan required by sections 260C.212, subdivision 1; and 260C.708.

(g) The license holder must contact and facilitate outreach to each youth's family members, including the youth's siblings, and must document outreach to the youth's family members in the youth's file, including the contact method and each family member's contact

43.1 information. In the youth's file, the license holder must record and maintain the contact
43.2 information for all known biological family members and fictive kin of the youth.

43.3 (h) The license holder must document in the youth's file how the program integrates
43.4 family members into the treatment process for the youth, including after the youth's discharge
43.5 from the program, and how the program maintains the youth's connections to the youth's
43.6 siblings.

43.7 (i) The program must provide discharge planning and family-based aftercare support to
43.8 each youth for at least six months after the youth's discharge from the program. When
43.9 providing aftercare to a youth, the program must have monthly contact with the youth and
43.10 the youth's caregivers to promote the youth's engagement in aftercare services and to regularly
43.11 evaluate the family's needs. The program's monthly contact with the youth may be
43.12 face-to-face, by telephone, or virtual.

43.13 (j) The license holder must maintain a service delivery plan that describes how the
43.14 program provides services according to the requirements in paragraphs (b) to (i).

43.15 Subd. 5. Residential settings specializing in providing care and supportive services
43.16 for youth who have been or are at risk of becoming victims of sex trafficking or
43.17 commercial sexual exploitation; certification requirements. (a) To be certified as a
43.18 residential setting specializing in providing care and support services for youth who have
43.19 been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation,
43.20 a license holder must meet the requirements of this subdivision.

43.21 (b) Settings certified according to this subdivision are exempt from the requirements of
43.22 section 245A.04, subdivision 11, paragraph (b).

43.23 (c) The program must use a trauma-informed model of care that meets all of the applicable
43.24 requirements of subdivision 3, and that is designed to address the needs, including emotional
43.25 and mental health needs, of youth who have been or are at risk of becoming victims of sex
43.26 trafficking or commercial sexual exploitation.

43.27 (d) The program must provide high quality care and supportive services for youth who
43.28 have been or are at risk of becoming victims of sex trafficking or commercial sexual
43.29 exploitation and must:

43.30 (1) offer a safe setting to each youth designed to prevent ongoing and future trafficking
43.31 of the youth;

43.32 (2) provide equitable, culturally responsive, and individualized services to each youth;

44.1 (3) assist each youth with accessing medical, mental health, legal, advocacy, and family
44.2 services based on the youth's individual needs;

44.3 (4) provide each youth with relevant educational, life skills, and employment supports
44.4 based on the youth's individual needs;

44.5 (5) offer a trafficking prevention education curriculum and provide support for each
44.6 youth at risk of future sex trafficking or commercial sexual exploitation; and

44.7 (6) engage with the discharge planning process for each youth and the youth's family.

44.8 (e) The license holder must maintain a service delivery plan that describes how the
44.9 program provides services according to the requirements in paragraphs (c) and (d).

44.10 (f) The license holder must ensure that each staff person who has direct contact, as
44.11 defined in section 245C.02, subdivision 11, with a youth served by the license holder's
44.12 program completes a human trafficking training approved by the Department of Human
44.13 Services' Children and Family Services Administration before the staff person has direct
44.14 contact with a youth served by the program and annually thereafter. For programs certified
44.15 prior to January 1, 2022, the license holder must ensure that each staff person at the license
44.16 holder's program completes the initial training by January 1, 2022.

44.17 **Subd. 6. Residential settings specializing in providing prenatal, postpartum, or**
44.18 **parenting supports for youth; certification requirements.** (a) To be certified as a
44.19 residential setting specializing in providing prenatal, postpartum, or parenting supports for
44.20 youth, a license holder must meet the requirements of this subdivision.

44.21 (b) The license holder must collaborate with the responsible social services agency and
44.22 other appropriate parties to implement each youth's out-of-home placement plan required
44.23 by section 260C.212, subdivision 1.

44.24 (c) The license holder must specialize in providing prenatal, postpartum, or parenting
44.25 supports for youth and must:

44.26 (1) provide equitable, culturally responsive, and individualized services to each youth;

44.27 (2) assist each youth with accessing postpartum services during the same period of time
44.28 that a woman is considered pregnant for the purposes of medical assistance eligibility under
44.29 section 256B.055, subdivision 6, including providing each youth with:

44.30 (i) sexual and reproductive health services and education; and

44.31 (ii) a postpartum mental health assessment and follow-up services; and

44.32 (3) discharge planning that includes the youth and the youth's family.

(d) On or before the date of a child's initial physical presence at the facility, the license holder must provide education to the child's parent related to safe bathing and reducing the risk of sudden unexpected infant death and abusive head trauma from shaking infants and young children. The license holder must use the educational material developed by the commissioner of human services to comply with this requirement. At a minimum, the education must address:

(1) instruction that: (i) a child or infant should never be left unattended around water; (ii) a tub should be filled with only two to four inches of water for infants; and (iii) an infant should never be put into a tub when the water is running; and

(2) the risk factors related to sudden unexpected infant death and abusive head trauma from shaking infants and young children and means of reducing the risks, including the safety precautions identified in section 245A.1435 and the risks of co-sleeping.

The license holder must document the parent's receipt of the education and keep the documentation in the parent's file. The documentation must indicate whether the parent agrees to comply with the safeguards described in this paragraph. If the parent refuses to comply, program staff must provide additional education to the parent as described in the parental supervision plan. The parental supervision plan must include the intervention, frequency, and staff responsible for the duration of the parent's participation in the program or until the parent agrees to comply with the safeguards described in this paragraph.

(e) On or before the date of a child's initial physical presence at the facility, the license holder must document the parent's capacity to meet the health and safety needs of the child while on the facility premises considering the following factors:

(1) the parent's physical and mental health;

(2) the parent being under the influence of drugs, alcohol, medications, or other chemicals;

(3) the child's physical and mental health; and

(4) any other information available to the license holder indicating that the parent may not be able to adequately care for the child.

(f) The license holder must have written procedures specifying the actions that staff shall take if a parent is or becomes unable to adequately care for the parent's child.

(g) If the parent refuses to comply with the safeguards described in paragraph (d) or is unable to adequately care for the child, the license holder must develop a parental supervision plan in conjunction with the parent. The plan must account for any factors in paragraph (e)

46.1 that contribute to the parent's inability to adequately care for the child. The plan must be
46.2 dated and signed by the staff person who completed the plan.

46.3 (h) The license holder must have written procedures addressing whether the program
46.4 permits a parent to arrange for supervision of the parent's child by another youth in the
46.5 program. If permitted, the facility must have a procedure that requires staff approval of the
46.6 supervision arrangement before the supervision by the nonparental youth occurs. The
46.7 procedure for approval must include an assessment of the nonparental youth's capacity to
46.8 assume the supervisory responsibilities using the criteria in paragraph (e). The license holder
46.9 must document the license holder's approval of the supervisory arrangement and the
46.10 assessment of the nonparental youth's capacity to supervise the child and must keep this
46.11 documentation in the file of the parent whose child is being supervised by the nonparental
46.12 youth.

46.13 (i) The license holder must maintain a service delivery plan that describes how the
46.14 program provides services according to the requirements in paragraphs (b) to (h).

46.15 Subd. 7. **Supervised independent living settings for youth 18 years of age or older;**
46.16 **certification requirements.** (a) To be certified as a supervised independent living setting
46.17 for youth who are 18 years of age or older, a license holder must meet the requirements of
46.18 this subdivision.

46.19 (b) The license holder must provide training, counseling, instruction, supervision, and
46.20 assistance for independent living according to the youth's needs.

46.21 (c) The license holder may provide services to assist the youth with locating housing,
46.22 money management, meal preparation, shopping, health care, transportation, and any other
46.23 support services necessary to meet the youth's needs and improve the youth's ability to
46.24 conduct such tasks independently.

46.25 (d) The service plan for the youth must contain an objective of independent living skills.

46.26 (e) The license holder must maintain a service delivery plan that describes how the
46.27 program provides services according to the requirements in paragraphs (b) to (d).

46.28 Subd. 8. **Monitoring and inspections.** (a) For a program licensed by the commissioner
46.29 of human services, the commissioner of human services may review a program's compliance
46.30 with certification requirements by conducting an inspection, a licensing review, or an
46.31 investigation of the program. The commissioner may issue a correction order to the license
46.32 holder for a program's noncompliance with the certification requirements of this section.
46.33 For a program licensed by the commissioner of human services, a license holder must make

47.1 a request for reconsideration of a correction order according to section 245A.06, subdivision
47.2 2.

47.3 (b) For a program licensed by the commissioner of corrections, the commissioner of
47.4 human services may review the program's compliance with the requirements for a certification
47.5 issued under this section biennially and may issue a correction order identifying the program's
47.6 noncompliance with the requirements of this section. The correction order must state the
47.7 following:

47.8 (1) the conditions that constitute a violation of a law or rule;

47.9 (2) the specific law or rule violated; and

47.10 (3) the time allowed for the program to correct each violation.

47.11 (c) For a program licensed by the commissioner of corrections, if a license holder believes
47.12 that there are errors in the correction order of the commissioner of human services, the
47.13 license holder may ask the Department of Human Services to reconsider the parts of the
47.14 correction order that the license holder alleges are in error. To submit a request for
47.15 reconsideration, the license holder must send a written request for reconsideration by United
47.16 States mail to the commissioner of human services. The request for reconsideration must
47.17 be postmarked within 20 calendar days of the date that the correction order was received
47.18 by the license holder and must:

47.19 (1) specify the parts of the correction order that are alleged to be in error;

47.20 (2) explain why the parts of the correction order are in error; and

47.21 (3) include documentation to support the allegation of error.

47.22 A request for reconsideration does not stay any provisions or requirements of the correction
47.23 order. The commissioner of human services' disposition of a request for reconsideration is
47.24 final and not subject to appeal under chapter 14.

47.25 (d) Nothing in this subdivision prohibits the commissioner of human services from
47.26 decertifying a license holder according to subdivision 9 prior to issuing a correction order.

47.27 Subd. 9. **Decertification.** (a) The commissioner of human services may rescind a
47.28 certification issued under this section if a license holder fails to comply with the certification
47.29 requirements in this section.

47.30 (b) The license holder may request reconsideration of a decertification by notifying the
47.31 commissioner of human services by certified mail or personal service. The license holder
47.32 must request reconsideration of a decertification in writing. If the license holder sends the

request for reconsideration of a decertification by certified mail, the license holder must send the request by United States mail to the commissioner of human services and the request must be postmarked within 20 calendar days after the license holder received the notice of decertification. If the license holder requests reconsideration of a decertification by personal service, the request for reconsideration must be received by the commissioner of human services within 20 calendar days after the license holder received the notice of decertification. When submitting a request for reconsideration of a decertification, the license holder must submit a written argument or evidence in support of the request for reconsideration.

(c) The commissioner of human services' disposition of a request for reconsideration is final and not subject to appeal under chapter 14.

Subd. 10. **Variances.** The commissioner of human services may grant variances to the requirements in this section that do not affect a youth's health or safety or compliance with federal requirements for Title IV-E funding if the conditions in section 245A.04, subdivision 9, are met.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 10. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES;
AFTERCARE SUPPORTS.**

The commissioner of human services shall consult with stakeholders to develop policies regarding aftercare supports for the transition of a child to family foster care from a qualified residential treatment program as defined in Minnesota Statutes, section 260C.007, subdivision 26d, or a less restrictive setting that aligns with the child's permanency plan and person-centered support plan when applicable, prior to reunification with the child's parent or legal guardian. The policies must be consistent with Minnesota Rules, part 2960.0190, and relevant statutes, and address the coordination of the qualified residential treatment program discharge planning and aftercare supports where needed, the county social services case plan, and services from community-based providers, to maintain the child's progress with behavioral health goals as defined in the child's treatment plan. The commissioner must complete development of the policy guidance by December 31, 2022.