

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2476

03/02/2023 Authored by Pinto and Pérez-Vega

03/16/2023 The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy

Adoption of Report: Placed on the General Register

Read for the Second Time

05/22/2023 Pursuant to Rule 4.20, returned to the Committee on Children and Families Finance and Policy

04/24/2024 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

04/26/2024 Adoption of Report: Placed on the General Register as Amended

Read for the Second Time

1.1 A bill for an act

1.2 relating to children; modifying provisions related to child protection, economic

1.3 supports, housing and homelessness, child care licensing, and the Department of

1.4 Children, Youth, and Families; requiring reports; appropriating money; amending

1.5 Minnesota Statutes 2022, sections 245.975, subdivisions 2, 4, 9; 256.045,

1.6 subdivisions 3b, as amended, 5, as amended, 7, as amended; 256.0451, subdivisions

1.7 1, as amended, 22, 24; 256.046, subdivision 2, as amended; 256E.35, subdivision

1.8 5; 256N.26, subdivisions 12, 13; 260C.331, by adding a subdivision; Minnesota

1.9 Statutes 2023 Supplement, sections 256.01, subdivision 12b; 256.043, subdivisions

1.10 3, 3a; 256.045, subdivision 3, as amended; 256E.35, subdivision 2; 256E.38,

1.11 subdivision 4; 518A.42, subdivision 3; Laws 2023, chapter 70, article 12, section

1.12 30, subdivisions 2, 3; article 14, section 42, by adding a subdivision; article 20,

1.13 sections 2, subdivisions 22, 24; 23; Laws 2024, chapter 80, article 1, sections 38,

1.14 subdivisions 1, 2, 5, 6, 7, 9; 96; article 4, section 26; article 6, section 4; proposing

1.15 coding for new law in Minnesota Statutes, chapters 142A; 256D; 260E; proposing

1.16 coding for new law as Minnesota Statutes, chapter 142B; repealing Minnesota

1.17 Statutes 2022, sections 245.975, subdivision 8; 245A.065; 256.01, subdivisions

1.18 12, 12a; Laws 2024, chapter 80, article 1, sections 38, subdivisions 3, 4, 11; 39;

1.19 43, subdivision 2; article 7, sections 3; 9; Minnesota Rules, part 9560.0232, subpart

1.20 5.

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

1.22 ARTICLE 1

1.23 CHILD PROTECTION AND SUPPORT

1.24 Section 1. Minnesota Statutes 2023 Supplement, section 256.01, subdivision 12b, is

1.25 amended to read:

1.26 Subd. 12b. **Department of Human Services systemic critical incident review team.** (a)

1.27 The commissioner may establish a Department of Human Services systemic critical incident

1.28 review team to review (1) critical incidents reported as required under section 626.557 for

1.29 which the Department of Human Services is responsible under section 626.5572, subdivision

13; chapter 245D; or Minnesota Rules, chapter 9544; or (2) child fatalities and near fatalities that occur in licensed facilities and are not due to natural causes. When reviewing a critical incident, the systemic critical incident review team shall identify systemic influences to the incident rather than determine the culpability of any actors involved in the incident. The systemic critical incident review may assess the entire critical incident process from the point of an entity reporting the critical incident through the ongoing case management process. Department staff shall lead and conduct the reviews and may utilize county staff as reviewers. The systemic critical incident review process may include but is not limited to:

(1) data collection about the incident and actors involved. Data may include the relevant critical services; the service provider's policies and procedures applicable to the incident; the community support plan as defined in section 245D.02, subdivision 4b, for the person receiving services; or an interview of an actor involved in the critical incident or the review of the critical incident. Actors may include:

(i) staff of the provider agency;

(ii) lead agency staff administering home and community-based services delivered by the provider;

(iii) Department of Human Services staff with oversight of home and community-based services;

(iv) Department of Health staff with oversight of home and community-based services;

(v) members of the community including advocates, legal representatives, health care providers, pharmacy staff, or others with knowledge of the incident or the actors in the incident; and

(vi) staff from the Office of the Ombudsman for Mental Health and Developmental Disabilities and the Office of Ombudsman for Long-Term Care;

(2) systemic mapping of the critical incident. The team conducting the systemic mapping of the incident may include any actors identified in clause (1), designated representatives of other provider agencies, regional teams, and representatives of the local regional quality council identified in section 256B.097; and

(3) analysis of the case for systemic influences.

Data collected by the critical incident review team shall be aggregated and provided to regional teams, participating regional quality councils, and the commissioner. The regional teams and quality councils shall analyze the data and make recommendations to the

commissioner regarding systemic changes that would decrease the number and severity of critical incidents in the future or improve the quality of the home and community-based service system.

(b) Cases selected for the systemic critical incident review process shall be selected by a selection committee among the following critical incident categories:

(1) cases of caregiver neglect identified in section 626.5572, subdivision 17;

(2) cases involving financial exploitation identified in section 626.5572, subdivision 9;

(3) incidents identified in section 245D.02, subdivision 11;

(4) behavior interventions identified in Minnesota Rules, part 9544.0110;

(5) service terminations reported to the department in accordance with section 245D.10, subdivision 3a; and

(6) other incidents determined by the commissioner.

(c) The systemic critical incident review under this section shall not replace the process for screening or investigating cases of alleged maltreatment of an adult under section 626.557 or of a child under chapter 260E. The department may select cases for systemic critical incident review, under the jurisdiction of the commissioner, reported for suspected maltreatment and closed following initial or final disposition.

(d) The proceedings and records of the review team are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13. Data that document a person's opinions formed as a result of the review are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or a county agency arising out of the matters that the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because the information, documents, and records were assessed or presented during proceedings of the review team. A person who presented information before the systemic critical incident review team or who is a member of the team shall not be prevented from testifying about matters within the person's knowledge. In a civil or criminal proceeding, a person shall not be questioned about opinions formed by the person as a result of the review.

(e) By October 1 of each year, the commissioner shall prepare an annual public report containing the following information:

(1) the number of cases reviewed under each critical incident category identified in paragraph (b) and a geographical description of where cases under each category originated;

(2) an aggregate summary of the systemic themes from the critical incidents examined by the critical incident review team during the previous year;

(3) a synopsis of the conclusions, incident analyses, or exploratory activities taken in regard to the critical incidents examined by the critical incident review team; and

(4) recommendations made to the commissioner regarding systemic changes that could decrease the number and severity of critical incidents in the future or improve the quality of the home and community-based service system.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 2. Minnesota Statutes 2022, section 256N.26, subdivision 12, is amended to read:

Subd. 12. Treatment of Supplemental Security Income. (a) If a child placed in foster care receives benefits through Supplemental Security Income (SSI) at the time of foster care placement or subsequent to placement in foster care, the financially responsible agency may apply to be the payee for the child for the duration of the child's placement in foster care. If a child continues to be eligible for SSI after finalization of the adoption or transfer of permanent legal and physical custody and is determined to be eligible for a payment under Northstar Care for Children, a permanent caregiver may choose to receive payment from both programs simultaneously. The permanent caregiver is responsible to report the amount of the payment to the Social Security Administration and the SSI payment will be reduced as required by the Social Security Administration.

(b) If a financially responsible agency applies to be the payee for a child who receives benefits through SSI, or receives the benefits under this subdivision on behalf of a child, the financially responsible agency must provide written notice by certified mail, return receipt requested to:

(1) the child, if the child is 13 years of age or older;

(2) the child's next of kin;

(3) the guardian ad litem;

(4) the legally responsible agency; and

(5) the counsel appointed for the child pursuant to section 260C.163, subdivision 3.

(c) If a financially responsible agency receives benefits under this subdivision on behalf of a child 13 years of age or older, the legally responsible agency and the guardian ad litem must disclose this information to the child in person in a manner that best helps the child understand the information. This paragraph does not apply in circumstances where the child is living outside of Minnesota.

(d) If a financially responsible agency receives the benefits under this subdivision on behalf of a child, it cannot use those funds for any other purpose than the care of that child. The financially responsible agency must not commingle any benefits received under this subdivision and must not put the benefits received on behalf of a child under this subdivision into a general fund.

(e) If a financially responsible agency receives any benefits under this subdivision, it must keep a record of:

(1) the total dollar amount it received on behalf of all children it receives benefits for;

(2) the total number of children it applied to be a payee for; and

(3) the total number of children it received benefits for.

(f) By July 1, 2025, and each July 1 thereafter, each financially responsible agency must submit a report to the commissioner of human services that includes the information required under paragraph (e). By September 1 of each year, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over child protection that compiles the information provided to the commissioner by each financially responsible agency under paragraph (e); subdivision 13, paragraph (e); and section 260C.331, subdivision 7, paragraph (d).

Sec. 3. Minnesota Statutes 2022, section 256N.26, subdivision 13, is amended to read:

Subd. 13. Treatment of retirement, survivor's, and disability insurance, veteran's benefits, railroad retirement benefits, and black lung benefits. (a) If a child placed in foster care receives retirement, survivor's, and disability insurance, veteran's benefits, railroad retirement benefits, or black lung benefits at the time of foster care placement or subsequent to placement in foster care, the financially responsible agency may apply to be the payee for the child for the duration of the child's placement in foster care. If it is anticipated that a child will be eligible to receive retirement, survivor's, and disability insurance, veteran's benefits, railroad retirement benefits, or black lung benefits after finalization of the adoption or assignment of permanent legal and physical custody, the permanent caregiver shall apply to be the payee of those benefits on the child's behalf.

(b) If the financially responsible agency applies to be the payee for a child who receives retirement, survivor's, and disability insurance, veteran's benefits, railroad retirement benefits, or black lung benefits, or receives the benefits under this subdivision on behalf of a child, the financially responsible agency must provide written notice by certified mail, return receipt requested to:

(1) the child, if the child is 13 years of age or older;

(2) the child's next of kin;

(3) the guardian ad litem;

(4) the legally responsible agency; and

(5) the counsel appointed for the child pursuant to section 260C.163, subdivision 3.

(c) If a financially responsible agency receives benefits under this subdivision on behalf of a child 13 years of age or older, the legally responsible agency and the guardian ad litem must disclose this information to the child in person in a manner that best helps the child understand the information. This paragraph does not apply in circumstances where the child is living outside of Minnesota.

(d) If a financially responsible agency receives the benefits under this subdivision on behalf of a child, it cannot use those funds for any other purpose than the care of that child. The financially responsible agency must not commingle any benefits received under this subdivision and must not put the benefits received on behalf of a child under this subdivision into a general fund.

(e) If a financially responsible agency receives any benefits under this subdivision, it must keep a record of:

(1) the total dollar amount it received on behalf of all children it receives benefits for;

(2) the total number of children it applied to be a payee for; and

(3) the total number of children it received benefits for.

(f) By January 1 of each year, each financially responsible agency must submit a report to the commissioner of human services that includes the information required under paragraph (e).

Sec. 4. Minnesota Statutes 2022, section 260C.331, is amended by adding a subdivision to read:

Subd. 7. **Notice.** (a) If the responsible social services agency receives retirement, survivor's, and disability insurance, Supplemental Security Income, veteran's benefits, railroad retirement benefits, or black lung benefits on behalf of a child, it must provide written notice by certified mail, return receipt requested to:

(1) the child, if the child is 13 years of age or older;

(2) the child's next of kin;

(3) the guardian ad litem;

(4) the legally responsible agency as defined in section 256N.02, if different than the responsible social services agency; and

(5) the counsel appointed for the child pursuant to section 260C.163, subdivision 3.

(b) If the responsible social services agency receives benefits under this subdivision on behalf of a child 13 years of age or older, the legally responsible agency as defined in section 256N.02, subdivision 14, if different, and the guardian ad litem must disclose this information to the child in person in a manner that best helps the child understand the information. This paragraph does not apply in circumstances where the child is living outside of Minnesota.

(c) If the responsible social services agency receives the benefits listed under this subdivision on behalf of a child, it cannot use those funds for any other purpose than the care of that child. The responsible social services agency must not commingle any benefits received under this subdivision and must not put the benefits received on behalf of a child into a general fund.

(d) If the responsible social services agency receives any benefits listed under this subdivision, it must keep a record of the total dollar amount it received on behalf of all children it receives benefits for and the total number of children it receives benefits for. By July 1, 2025, and each July 1 thereafter, the responsible social services agency must submit a report to the commissioner that includes the information required under this paragraph.

Sec. 5. **[260E.39] CHILD FATALITY AND NEAR FATALITY REVIEW.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "critical incident" means a child fatality or near fatality in which maltreatment was a known or suspected contributing cause;

(2) "joint review" means the critical incident review conducted by the child mortality review panel jointly with the local review team under subdivision 4, paragraph (b);

(3) "local review" means the local critical incident review conducted by the local review team under subdivision 4, paragraph (c);

(4) "local review team" means a local child mortality review team established under subdivision 2; and

(5) "panel" means the child mortality review panel established under subdivision 3.

Subd. 2. **Local child mortality review teams.** (a) Each county shall establish a multidisciplinary local child mortality review team and shall participate in local critical incident reviews that are based on safety science principles to support a culture of learning. The local welfare agency's child protection team may serve as the local review team. The local review team shall include but not be limited to professionals with knowledge of the critical incident being reviewed and, if the critical incident being reviewed involved an Indian child as defined in section 260.755, subdivision 8, at least one representative from the child's Tribe.

(b) The local review team shall conduct reviews of critical incidents jointly with the child mortality review panel or as otherwise required under subdivision 4, paragraph (c).

Subd. 3. **Child mortality review panel; establishment and membership.** (a) The commissioner shall establish a child mortality review panel to review critical incidents attributed to child maltreatment. The purpose of the panel is to identify systemic changes to improve child safety and well-being and recommend modifications in statute, rule, policy, and procedure.

(b) The panel shall consist of:

(1) the commissioner of children, youth, and families, or a designee;

(2) the commissioner of human services, or a designee;

(3) the commissioner of health, or a designee;

(4) the commissioner of education, or a designee;

(5) the superintendent of the Bureau of Criminal Apprehension, or a designee;

(6) a judge, appointed by the Minnesota judicial branch; and

(7) other members appointed by the governor, including but not limited to:

(i) a physician who is a medical examiner;

- 9.1 (ii) a physician who is a child abuse specialist pediatrician;
- 9.2 (iii) a county attorney who works on child protection cases;
- 9.3 (iv) two current child protection supervisors for local welfare agencies, each of whom
9.4 has previous experience as a frontline child protection worker;
- 9.5 (v) a current local welfare agency director who has previous experience as a frontline
9.6 child protection worker or supervisor;
- 9.7 (vi) two current child protection supervisors or directors for Tribal child welfare agencies,
9.8 each of whom has previous experience as a frontline child protection worker or supervisor;
- 9.9 (vii) a county or Tribal public health worker; and
- 9.10 (viii) a member representing law enforcement.
- 9.11 (c) The governor shall designate one member as chair of the panel from the members
9.12 listed in paragraph (b), clauses (6) and (7).
- 9.13 (d) Members of the panel shall serve terms of four years for an unlimited number of
9.14 terms. A member of the panel may be removed by the appointing authority for the member.
- 9.15 (e) The commissioner shall employ an executive director for the panel to:
- 9.16 (1) provide administrative support to the panel and the chair, including providing the
9.17 panel with critical incident notices submitted by local welfare agencies;
- 9.18 (2) compile and synthesize information for the panel;
- 9.19 (3) draft recommendations and reports for the panel's final approval; and
- 9.20 (4) conduct or otherwise direct training and consultation under subdivision 7.
- 9.21 **Subd. 4. Critical incident review process.** (a) A local welfare agency that has determined
9.22 that maltreatment was the cause of or a contributing factor in a critical incident must notify
9.23 the commissioner and the executive director of the panel within three business days of
9.24 making the determination.
- 9.25 (b) The panel shall conduct a joint review with the local review team for:
- 9.26 (1) any critical incident relating to a family, child, or caregiver involved in a local welfare
9.27 agency family assessment or investigation within the 12 months preceding the critical
9.28 incident;
- 9.29 (2) a critical incident the governor or commissioner directs the panel to review; and
- 9.30 (3) any other critical incident the panel chooses for review.

10.1 (c) The local review team must review all critical incident cases not subject to joint
10.2 review under paragraph (b).

10.3 (d) Within 120 days of initiating a joint review or local review of a critical incident,
10.4 except as provided under paragraph (h), the panel or local review team shall complete the
10.5 joint review or local review and compile a report. The report must include any systemic
10.6 learnings that may increase child safety and well-being, and may include policy or practice
10.7 considerations for systems changes that may improve child well-being and safety.

10.8 (e) A local review team must provide its report following a local review to the panel
10.9 within three business days after the report is complete. After receiving the local review team
10.10 report, the panel may conduct a further joint review.

10.11 (f) Following the panel's joint review or after receiving a local review team report, the
10.12 panel may make recommendations to any state or local agency, branch of government, or
10.13 system partner to improve child safety and well-being.

10.14 (g) The commissioner shall conduct additional information gathering as requested by
10.15 the panel or the local review team. The commissioner must conduct information gathering
10.16 for all cases for which the panel requests assistance. The commissioner shall compile a
10.17 summary report for each critical incident for which information gathering is conducted and
10.18 provide the report to the panel and the local welfare agency that reported the critical incident.

10.19 (h) If the panel or local review team requests information gathering from the
10.20 commissioner, the panel or local review team may conduct the joint review or local review
10.21 and compile its report under paragraph (d) after receiving the commissioner's summary
10.22 information-gathering report. The timeline for a local or joint review under paragraph (d)
10.23 may be extended if the panel or local review team requests additional information gathering
10.24 to complete their review. If the local review team extends the timeline for its review and
10.25 report, the local welfare agency must notify the executive director of the panel of the
10.26 extension and the expected completion date.

10.27 (i) The review of any critical incident shall proceed as specified in this section, regardless
10.28 of the status of any pending litigation or other active investigation.

10.29 **Subd. 5. Critical incident reviews; data practices and immunity.** (a) In conducting
10.30 reviews, the panel, the local review team, and the commissioner shall have access to not
10.31 public data under chapter 13 maintained by state agencies, statewide systems, or political
10.32 subdivisions that are related to the child's critical incident or circumstances surrounding the
10.33 care of the child. The panel, the local review team, and the commissioner shall also have
10.34 access to records of private hospitals as necessary to carry out the duties prescribed by this

11.1 section. A state agency, statewide system, or political subdivision shall provide the data
11.2 upon request from the commissioner. Not public data may be shared with members of the
11.3 panel, a local review team, or the commissioner in connection with an individual case.

11.4 (b) Notwithstanding the data's classification in the possession of any other agency, data
11.5 acquired by a local review team, the panel, or the commissioner in the exercise of their
11.6 duties are protected nonpublic or confidential data as defined in section 13.02 but may be
11.7 disclosed as necessary to carry out the duties of the review team, panel, or commissioner.
11.8 The data are not subject to subpoena or discovery.

11.9 (c) The commissioner shall disclose information regarding a critical incident upon request
11.10 but shall not disclose data that was classified as confidential or private data on decedents
11.11 under section 13.10 or private, confidential, or protected nonpublic data in the disseminating
11.12 agency, except that the commissioner may disclose local social service agency data as
11.13 provided in section 260E.35 on individual cases involving a critical incident with a person
11.14 served by the local social service agency prior to the date of the critical incident.

11.15 (d) A person attending a local review team or child mortality review panel meeting shall
11.16 not disclose what transpired at the meeting except to carry out the purposes of the local
11.17 review team or panel. The commissioner shall not disclose what transpired during its
11.18 information-gathering process except to carry out the duties of the commissioner. The
11.19 proceedings and records of the local review team, the panel, and the commissioner are
11.20 protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to
11.21 discovery or introduction into evidence in a civil or criminal action. Information, documents,
11.22 and records otherwise available from other sources are not immune from discovery or use
11.23 in a civil or criminal action solely because they were presented during proceedings of the
11.24 local review team, the panel, or the commissioner.

11.25 (e) A person who presented information before the local review team, the panel, or the
11.26 commissioner or who is a member of the local review team or the panel, or an employee
11.27 conducting information gathering as designated by the commissioner, shall not be prevented
11.28 from testifying about matters within the person's knowledge. However, in a civil or criminal
11.29 proceeding, a person may not be questioned about the person's presentation of information
11.30 to the local review team, the panel, or the commissioner, or about the information reviewed
11.31 or discussed during a critical incident review or the information-gathering process, any
11.32 conclusions drawn or recommendations made related to information gathering or a critical
11.33 incident review, or opinions formed by the person as a result of the panel or review team
11.34 meetings.

(f) A person who presented information before the local review team, the panel, or the commissioner, or who is a member of the local review team or the panel, or an employee conducting information gathering as designated by the commissioner, is immune from any civil or criminal liability that might otherwise result from the person's presentation or statements if the person was acting in good faith and assisting with information gathering or in a critical incident review under this section.

Subd. 6. **Child mortality review panel; annual report.** Beginning December 15, 2026, and on or before December 15 annually thereafter, the commissioner shall publish a report of the child mortality review panel. The report shall include but not be limited to de-identified summary data on the number of critical incidents reported to the panel, the number of critical incidents reviewed by the panel and local review teams, and systemic learnings identified by the panel or local review teams during the period covered by the report. The report shall also include recommendations on improving the child protection system, including modifications to statutes, rules, policies, and procedures. The panel may make recommendations to the legislature or any state or local agency at any time, outside of its annual report.

Subd. 7. **Local welfare agency critical incident review training.** The commissioner shall provide training and support to local review teams and the panel to assist with local or joint review processes and procedures. The commissioner shall also provide consultation to local review teams and the panel conducting local or joint reviews pursuant to this section.

Subd. 8. **Culture of learning and improvement.** The local review teams and panel shall advance and support a culture of learning and improvement within Minnesota's child welfare system.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 6. Minnesota Statutes 2023 Supplement, section 518A.42, subdivision 3, is amended to read:

Subd. 3. **Exception.** (a) ~~This section~~ The minimum basic support amount under subdivision 2 does not apply to an obligor who is incarcerated or is a recipient of a general assistance grant, Supplemental Security Income, temporary assistance for needy families (TANF) grant, or comparable state-funded Minnesota family investment program (MFIP) benefits.

(b) The minimum basic support amount under subdivision 2 does not apply to an obligor who is a recipient of:

- 13.1 (1) a general assistance grant;
13.2 (2) Supplemental Security Income;
13.3 (3) a Temporary Assistance for Needy Families (TANF) grant; or
13.4 (4) comparable state-funded Minnesota family investment program (MFIP) benefits.

13.5 ~~(b)~~ (c) If the court finds the obligor receives no income and completely lacks the ability
13.6 to earn income, the minimum basic support amount under ~~this~~ subdivision 2 does not apply.

13.7 ~~(e)~~ (d) If the obligor's basic support amount is reduced below the minimum basic support
13.8 amount due to the application of the parenting expense adjustment, the minimum basic
13.9 support amount under ~~this~~ subdivision 2 does not apply and the lesser amount is the guideline
13.10 basic support.

13.11 Sec. 7. Laws 2023, chapter 70, article 14, section 42, is amended by adding a subdivision
13.12 to read:

13.13 Subd. 9. **Compensation.** Compensation of board members is governed by Minnesota
13.14 Statutes, section 15.0575.

13.15 Sec. 8. **SUPREME COURT COUNCIL ON CHILD PROTECTION.**

13.16 Subdivision 1. **Establishment.** The chief justice of the supreme court is invited to
13.17 establish a Supreme Court Council on Child Protection as part of Minnesota's Court
13.18 Improvement Program, the Children's Justice Initiative, authorized under Public Law
13.19 116-260, Division CC, title III, section 305, of the Consolidated Appropriations Act of
13.20 2021, to develop a comprehensive blueprint to improve Minnesota's child protection system.

13.21 Subd. 2. **Membership.** The council must consist of the following members:

13.22 (1) the chief justice of the supreme court or a designee;

13.23 (2) the commissioner of children, youth, and families, or a designee;

13.24 (3) two members of the house of representatives, one appointed by the speaker of the
13.25 house and one appointed by the house minority leader;

13.26 (4) two members of the senate, one appointed by the senate majority leader and one
13.27 appointed by the senate minority leader;

13.28 (5) members representing Indian Tribes, including Tribal courts, appointed by the
13.29 executive board of the Minnesota Indian Affairs Council;

14.1 (6) professionals, including law enforcement officers, with substantial experience
14.2 responding to reports of child maltreatment, appointed by the chief justice of the supreme
14.3 court;

14.4 (7) professionals with experience providing child protective services, foster care, adoption
14.5 services, and postpermanency services, appointed by the chief justice of the supreme court;

14.6 (8) legal professionals and guardians ad litem with significant experience in juvenile
14.7 protection matters, appointed by the chief justice of the supreme court;

14.8 (9) educational professionals, including professionals with experience in early childhood
14.9 education and providing educational services to children with disabilities, appointed by the
14.10 chief justice of the supreme court;

14.11 (10) professionals from nonprofit community organizations with experience providing
14.12 services and supports to children, parents, and relatives involved in child maltreatment and
14.13 juvenile protection matters, appointed by the chief justice of the supreme court;

14.14 (11) professionals with expertise on childhood trauma and adverse childhood experiences,
14.15 appointed by the chief justice of the supreme court;

14.16 (12) professionals with expertise providing services to persons with disabilities involved
14.17 with the child protection system, appointed by the chief justice of the supreme court; and

14.18 (13) persons with lived experience as a parent or child involved with the child protection
14.19 system, appointed by the chief justice of the supreme court.

14.20 Subd. 3. **Organization and administration.** (a) The council is governed by Minnesota
14.21 Statutes, section 15.059, except that subdivision 6 does not apply. The state court
14.22 administrator must provide the council with staff support, office and meeting space, and
14.23 access to office equipment and services.

14.24 (b) Council members serve at the pleasure of the appointing authority. The chief justice
14.25 of the supreme court must select a chair from among the members. The council may select
14.26 other officers, subcommittees, and work groups as it deems necessary.

14.27 Subd. 4. **Meetings.** (a) The council must meet at the call of the chair.

14.28 (b) The chair must convene the council's first meeting, which must occur by September
14.29 15, 2024.

14.30 Subd. 5. **Duties.** The council must develop a comprehensive blueprint for improvement
14.31 that addresses all aspects of the child protection system, including prevention and early
14.32 intervention, by:

15.1 (1) reviewing policies, laws, practices, latest research, and data related to children in the
15.2 child protection system;

15.3 (2) gathering information through surveys or focus groups, including consultation with
15.4 individuals who have lived experience with the child protection system; and

15.5 (3) making recommendations for changes in policies and law that are designed to improve
15.6 outcomes for children in the child protection system or at risk of maltreatment.

15.7 Subd. 6. **Reports.** By January 15, 2025, the Supreme Court Council on Child Protection
15.8 must submit a progress report on the council's duties under subdivision 5 to the governor,
15.9 the chief justice of the supreme court, and the chairs and ranking minority members of the
15.10 legislative committees with jurisdiction over child protection. By January 15, 2026, the
15.11 council must submit its final report to the governor, the chief justice of the supreme court,
15.12 and the chairs and ranking minority members of the legislative committees with jurisdiction
15.13 over child protection, detailing the comprehensive blueprint developed under subdivision
15.14 5.

15.15 Subd. 7. **Expiration.** The Supreme Court Council on Child Protection expires upon the
15.16 submission of its final report under subdivision 6.

15.17 Sec. 9. **PREVENTING NONRELATIVE FOSTER CARE PLACEMENT GRANTS.**

15.18 (a) The commissioner of children, youth, and families shall award grants to eligible
15.19 community-based nonprofit organizations to provide culturally competent support and
15.20 connection to local and statewide resources for relative caregivers who are caring for relative
15.21 children. Grant funds must be used to serve relative caregivers for children from communities
15.22 that are disproportionately overrepresented in the child welfare system, as determined by
15.23 the commissioner, based on available data. Grant funds may be used to assess relative
15.24 caregiver and child needs, provide connection to local and statewide culturally competent
15.25 resources, provide culturally competent case management to assist with complex cases, and
15.26 provide culturally competent supports to reduce the need for child welfare involvement or
15.27 risk of child welfare involvement and increase family stability by preventing nonrelative
15.28 foster care placement.

15.29 (b) For purposes of this section, "relative" has the meaning given in Minnesota Statutes,
15.30 section 260C.007, subdivision 27.

16.1 Sec. 10. **DIRECTION TO COMMISSIONER OF CHILDREN, YOUTH, AND**
16.2 **FAMILIES; CHILD MALTREATMENT REPORTING SYSTEMS REVIEW AND**
16.3 **RECOMMENDATIONS.**

16.4 The commissioner of children, youth, and families must review current child maltreatment
16.5 reporting processes and systems in various states and evaluate the costs and benefits of each
16.6 reviewed state's system. In consultation with stakeholders, including but not limited to
16.7 counties, Tribes, and organizations with expertise in child maltreatment prevention and
16.8 child protection, the commissioner must develop recommendations on implementing a
16.9 statewide common entry point system for reporting child maltreatment in Minnesota,
16.10 outlining the benefits, challenges, and costs of such a transition. By March 1, 2025, the
16.11 commissioner must submit a report detailing the commissioner's recommendations to the
16.12 chairs and ranking minority members of the legislative committees with jurisdiction over
16.13 child protection. The commissioner must also publish the report on the department's website.

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

16.15 Sec. 11. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; CHILD**
16.16 **WELFARE FISCAL ANALYSIS.**

16.17 Subdivision 1. **Child welfare fiscal analysis.** The commissioner of human services must
16.18 contract with a third-party consultant selected according to subdivision 2.

16.19 Subd. 2. **Fiscal analysis consultant selection.** The commissioner, in consultation with
16.20 the Association of Minnesota Counties, the Minnesota Indian Affairs Council, community
16.21 nonprofits, community providers, and other child welfare system stakeholders, must select
16.22 a third-party independent consultant to conduct the fiscal analysis required under this section.
16.23 The consultant must have expertise in and experience with child welfare systems and
16.24 conducting fiscal analyses.

16.25 Subd. 3. **Child welfare fiscal analysis requirements.** When conducting the child welfare
16.26 fiscal analysis under this section, the third-party consultant must evaluate:

16.27 (1) financial systems in Minnesota's child welfare system and funding sources available
16.28 to the child welfare system;

16.29 (2) state and local agency administrative resources necessary to effectively obtain,
16.30 manage, and distribute federal funds to counties and Tribal Nations;

16.31 (3) the state's access to and use of funding or reimbursements under federal Title IV-E
16.32 and Title IV-B, the federal Child Abuse Prevention and Treatment Act, TANF, Medicaid,

17.1 the federal Social Services Block Grant Program, and other federal funds for expenses
17.2 related to child welfare, including legal representation, training, and prevention services;

17.3 (4) relevant information needed to secure available federal funds for the child welfare
17.4 system;

17.5 (5) the implementation of the Family First Prevention Services Act and related claim
17.6 processes; and

17.7 (6) federal Title IV-E attorney and training reimbursements in the state and all allowable
17.8 Title IV-E administrative costs.

17.9 Subd. 4. **Report on fiscal analysis.** By June 30, 2026, the third-party consultant who
17.10 conducted the child welfare fiscal analysis under this section must submit a final report to
17.11 the commissioner of human services and the chairs and ranking minority members of the
17.12 legislative committees with jurisdiction over the child welfare system. The final report must
17.13 include the findings from the fiscal analysis required in this section. The report must also
17.14 include recommendations on:

17.15 (1) whether Minnesota should increase state investment into the child welfare system;

17.16 (2) how to maximize the state's receipt of federal funding, including reimbursements;

17.17 (3) legislative proposals for any necessary statutory changes; and

17.18 (4) administrative and fiscal resources needed to implement necessary statutory changes.

17.19 Subd. 5. **Tribal participation.** Each of Minnesota's 11 federally recognized Tribal
17.20 Nations may participate in the fiscal analysis required under this section. Tribal Nations
17.21 that choose to participate have sovereignty over data they choose to share with the consultant,
17.22 or other individuals or entities, and may request that their data not be included in any public
17.23 documents.

17.24 Sec. 12. **REPEALER.**

17.25 (a) Minnesota Statutes 2022, section 256.01, subdivisions 12 and 12a, are repealed.

17.26 (b) Minnesota Rules, part 9560.0232, subpart 5, is repealed.

17.27 **EFFECTIVE DATE.** This section is effective July 1, 2025.

ARTICLE 2**ECONOMIC SUPPORTS****Section 1. [256D.66] CAMPUS-BASED EMPLOYMENT AND TRAINING PROGRAM FOR STUDENTS ENROLLED IN HIGHER EDUCATION.**

Subdivision 1. **Designation.** (a) Within six months of the effective date of this section, the Board of Trustees of Minnesota State Colleges and Universities must, and the Board of Regents of the University of Minnesota is requested to, submit an application to the commissioner of human services verifying whether each of its institutions meets the requirements to be a campus-based employment and training program that qualifies for the student exemption for supplemental nutrition assistance program (SNAP) eligibility, as described in the Code of Federal Regulations, title 7, section 273.5(b)(11)(iv).

(b) An institution of higher education must be designated as a campus-based employment and training program by the commissioner of human services if that institution meets the requirements set forth in the guidance under subdivision 3. The commissioner of human services must maintain a list of approved programs on its website.

Subd. 2. **Student eligibility.** A student is eligible to participate in a campus-based employment and training program under this section if they are enrolled in:

(1) a public two-year community or technical college and received a state grant under section 136A.121, received a federal Pell grant, or has a student aid index of \$0 or less;

(2) a Tribal college as defined in section 136A.62 and received a state grant under section 136A.121, received a federal Pell grant, or has a student aid index of \$0 or less; or

(3) a public four-year university and received a state grant under section 136A.121, received a federal Pell grant, or has a student aid index of \$0 or less.

Subd. 3. **Guidance.** Within three months of the effective date of this section and annually thereafter, the commissioner of human services, in consultation with the commissioner of higher education, must issue guidance to counties, Tribal Nations, Tribal colleges, and Minnesota public postsecondary institutions that:

(1) clarifies the state and federal eligibility requirements for campus-based employment and training programs for low-income households;

(2) clarifies the application process for campus-based employment and training programs for low-income households including, but not limited to, providing a list of the supporting documents required for program approval;

19.1 (3) clarifies how students in an institution of higher education approved as campus-based
19.2 employment and training program for low-income households qualify for a SNAP student
19.3 exemption; and

19.4 (4) clarifies the SNAP eligibility criteria for students that qualify for a SNAP student
19.5 exemption under this section.

19.6 Subd. 4. **Application.** Within three months of the effective date of this section, the
19.7 commissioner of human services, in consultation with the commissioner of higher education,
19.8 must design an application for institutions of higher education to apply for a campus-based
19.9 employment and training program designation.

19.10 Subd. 5. **Notice.** At the beginning of each academic semester, an institution of higher
19.11 education with a designated campus-based employment and training program must send a
19.12 letter to students eligible under this section to inform them that they may qualify for SNAP
19.13 benefits and direct them to resources to apply. The letter under this subdivision shall serve
19.14 as proof of a student's enrollment in a campus-based employment and training program.

19.15 **EFFECTIVE DATE.** This section is effective upon federal approval. The commissioner
19.16 of human services must notify the revisor of statutes when federal approval is obtained.

19.17 Sec. 2. Minnesota Statutes 2023 Supplement, section 256E.35, subdivision 2, is amended
19.18 to read:

19.19 Subd. 2. **Definitions.** (a) The definitions in this subdivision apply to this section.

19.20 (b) "Eligible educational institution" means the following:

19.21 (1) an institution of higher education described in section 101 or 102 of the Higher
19.22 Education Act of 1965; or

19.23 (2) an area vocational education school, as defined in subparagraph (C) or (D) of United
19.24 States Code, title 20, chapter 44, section 2302 (3) (the Carl D. Perkins Vocational and
19.25 Applied Technology Education Act), which is located within any state, as defined in United
19.26 States Code, title 20, chapter 44, section 2302 (30). This clause is applicable only to the
19.27 extent section 2302 is in effect on August 1, 2008.

19.28 (c) "Family asset account" means a savings account opened by a household participating
19.29 in the Minnesota family assets for independence initiative.

19.30 (d) "Fiduciary organization" means:

19.31 (1) a community action agency that has obtained recognition under section 256E.31;

- 20.1 (2) a federal community development credit union;
- 20.2 (3) a women-oriented economic development agency;
- 20.3 (4) a federally recognized Tribal Nation; or
- 20.4 (5) a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue
- 20.5 Code.

20.6 (e) "Financial coach" means a person who:

- 20.7 (1) has completed an intensive financial literacy training workshop that includes
- 20.8 curriculum on budgeting to increase savings, debt reduction and asset building, building a
- 20.9 good credit rating, and consumer protection;

20.10 (2) participates in ongoing statewide family assets for independence in Minnesota (FAIM)

20.11 network training meetings under FAIM program supervision; and

20.12 (3) provides financial coaching to program participants under subdivision 4a.

20.13 (f) "Financial institution" means a bank, bank and trust, savings bank, savings association,

20.14 or credit union, the deposits of which are insured by the Federal Deposit Insurance

20.15 Corporation or the National Credit Union Administration.

20.16 (g) "Household" means all individuals who share finances and use of a dwelling unit as

20.17 primary quarters for living and eating separate from other individuals. Sharing finances

20.18 does not include situations in which a person is living in the same dwelling unit as others

20.19 without sharing any other financial arrangements.

20.20 (h) "Permissible use" means:

20.21 (1) postsecondary educational expenses at an eligible educational institution as defined

20.22 in paragraph (b), including books, supplies, and equipment required for courses of instruction;

20.23 (2) acquisition costs of acquiring, constructing, or reconstructing a residence, including

20.24 any usual or reasonable settlement, financing, or other closing costs;

20.25 (3) business capitalization expenses for expenditures on capital, plant, equipment, working

20.26 capital, and inventory expenses of a legitimate business pursuant to a business plan approved

20.27 by the fiduciary organization;

20.28 (4) acquisition costs of a principal residence within the meaning of section 1034 of the

20.29 Internal Revenue Code of 1986 which do not exceed 100 percent of the average area purchase

20.30 price applicable to the residence determined according to section 143(e)(2) and (3) of the

20.31 Internal Revenue Code of 1986;

- 21.1 (5) acquisition costs of a personal vehicle only if approved by the fiduciary organization;
- 21.2 (6) contributions to an emergency savings account; and
- 21.3 (7) contributions to a Minnesota 529 savings plan.

21.4 Sec. 3. Minnesota Statutes 2022, section 256E.35, subdivision 5, is amended to read:

21.5 Subd. 5. **Household eligibility; participation.** (a) To be eligible for state or TANF
21.6 ~~matching funds in~~ the family assets for independence initiative, a household must ~~meet the~~
21.7 ~~eligibility requirements of the federal Assets for Independence Act, Public Law 105-285,~~
21.8 ~~in Title IV, section 408 of that act~~ have maximum income that is equal to or less than the
21.9 greater of:

21.10 (1) 50 percent of the area median income as determined by the United States Department
21.11 of Housing and Urban Development; or

21.12 (2) 200 percent of the federal poverty guidelines.

21.13 (b) To be eligible for state matching funds under this section, a household must meet
21.14 the requirements of this section.

21.15 ~~(b)~~ (c) Each participating household must sign a family asset agreement that includes
21.16 the amount of scheduled deposits into its savings account, the proposed use, and the proposed
21.17 savings goal. A participating household must agree to complete an economic literacy training
21.18 program.

21.19 ~~(c)~~ (d) Participating households may only deposit money that is derived from household
21.20 earned income or from state and federal income tax credits.

21.21 Sec. 4. Minnesota Statutes 2023 Supplement, section 256E.38, subdivision 4, is amended
21.22 to read:

21.23 Subd. 4. **Eligible uses of grant money.** An eligible applicant that receives grant money
21.24 under this section shall use the money to purchase diapers and wipes and may use up to
21.25 ~~four~~ ten percent of the money for administrative costs.

ARTICLE 3**HOUSING AND HOMELESSNESS****Section 1. EMERGENCY SHELTER NEEDS ANALYSIS FOR LGBTQIA+ YOUTH EXPERIENCING HOMELESSNESS.**

(a) The commissioner of human services must contract with a third-party entity with experience conducting research related to youth experiencing homelessness, to conduct a needs analysis for emergency shelter serving LGBTQIA+ youth experiencing homelessness and to conduct site analysis and develop a plan for building the emergency shelter.

(b) In conducting the needs analysis under this section, the third-party entity must consider:

(1) the number of individuals needing emergency shelter at any given time;

(2) the age ranges of the individuals who would be served;

(3) the types of support services needed when individuals arrive at the shelter;

(4) the outreach necessary to let LGBTQIA+ individuals know that emergency shelter is available; and

(5) where individuals needing emergency shelter are coming from.

(c) No later than March 1, 2025, the commissioner must submit a written report to the legislative committees with jurisdiction over services for persons experiencing homelessness with the results of the needs analysis, recommendations for a site location, and the plan for building the emergency shelter, as required under this section.

Sec. 2. PREGNANT AND PARENTING HOMELESS YOUTH STUDY.

(a) The commissioner of human services must contract with the Wilder Foundation to conduct a study of:

(1) the statewide numbers and unique needs of pregnant and parenting youth experiencing homelessness; and

(2) best practices in supporting pregnant and parenting homeless youth within programming, emergency shelter, and housing settings.

(b) The Wilder Foundation must submit a final report to the commissioner by December 31, 2025. The commissioner shall submit the report to the chairs and ranking minority members of the legislative committees with jurisdiction over homeless youth services finance and policy.

ARTICLE 4

CHILD CARE LICENSING

Section 1. [142B.171] CHILD CARE WEIGHTED RISK SYSTEM.

Subdivision 1. **Implementation.** The commissioner shall develop and implement a child care weighted risk system that provides a tiered licensing enforcement framework for child care licensing requirements in this chapter or Minnesota Rules, chapter 9502 or 9503.

Subd. 2. **Documented technical assistance.** (a) In lieu of a correction order under section 142B.16, the commissioner shall provide documented technical assistance to a family child care or child care center license holder if the commissioner finds that:

(1) the license holder has failed to comply with a requirement in this chapter or Minnesota Rules, chapter 9502 or 9503, that the commissioner determines to be low risk as determined by the child care weighted risk system;

(2) the noncompliance does not imminently endanger the health, safety, or rights of the persons served by the program; and

(3) the license holder did not receive documented technical assistance or a correction order for the same violation at the license holder's most recent annual licensing inspection.

(b) Documented technical assistance must include communication from the commissioner to the license holder that:

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

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

(3) explains remedies for correcting the violation.

(c) The commissioner shall not publicly publish documented technical assistance on the department's website.

Sec. 2. **REPEALER.**

Minnesota Statutes 2022, section 245A.065, is repealed.

ARTICLE 5**DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES****Section 1. [142A.045] CHILDREN, YOUTH, AND FAMILIES****INTERGOVERNMENTAL ADVISORY COMMITTEE.**

(a) An intergovernmental advisory committee is established to provide advice, consultation, and recommendations to the commissioner on the planning, design, administration, funding, and evaluation of services to children, youth, and families. Notwithstanding section 15.059, the commissioner, the Association of Minnesota Counties, and the Minnesota Association of County Social Services Administrators must codevelop and execute a process to administer the committee that ensures each county is represented. The committee must meet at least quarterly and special meetings may be called by the committee chair or a majority of the members.

(b) Subject to section 15.059, the commissioner may reimburse committee members or their alternates for allowable expenses while engaged in their official duties as committee members.

(c) Notwithstanding section 15.059, the intergovernmental advisory committee does not expire.

Sec. 2. Minnesota Statutes 2022, section 245.975, subdivision 2, is amended to read:

Subd. 2. **Duties.** (a) The ombudsperson's duties shall include:

(1) advocating on behalf of a family child care provider to address all areas of concern related to the provision of child care services, including licensing monitoring activities, licensing actions, and other interactions with state and county licensing staff;

(2) providing recommendations for family child care improvement or family child care provider education;

(3) operating a telephone line to answer questions, receive complaints, and discuss agency actions when a family child care provider believes that the provider's rights or program may have been adversely affected; and

(4) assisting a family child care license applicant with navigating the application process.

(b) The ombudsperson must report annually by December 31 to the commissioner of children, youth, and families and the chairs and ranking minority members of the legislative committees with jurisdiction over child care on the services provided by the ombudsperson to child care providers, including the number and locations of child care providers served

25.1 and the activities of the ombudsperson in carrying out the duties under this section. The
25.2 commissioner shall determine the form of the report and may specify additional reporting
25.3 requirements.

25.4 Sec. 3. Minnesota Statutes 2022, section 245.975, subdivision 4, is amended to read:

25.5 Subd. 4. **Access to records.** (a) The ombudsperson or designee, excluding volunteers,
25.6 has access to any data of a state agency necessary for the discharge of the ombudsperson's
25.7 duties, including records classified as confidential data on individuals or private data on
25.8 individuals under chapter 13 or any other law. The ombudsperson's data request must relate
25.9 to a specific case and is subject to section 13.03, subdivision 4. If the data concerns an
25.10 individual, the ombudsperson or designee shall first obtain the individual's consent. If the
25.11 individual is unable to consent and has no parent or legal guardian, then the ombudsperson's
25.12 or designee's access to the data is authorized by this section.

25.13 (b) The ombudsperson and designees must adhere to the Minnesota Government Data
25.14 Practices Act and must not disseminate any private or confidential data on individuals unless
25.15 specifically authorized by state, local, or federal law or pursuant to a court order.

25.16 (c) The commissioner of human services; the commissioner of children, youth, and
25.17 families; and any county agency must provide the ombudsperson copies of all fix-it tickets,
25.18 correction orders, and licensing actions issued to family child care providers.

25.19 Sec. 4. Minnesota Statutes 2022, section 245.975, subdivision 9, is amended to read:

25.20 Subd. 9. **Posting.** (a) The commissioner of children, youth, and families shall post on
25.21 the department's website the mailing address, email address, and telephone number for the
25.22 office of the ombudsperson. The commissioner shall provide family child care providers
25.23 with the mailing address, email address, and telephone number of the ombudsperson's office
25.24 on the family child care licensing website and upon request of a family child care applicant
25.25 or provider. Counties must provide family child care applicants and providers with the
25.26 name, mailing address, email address, and telephone number of the ombudsperson's office
25.27 upon request.

25.28 (b) The ombudsperson must approve all postings and notices required by the department
25.29 and counties under this subdivision.

26.1 Sec. 5. Minnesota Statutes 2023 Supplement, section 256.043, subdivision 3, is amended
26.2 to read:

26.3 Subd. 3. **Appropriations from registration and license fee account.** (a) The
26.4 appropriations in paragraphs (b) to (n) shall be made from the registration and license fee
26.5 account on a fiscal year basis in the order specified.

26.6 (b) The appropriations specified in Laws 2019, chapter 63, article 3, section 1, paragraphs
26.7 (b), (f), (g), and (h), as amended by Laws 2020, chapter 115, article 3, section 35, shall be
26.8 made accordingly.

26.9 (c) \$100,000 is appropriated to the commissioner of human services for grants for opiate
26.10 antagonist distribution. Grantees may utilize funds for opioid overdose prevention,
26.11 community asset mapping, education, and opiate antagonist distribution.

26.12 (d) \$2,000,000 is appropriated to the commissioner of human services for grants to Tribal
26.13 nations and five urban Indian communities for traditional healing practices for American
26.14 Indians and to increase the capacity of culturally specific providers in the behavioral health
26.15 workforce.

26.16 (e) \$400,000 is appropriated to the commissioner of human services for competitive
26.17 grants for opioid-focused Project ECHO programs.

26.18 (f) \$277,000 in fiscal year 2024 and \$321,000 each year thereafter is appropriated to the
26.19 commissioner of human services to administer the funding distribution and reporting
26.20 requirements in paragraph (o).

26.21 (g) \$3,000,000 in fiscal year 2025 and \$3,000,000 each year thereafter is appropriated
26.22 to the commissioner of human services for safe recovery sites start-up and capacity building
26.23 grants under section 254B.18.

26.24 (h) \$395,000 in fiscal year 2024 and \$415,000 each year thereafter is appropriated to
26.25 the commissioner of human services for the opioid overdose surge alert system under section
26.26 245.891.

26.27 (i) \$300,000 is appropriated to the commissioner of management and budget for
26.28 evaluation activities under section 256.042, subdivision 1, paragraph (c).

26.29 (j) \$261,000 is appropriated to the commissioner of human services for the provision of
26.30 administrative services to the Opiate Epidemic Response Advisory Council and for the
26.31 administration of the grants awarded under paragraph (n).

27.1 (k) \$126,000 is appropriated to the Board of Pharmacy for the collection of the registration
27.2 fees under section 151.066.

27.3 (l) \$672,000 is appropriated to the commissioner of public safety for the Bureau of
27.4 Criminal Apprehension. Of this amount, \$384,000 is for drug scientists and lab supplies
27.5 and \$288,000 is for special agent positions focused on drug interdiction and drug trafficking.

27.6 (m) After the appropriations in paragraphs (b) to (l) are made, 50 percent of the remaining
27.7 amount is appropriated to the commissioner of ~~human services~~ children, youth, and families
27.8 for distribution to county social service agencies and Tribal social service agency initiative
27.9 projects authorized under section 256.01, subdivision 14b, to provide child protection
27.10 services to children and families who are affected by addiction. The commissioner shall
27.11 distribute this money proportionally to county social service agencies and Tribal social
27.12 service agency initiative projects based on out-of-home placement episodes where parental
27.13 drug abuse is the primary reason for the out-of-home placement using data from the previous
27.14 calendar year. County social service agencies and Tribal social service agency initiative
27.15 projects receiving funds from the opiate epidemic response fund must annually report to
27.16 the commissioner on how the funds were used to provide child protection services, including
27.17 measurable outcomes, as determined by the commissioner. County social service agencies
27.18 and Tribal social service agency initiative projects must not use funds received under this
27.19 paragraph to supplant current state or local funding received for child protection services
27.20 for children and families who are affected by addiction.

27.21 (n) After the appropriations in paragraphs (b) to (m) are made, the remaining amount in
27.22 the account is appropriated to the commissioner of human services to award grants as
27.23 specified by the Opiate Epidemic Response Advisory Council in accordance with section
27.24 256.042, unless otherwise appropriated by the legislature.

27.25 (o) Beginning in fiscal year 2022 and each year thereafter, funds for county social service
27.26 agencies and Tribal social service agency initiative projects under paragraph (m) and grant
27.27 funds specified by the Opiate Epidemic Response Advisory Council under paragraph (n)
27.28 may be distributed on a calendar year basis.

27.29 (p) Notwithstanding section 16A.28, subdivision 3, funds appropriated in paragraphs
27.30 (c), (d), (e), (g), (m), and (n) are available for three years after the funds are appropriated.

28.1 Sec. 6. Minnesota Statutes 2023 Supplement, section 256.043, subdivision 3a, is amended
28.2 to read:

28.3 Subd. 3a. **Appropriations from settlement account.** (a) The appropriations in paragraphs
28.4 (b) to (e) shall be made from the settlement account on a fiscal year basis in the order
28.5 specified.

28.6 (b) If the balance in the registration and license fee account is not sufficient to fully fund
28.7 the appropriations specified in subdivision 3, paragraphs (b) to (l), an amount necessary to
28.8 meet any insufficiency shall be transferred from the settlement account to the registration
28.9 and license fee account to fully fund the required appropriations.

28.10 (c) \$209,000 in fiscal year 2023 and \$239,000 in fiscal year 2024 and subsequent fiscal
28.11 years are appropriated to the commissioner of human services for the administration of
28.12 grants awarded under paragraph (e). \$276,000 in fiscal year 2023 and \$151,000 in fiscal
28.13 year 2024 and subsequent fiscal years are appropriated to the commissioner of human
28.14 services to collect, collate, and report data submitted and to monitor compliance with
28.15 reporting and settlement expenditure requirements by grantees awarded grants under this
28.16 section and municipalities receiving direct payments from a statewide opioid settlement
28.17 agreement as defined in section 256.042, subdivision 6.

28.18 (d) After any appropriations necessary under paragraphs (b) and (c) are made, an amount
28.19 equal to the calendar year allocation to Tribal social service agency initiative projects under
28.20 subdivision 3, paragraph (m), is appropriated from the settlement account to the commissioner
28.21 of ~~human services~~ children, youth, and families for distribution to Tribal social service
28.22 agency initiative projects to provide child protection services to children and families who
28.23 are affected by addiction. The requirements related to proportional distribution, annual
28.24 reporting, and maintenance of effort specified in subdivision 3, paragraph (m), also apply
28.25 to the appropriations made under this paragraph.

28.26 (e) After making the appropriations in paragraphs (b), (c), and (d), the remaining amount
28.27 in the account is appropriated to the commissioner of human services to award grants as
28.28 specified by the Opiate Epidemic Response Advisory Council in accordance with section
28.29 256.042.

28.30 (f) Funds for Tribal social service agency initiative projects under paragraph (d) and
28.31 grant funds specified by the Opiate Epidemic Response Advisory Council under paragraph
28.32 (e) may be distributed on a calendar year basis.

28.33 (g) Notwithstanding section 16A.28, subdivision 3, funds appropriated in paragraphs
28.34 (d) and (e) are available for three years after the funds are appropriated.

29.1 Sec. 7. Minnesota Statutes 2023 Supplement, section 256.045, subdivision 3, as amended
29.2 by Laws 2024, chapter 79, article 3, section 3, and Laws 2024, chapter 80, article 1, section
29.3 67, is amended to read:

29.4 Subd. 3. **State agency hearings.** (a) State agency hearings are available for the following:

29.5 (1) any person:

29.6 (i) applying for, receiving or having received public assistance, medical care, or a program
29.7 of social services administered by the commissioner or a county agency on behalf of the
29.8 commissioner; and

29.9 (ii) whose application for assistance is denied, not acted upon with reasonable promptness,
29.10 or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly
29.11 paid;

29.12 (2) any patient or relative aggrieved by an order of the commissioner under section
29.13 252.27;

29.14 (3) a party aggrieved by a ruling of a prepaid health plan;

29.15 (4) except as provided under chapter 245C, any individual or facility determined by a
29.16 lead investigative agency to have maltreated a vulnerable adult under section 626.557 after
29.17 they have exercised their right to administrative reconsideration under section 626.557;

29.18 (5) any person to whom a right of appeal according to this section is given by other
29.19 provision of law;

29.20 (6) an applicant aggrieved by an adverse decision to an application for a hardship waiver
29.21 under section 256B.15;

29.22 (7) an applicant aggrieved by an adverse decision to an application or redetermination
29.23 for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a;

29.24 (8) except as provided under chapter 245A, an individual or facility determined to have
29.25 maltreated a minor under chapter 260E, after the individual or facility has exercised the
29.26 right to administrative reconsideration under chapter 260E;

29.27 ~~(8) (9) except as provided under chapter 245C and except for a subject of a background~~
29.28 ~~study that the commissioner has conducted on behalf of another agency for a program or~~
29.29 ~~facility not otherwise overseen by the commissioner, an individual disqualified under sections~~
29.30 ~~245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23,~~
29.31 ~~on the basis of serious or recurring maltreatment; a preponderance of the evidence that the~~
29.32 ~~individual has committed an act or acts that meet the definition of any of the crimes listed~~

in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section 260E.06, subdivision 1, or 626.557, subdivision 3. Hearings regarding a maltreatment determination under clause (4) or (8) ~~or section 142A.20, subdivision 3, clause (4)~~, and a disqualification under this clause in which the basis for a disqualification is serious or recurring maltreatment, shall be consolidated into a single fair hearing. In such cases, the scope of review by the human services judge shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment;

~~(9)~~ (10) any person with an outstanding debt resulting from receipt of public assistance administered by the commissioner or medical care who is contesting a setoff claim by the Department of Human Services or a county agency. The scope of the appeal is the validity of the claimant agency's intention to request a setoff of a refund under chapter 270A against the debt;

~~(10)~~ (11) a person issued a notice of service termination under section 245D.10, subdivision 3a, by a licensed provider of any residential supports or services listed in section 245D.03, subdivision 1, paragraphs (b) and (c), that is not otherwise subject to appeal under subdivision 4a;

~~(11)~~ (12) an individual disability waiver recipient based on a denial of a request for a rate exception under section 256B.4914;

~~(12)~~ (13) a person issued a notice of service termination under section 245A.11, subdivision 11, that is not otherwise subject to appeal under subdivision 4a; or

~~(13)~~ (14) a recovery community organization seeking medical assistance vendor eligibility under section 254B.01, subdivision 8, that is aggrieved by a membership or accreditation determination and that believes the organization meets the requirements under section 254B.05, subdivision 1, paragraph (d), clauses (1) to (10). The scope of the review by the human services judge shall be limited to whether the organization meets each of the requirements under section 254B.05, subdivision 1, paragraph (d), clauses (1) to (10).

(b) The hearing for an individual or facility under paragraph (a), clause (4), (8), or (9), is the only administrative appeal to the final agency determination specifically, including a challenge to the accuracy and completeness of data under section 13.04. Hearings requested under paragraph (a), clause (4), apply only to incidents of maltreatment that occur on or after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged to have maltreated a resident prior to October 1, 1995, shall be held as a contested case

proceeding under the provisions of chapter 14. Hearings requested under paragraph (a), clause (8), apply only to incidents of maltreatment that occur on or after July 1, 1997. A hearing for an individual or facility under paragraph (a), clause (4), (8), or (9), is only available when there is no district court action pending. If such action is filed in district court while an administrative review is pending that arises out of some or all of the events or circumstances on which the appeal is based, the administrative review must be suspended until the judicial actions are completed. If the district court proceedings are completed, dismissed, or overturned, the matter may be considered in an administrative hearing.

(c) For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.

(d) The scope of hearings involving claims to foster care payments under section 142A.20, subdivision 2, clause (2), shall be limited to the issue of whether the county is legally responsible for a child's placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child's behalf and shall not include review of the propriety of the county's child protection determination or child placement decision.

~~(d)~~ (e) The scope of hearings under paragraph (a), clauses (11) and (13), shall be limited to whether the proposed termination of services is authorized under section 245D.10, subdivision 3a, paragraph (b), or 245A.11, subdivision 11, and whether the requirements of section 245D.10, subdivision 3a, paragraphs (c) to (e), or 245A.11, subdivision 2a, paragraphs (d) and (e), were met. If the appeal includes a request for a temporary stay of termination of services, the scope of the hearing shall also include whether the case management provider has finalized arrangements for a residential facility, a program, or services that will meet the assessed needs of the recipient by the effective date of the service termination.

~~(e)~~ (f) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services is not a party and may not request a hearing under this section, except if assisting a recipient as provided in subdivision 4.

~~(f)~~ (g) An applicant or recipient is not entitled to receive social services beyond the services prescribed under chapter 256M or other social services the person is eligible for under state law.

32.1 ~~(g)~~ (h) The commissioner may summarily affirm the county or state agency's proposed
32.2 action without a hearing when the sole issue is an automatic change due to a change in state
32.3 or federal law, except in matters covered by paragraph ~~(h)~~ (i).

32.4 ~~(h)~~ (i) When the subject of an administrative review is a matter within the jurisdiction
32.5 of the direct care and treatment executive board as a part of the board's powers and duties
32.6 under chapter 246C, the executive board may summarily affirm the county or state agency's
32.7 proposed action without a hearing when the sole issue is an automatic change due to a
32.8 change in state or federal law.

32.9 ~~(i)~~ (j) Unless federal or Minnesota law specifies a different time frame in which to file
32.10 an appeal, an individual or organization specified in this section may contest the specified
32.11 action, decision, or final disposition before the state agency by submitting a written request
32.12 for a hearing to the state agency within 30 days after receiving written notice of the action,
32.13 decision, or final disposition, or within 90 days of such written notice if the applicant,
32.14 recipient, patient, or relative shows good cause, as defined in section 256.0451, subdivision
32.15 13, why the request was not submitted within the 30-day time limit. The individual filing
32.16 the appeal has the burden of proving good cause by a preponderance of the evidence.

32.17 Sec. 8. Minnesota Statutes 2022, section 256.045, subdivision 3b, as amended by Laws
32.18 2024, chapter 80, article 1, section 68, is amended to read:

32.19 Subd. 3b. **Standard of evidence for maltreatment and disqualification hearings.** (a)
32.20 The state human services judge shall determine that maltreatment has occurred if a
32.21 preponderance of evidence exists to support the final disposition under section 626.557 and
32.22 chapter 260E. For purposes of hearings regarding disqualification, the state human services
32.23 judge shall affirm the proposed disqualification in an appeal under subdivision 3, paragraph
32.24 (a), clause (9), if a preponderance of the evidence shows the individual has:

32.25 (1) committed maltreatment under section 626.557 or chapter 260E that is serious or
32.26 recurring;

32.27 (2) committed an act or acts meeting the definition of any of the crimes listed in section
32.28 245C.15, subdivisions 1 to 4; or

32.29 (3) failed to make required reports under section 626.557 or chapter 260E, for incidents
32.30 in which the final disposition under section 626.557 or chapter 260E was substantiated
32.31 maltreatment that was serious or recurring.

32.32 (b) If the disqualification is affirmed, the state human services judge shall determine
32.33 whether the individual poses a risk of harm in accordance with the requirements of section

245C.22, and whether the disqualification should be set aside or not set aside. In determining whether the disqualification should be set aside, the human services judge shall consider all of the characteristics that cause the individual to be disqualified, including those characteristics that were not subject to review under paragraph (a), in order to determine whether the individual poses a risk of harm. A decision to set aside a disqualification that is the subject of the hearing constitutes a determination that the individual does not pose a risk of harm and that the individual may provide direct contact services in the individual program specified in the set aside.

(c) If a disqualification is based solely on a conviction or is conclusive for any reason under section 245C.29, the disqualified individual does not have a right to a hearing under this section.

(d) The state human services judge shall recommend an order to the commissioner of health; education; children, youth, and families; or human services, as applicable, who shall issue a final order. The commissioner shall affirm, reverse, or modify the final disposition. Any order of the commissioner issued in accordance with this subdivision is conclusive upon the parties unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under chapters 245A and 245C and sections 144.50 to 144.58 and 144A.02 to 144A.482, the commissioner's determination as to maltreatment is conclusive, as provided under section 245C.29.

Sec. 9. Minnesota Statutes 2022, section 256.045, subdivision 5, as amended by Laws 2024, chapter 79, article 3, section 4, is amended to read:

Subd. 5. Orders of the commissioner of human services. (a) Except as provided for under subdivision 5a for matters under the jurisdiction of the direct care and treatment executive board and for hearings held under section 142A.20, subdivision 2, a state human services judge shall conduct a hearing on the appeal and shall recommend an order to the commissioner of human services. The recommended order must be based on all relevant evidence and must not be limited to a review of the propriety of the state or county agency's action. A human services judge may take official notice of adjudicative facts. The commissioner of human services may accept the recommended order of a state human services judge and issue the order to the county agency and the applicant, recipient, former recipient, or prepaid health plan. The commissioner on refusing to accept the recommended order of the state human services judge, shall notify the petitioner, the agency, or prepaid health plan of that fact and shall state reasons therefor and shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten-day

period, the commissioner shall issue an order on the matter to the petitioner, the agency, or prepaid health plan.

(b) A party aggrieved by an order of the commissioner may appeal under subdivision 7, or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay implementation of the commissioner's order. The person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and proposed additional evidence supporting the request. If proposed additional evidence is submitted, the person must explain why the proposed additional evidence was not provided at the time of the hearing. If reconsideration is granted, the other participants must be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order.

(c) Any order of the commissioner issued under this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 7. Any order of the commissioner is binding on the parties and must be implemented by the state agency, a county agency, or a prepaid health plan according to subdivision 3a, until the order is reversed by the district court, or unless the commissioner or a district court orders monthly assistance or aid or services paid or provided under subdivision 10.

(d) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services is not a party and may not request a hearing or seek judicial review of an order issued under this section, unless assisting a recipient as provided in subdivision 4. A prepaid health plan is a party to an appeal under subdivision 3a, but cannot seek judicial review of an order issued under this section.

Sec. 10. Minnesota Statutes 2022, section 256.045, subdivision 7, as amended by Laws 2024, chapter 79, article 3, section 7, is amended to read:

Subd. 7. **Judicial review.** Except for a prepaid health plan, any party who is aggrieved by an order of the commissioner of human services; the commissioner of health; or the commissioner of children, youth, and families in appeals within the commissioner's jurisdiction under subdivision 3b; or the direct care and treatment executive board in appeals within the jurisdiction of the executive board under subdivision 5a may appeal the order to the district court of the county responsible for furnishing assistance, or, in appeals under subdivision 3b, the county where the maltreatment occurred, by serving a written copy of

a notice of appeal upon the applicable commissioner or executive board and any adverse party of record within 30 days after the date the commissioner or executive board issued the order, the amended order, or order affirming the original order, and by filing the original notice and proof of service with the court administrator of the district court. Service may be made personally or by mail; service by mail is complete upon mailing; no filing fee shall be required by the court administrator in appeals taken pursuant to this subdivision, with the exception of appeals taken under subdivision 3b. The applicable commissioner or executive board may elect to become a party to the proceedings in the district court. Except for appeals under subdivision 3b, any party may demand that the commissioner or executive board furnish all parties to the proceedings with a copy of the decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the human services judge, by serving a written demand upon the applicable commissioner or executive board within 30 days after service of the notice of appeal. Any party aggrieved by the failure of an adverse party to obey an order issued by the commissioner or executive board under subdivisions 5 or 5a may compel performance according to the order in the manner prescribed in sections 586.01 to 586.12.

Sec. 11. Minnesota Statutes 2022, section 256.0451, subdivision 1, as amended by Laws 2024, chapter 80, article 1, section 72, is amended to read:

Subdivision 1. **Scope.** (a) The requirements in this section apply to all fair hearings and appeals under ~~section~~ sections 142A.20, subdivision 2, and 256.045, subdivision 3, paragraph (a), clauses (1), (2), (3), (5), (6), (7), ~~(8), ~~(11)~~ (10), and ~~(13)~~ (12).~~ Except as provided in subdivisions 3 and 19, the requirements under this section apply to fair hearings and appeals under section 256.045, subdivision 3, paragraph (a), clauses (4), ~~(9) (8), ~~(10) (9), and ~~(12)~~ (11).~~~~

(b) For purposes of this section, "person" means an individual who, on behalf of themselves or their household, is appealing or disputing or challenging an action, a decision, or a failure to act, by an agency in the human services system. When a person involved in a proceeding under this section is represented by an attorney or by an authorized representative, the term "person" also means the person's attorney or authorized representative. Any notice sent to the person involved in the hearing must also be sent to the person's attorney or authorized representative.

(c) For purposes of this section, "agency" means the county human services agency, the state human services agency, and, where applicable, any entity involved under a contract,

36.1 subcontract, grant, or subgrant with the state agency or with a county agency, that provides
36.2 or operates programs or services in which appeals are governed by section 256.045.

36.3 Sec. 12. Minnesota Statutes 2022, section 256.0451, subdivision 22, is amended to read:

36.4 Subd. 22. **Decisions.** A timely, written decision must be issued in every appeal. Each
36.5 decision must contain a clear ruling on the issues presented in the appeal hearing and should
36.6 contain a ruling only on questions directly presented by the appeal and the arguments raised
36.7 in the appeal.

36.8 (a) A written decision must be issued within 90 days of the date the person involved
36.9 requested the appeal unless a shorter time is required by law. An additional 30 days is
36.10 provided in those cases where the commissioner refuses to accept the recommended decision.
36.11 In appeals of maltreatment determinations or disqualifications filed pursuant to section
36.12 256.045, subdivision 3, paragraph (a), clause (4), ~~(9)~~ (8), or ~~(10)~~ (9), that also give rise to
36.13 possible licensing actions, the 90-day period for issuing final decisions does not begin until
36.14 the later of the date that the licensing authority provides notice to the appeals division that
36.15 the authority has made the final determination in the matter or the date the appellant files
36.16 the last appeal in the consolidated matters.

36.17 (b) The decision must contain both findings of fact and conclusions of law, clearly
36.18 separated and identified. The findings of fact must be based on the entire record. Each
36.19 finding of fact made by the human services judge shall be supported by a preponderance
36.20 of the evidence unless a different standard is required under the regulations of a particular
36.21 program. The "preponderance of the evidence" means, in light of the record as a whole, the
36.22 evidence leads the human services judge to believe that the finding of fact is more likely to
36.23 be true than not true. The legal claims or arguments of a participant do not constitute either
36.24 a finding of fact or a conclusion of law, except to the extent the human services judge adopts
36.25 an argument as a finding of fact or conclusion of law.

36.26 The decision shall contain at least the following:

36.27 (1) a listing of the date and place of the hearing and the participants at the hearing;

36.28 (2) a clear and precise statement of the issues, including the dispute under consideration
36.29 and the specific points which must be resolved in order to decide the case;

36.30 (3) a listing of the material, including exhibits, records, reports, placed into evidence at
36.31 the hearing, and upon which the hearing decision is based;

36.32 (4) the findings of fact based upon the entire hearing record. The findings of fact must
36.33 be adequate to inform the participants and any interested person in the public of the basis

37.1 of the decision. If the evidence is in conflict on an issue which must be resolved, the findings
37.2 of fact must state the reasoning used in resolving the conflict;

37.3 (5) conclusions of law that address the legal authority for the hearing and the ruling, and
37.4 which give appropriate attention to the claims of the participants to the hearing;

37.5 (6) a clear and precise statement of the decision made resolving the dispute under
37.6 consideration in the hearing; and

37.7 (7) written notice of the right to appeal to district court or to request reconsideration,
37.8 and of the actions required and the time limits for taking appropriate action to appeal to
37.9 district court or to request a reconsideration.

37.10 (c) The human services judge shall not independently investigate facts or otherwise rely
37.11 on information not presented at the hearing. The human services judge may not contact
37.12 other agency personnel, except as provided in subdivision 18. The human services judge's
37.13 recommended decision must be based exclusively on the testimony and evidence presented
37.14 at the hearing, and legal arguments presented, and the human services judge's research and
37.15 knowledge of the law.

37.16 (d) The commissioner will review the recommended decision and accept or refuse to
37.17 accept the decision according to section 142A.20, subdivision 3, or 256.045, subdivision
37.18 5.

37.19 Sec. 13. Minnesota Statutes 2022, section 256.0451, subdivision 24, is amended to read:

37.20 Subd. 24. **Reconsideration.** (a) Reconsideration may be requested within 30 days of
37.21 the date of the commissioner's final order. If reconsideration is requested under section
37.22 142A.20, subdivision 3, or 256.045, subdivision 5, the other participants in the appeal shall
37.23 be informed of the request. The person seeking reconsideration has the burden to demonstrate
37.24 why the matter should be reconsidered. The request for reconsideration may include legal
37.25 argument and may include proposed additional evidence supporting the request. The other
37.26 participants shall be sent a copy of all material submitted in support of the request for
37.27 reconsideration and must be given ten days to respond.

37.28 (b) When the requesting party raises a question as to the appropriateness of the findings
37.29 of fact, the commissioner shall review the entire record.

37.30 (c) When the requesting party questions the appropriateness of a conclusion of law, the
37.31 commissioner shall consider the recommended decision, the decision under reconsideration,
37.32 and the material submitted in connection with the reconsideration. The commissioner shall
37.33 review the remaining record as necessary to issue a reconsidered decision.

(d) The commissioner shall issue a written decision on reconsideration in a timely fashion. The decision must clearly inform the parties that this constitutes the final administrative decision, advise the participants of the right to seek judicial review, and the deadline for doing so.

Sec. 14. Minnesota Statutes 2022, section 256.046, subdivision 2, as amended by Laws 2024, chapter 80, article 1, section 75, is amended to read:

Subd. 2. **Combined hearing.** ~~(a) The human services judge may combine a fair hearing under section 142A.20 or 256.045 and administrative fraud disqualification hearing under this section or section 142A.27 into a single hearing if the factual issues arise out of the same, or related, circumstances; the commissioner of human services has jurisdiction over at least one of the hearings; and the individual receives prior notice that the hearings will be combined. If the administrative fraud disqualification hearing and fair hearing are combined, the time frames for administrative fraud disqualification hearings specified in Code of Federal Regulations, title 7, section 273.16, apply. If the individual accused of wrongfully obtaining assistance is charged under section 256.98 for the same act or acts which are the subject of the hearing, the individual may request that the hearing be delayed until the criminal charge is decided by the court or withdrawn.~~

~~(b) The human services judge must conduct any hearings under section 142A.20 or 142A.27 pursuant to the relevant laws and rules governing children, youth, and families judges.~~

Sec. 15. Laws 2023, chapter 70, article 12, section 30, subdivision 2, is amended to read:

Subd. 2. **Department of Human Services.** The powers and duties of the Department of Human Services with respect to the following responsibilities and related elements are transferred to the Department of Children, Youth, and Families according to Minnesota Statutes, section 15.039:

(1) family services and community-based collaboratives under Minnesota Statutes, section 124D.23;

(2) child care programs under Minnesota Statutes, chapter 119B;

(3) Parent Aware quality rating and improvement system under Minnesota Statutes, section 124D.142;

(4) migrant child care services under Minnesota Statutes, section 256M.50;

- 39.1 (5) early childhood and school-age professional development training under Laws 2007,
39.2 chapter 147, article 2, section 56;
- 39.3 (6) licensure of family child care and child care centers, child foster care, and private
39.4 child placing agencies under Minnesota Statutes, chapter 245A;
- 39.5 (7) certification of license-exempt child care centers under Minnesota Statutes, chapter
39.6 245H;
- 39.7 (8) program integrity and fraud related to the Child Care Assistance Program (CCAP),
39.8 the Minnesota Family Investment Program (MFIP), and the Supplemental Nutrition
39.9 Assistance Program (SNAP) under Minnesota Statutes, chapters 119B and 245E;
- 39.10 (9) SNAP under Minnesota Statutes, sections 256D.60 to 256D.63;
- 39.11 (10) electronic benefit transactions under Minnesota Statutes, sections 256.9862,
39.12 256.9863, 256.9865, 256.987, 256.9871, 256.9872, and 256J.77;
- 39.13 (11) Minnesota food assistance program under Minnesota Statutes, section 256D.64;
- 39.14 (12) Minnesota food shelf program under Minnesota Statutes, section 256E.34;
- 39.15 (13) MFIP and Temporary Assistance for Needy Families (TANF) under Minnesota
39.16 Statutes, sections 256.9864 and 256.9865 and chapters 256J and 256P;
- 39.17 (14) Diversionary Work Program (DWP) under Minnesota Statutes, section 256J.95;
- 39.18 (15) ~~resettlement programs under Minnesota Statutes, section 256B.06, subdivision 6.~~
39.19 American Indian food sovereignty program under Minnesota Statutes, section 256E.342;
- 39.20 (16) child abuse under Minnesota Statutes, chapter 256E;
- 39.21 (17) reporting of the maltreatment of minors under Minnesota Statutes, chapter 260E;
- 39.22 (18) children in voluntary foster care for treatment under Minnesota Statutes, chapter
39.23 260D;
- 39.24 (19) juvenile safety and placement under Minnesota Statutes, chapter 260C;
- 39.25 (20) the Minnesota Indian Family Preservation Act under Minnesota Statutes, sections
39.26 260.751 to 260.835;
- 39.27 (21) the Interstate Compact for Juveniles under Minnesota Statutes, section 260.515,
39.28 and the Interstate Compact on the Placement of Children under Minnesota Statutes, sections
39.29 260.851 to 260.93;
- 39.30 (22) adoption under Minnesota Statutes, sections 259.20 to 259.89;

- 40.1 (23) Northstar Care for Children under Minnesota Statutes, chapter 256N;
- 40.2 (24) child support under Minnesota Statutes, chapters 13, 13B, 214, 256, 256J, 257, 259,
- 40.3 518, 518A, 518C, 551, 552, 571, and 588, and Minnesota Statutes, section 609.375;
- 40.4 (25) community action programs under Minnesota Statutes, sections 256E.30 to 256E.32;
- 40.5 ~~and~~
- 40.6 (26) Family Assets for Independence in Minnesota under Minnesota Statutes, section
- 40.7 256E.35~~;~~;
- 40.8 (27) capital for emergency food distribution facilities under Laws 2023, chapter 70,
- 40.9 article 20, section 2, subdivision 24, paragraph (i);
- 40.10 (28) community resource centers under Laws 2023, chapter 70, article 14, section 42;
- 40.11 (29) diaper distribution grant program under Minnesota Statutes, section 256E.38;
- 40.12 (30) Family First Prevention Services Act support and development grant program under
- 40.13 Minnesota Statutes, section 256.4793;
- 40.14 (31) Family First Prevention Services Act kinship navigator program under Minnesota
- 40.15 Statutes, section 256.4794;
- 40.16 (32) family first prevention and early intervention allocation program under Minnesota
- 40.17 Statutes, section 260.014;
- 40.18 (33) grants for prepared meals food relief under Laws 2023, chapter 70, article 12, section
- 40.19 33;
- 40.20 (34) independent living skills for foster youth under Laws 2023, chapter 70, article 14,
- 40.21 section 41;
- 40.22 (35) legacy adoption assistance under Minnesota Statutes, chapter 259A;
- 40.23 (36) quality parenting initiative grant program under Minnesota Statutes, section
- 40.24 245.0962;
- 40.25 (37) relative custody assistance under Minnesota Statutes, section 257.85;
- 40.26 (38) reimbursement to counties and Tribes for certain out-of-home placements under
- 40.27 Minnesota Statutes, section 477A.0126; and
- 40.28 (39) Supplemental Nutrition Assistance Program outreach under Minnesota Statutes,
- 40.29 section 256D.65.
- 40.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

41.1 Sec. 16. Laws 2023, chapter 70, article 12, section 30, subdivision 3, is amended to read:

41.2 Subd. 3. **Department of Education.** The powers and duties of the Department of
41.3 Education with respect to the following responsibilities and related elements are transferred
41.4 to the Department of Children, Youth, and Families according to Minnesota Statutes, section
41.5 15.039:

41.6 (1) Head Start Program and Early Head Start under Minnesota Statutes, sections 119A.50
41.7 to 119A.545;

41.8 (2) the early childhood screening program under Minnesota Statutes, sections 121A.16
41.9 to 121A.19;

41.10 (3) early learning scholarships under Minnesota Statutes, section 124D.165;

41.11 (4) the interagency early childhood intervention system under Minnesota Statutes,
41.12 sections 125A.259 to 125A.48;

41.13 (5) voluntary prekindergarten programs and school readiness plus programs under
41.14 Minnesota Statutes, section 124D.151;

41.15 (6) early childhood family education programs under Minnesota Statutes, sections
41.16 124D.13 to 124D.135;

41.17 (7) school readiness under Minnesota Statutes, sections 124D.15 to 124D.16; ~~and~~

41.18 (8) after-school community learning programs under Minnesota Statutes, section
41.19 124D.2211; and

41.20 (9) grow your own program under Minnesota Statutes, section 122A.731.

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

41.22 Sec. 17. Laws 2024, chapter 80, article 1, section 38, subdivision 1, is amended to read:

41.23 Subdivision 1. ~~Children, youth, and families judges; appointment~~ Hearings held by
41.24 the Department of Human Services. ~~The commissioner of children, youth, and families~~
41.25 ~~may appoint one or more state children, youth, and families judges to conduct hearings and~~
41.26 ~~recommend orders in accordance with subdivisions 2, 3, and 5. Children, youth, and families~~
41.27 ~~judges designated pursuant to this section may administer oaths and shall be under the~~
41.28 ~~control and supervision of the commissioner of children, youth, and families and shall not~~
41.29 ~~be a part of the Office of Administrative Hearings established pursuant to sections 14.48 to~~
41.30 ~~14.56. The commissioner shall only appoint as a full-time children, youth, and families~~
41.31 ~~judge an individual who is licensed to practice law in Minnesota and who is:~~

42.1 ~~(1) in active status;~~

42.2 ~~(2) an inactive resident;~~

42.3 ~~(3) retired;~~

42.4 ~~(4) on disabled status; or~~

42.5 ~~(5) on retired senior status.~~

42.6 All state agency hearings under subdivision 2 must be heard by a human services judge
42.7 pursuant to sections 256.045 and 256.0451.

42.8 Sec. 18. Laws 2024, chapter 80, article 1, section 38, subdivision 2, is amended to read:

42.9 Subd. 2. **State agency hearings.** ~~(a)~~ State agency hearings are available for the following:

42.10 (1) any person:

42.11 (i) applying for, receiving, or having received public assistance or a program of social
42.12 services administered by the commissioner or a county agency on behalf of the commissioner
42.13 or the federal Food and Nutrition Act; and

42.14 (ii) whose application for assistance is denied, not acted upon with reasonable promptness,
42.15 or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly
42.16 paid;

42.17 (2) any person whose claim for foster care payment according to a placement of the
42.18 child resulting from a child protection assessment under chapter 260E is denied or not acted
42.19 upon with reasonable promptness, regardless of funding source;

42.20 (3) any person to whom a right of appeal according to this section is given by other
42.21 provision of law; and

42.22 ~~(4) except as provided under chapter 142B, an individual or facility determined to have~~
42.23 ~~maltreated a minor under chapter 260E, after the individual or facility has exercised the~~
42.24 ~~right to administrative reconsideration under chapter 260E;~~

42.25 ~~(5) except as provided under chapter 245C, an individual disqualified under sections~~
42.26 ~~245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23,~~
42.27 ~~on the basis of serious or recurring maltreatment; of a preponderance of the evidence that~~
42.28 ~~the individual has committed an act or acts that meet the definition of any of the crimes~~
42.29 ~~listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under~~
42.30 ~~section 260E.06, subdivision 1, or 626.557, subdivision 3. Hearings regarding a maltreatment~~
42.31 ~~determination under clause (4) and a disqualification under this clause in which the basis~~

~~for a disqualification is serious or recurring maltreatment shall be consolidated into a single fair hearing. In such cases, the scope of review by the children, youth, and families judge shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment; and~~

~~(6) (4) any person with an outstanding debt resulting from receipt of public assistance or the federal Food and Nutrition Act who is contesting a setoff claim by the commissioner of children, youth, and families or a county agency. The scope of the appeal is the validity of the claimant agency's intention to request a setoff of a refund under chapter 270A against the debt.~~

~~(b) The hearing for an individual or facility under paragraph (a), clause (4) or (5), is the only administrative appeal to the final agency determination specifically, including a challenge to the accuracy and completeness of data under section 13.04. A hearing for an individual or facility under paragraph (a), clause (4) or (5), is only available when there is no district court action pending. If such action is filed in district court while an administrative review is pending that arises out of some or all of the events or circumstances on which the appeal is based, the administrative review must be suspended until the judicial actions are completed. If the district court proceedings are completed, dismissed, or overturned, the matter may be considered in an administrative hearing.~~

~~(c) For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.~~

~~(d) The scope of hearings involving claims to foster care payments under paragraph (a), clause (2), shall be limited to the issue of whether the county is legally responsible for a child's placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child's behalf and shall not include review of the propriety of the county's child protection determination or child placement decision.~~

~~(e) An applicant or recipient is not entitled to receive social services beyond the services prescribed under chapter 256M or other social services the person is eligible for under state law.~~

~~(f) The commissioner may summarily affirm the county or state agency's proposed action without a hearing when the sole issue is an automatic change due to a change in state or federal law.~~

~~(g) Unless federal or Minnesota law specifies a different time frame in which to file an appeal, an individual or organization specified in this section may contest the specified action, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action, decision, or final disposition or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause, as defined in section 142A.21, subdivision 13, why the request was not submitted within the 30-day time limit. The individual filing the appeal has the burden of proving good cause by a preponderance of the evidence.~~

Sec. 19. Laws 2024, chapter 80, article 1, section 38, subdivision 5, is amended to read:

Subd. 5. **Orders of the commissioner of children, youth, and families.** (a) A state ~~children, youth, and families~~ human services judge shall conduct a hearing on ~~the~~ an appeal of a matter listed in subdivision 2 and shall recommend an order to the commissioner of children, youth, and families. The recommended order must be based on all relevant evidence and must not be limited to a review of the propriety of the state or county agency's action. A ~~children, youth, and families~~ state human services judge may take official notice of adjudicative facts. The commissioner of children, youth, and families may accept the recommended order of a state ~~children, youth, and families~~ human services judge and issue the order to the county agency and the applicant, recipient, or former recipient. If the commissioner refuses to accept the recommended order of the state ~~children, youth, and families~~ human services judge, the commissioner shall notify the petitioner or the agency of the commissioner's refusal and shall state reasons for the refusal. The commissioner shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner and the agency.

(b) A party aggrieved by an order of the commissioner may appeal under subdivision ~~7~~ 5 or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay implementation of the commissioner's order. The person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and proposed additional evidence supporting the request. If proposed additional evidence is submitted, the person must explain why the proposed additional evidence was not provided at the time of the hearing. If reconsideration is granted, the other participants must be sent a copy of all material submitted in support of the request

for reconsideration and must be given ten days to respond. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order.

(c) Any order of the commissioner issued under this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision ~~7~~ 5. Any order of the commissioner is binding on the parties and must be implemented by the state agency or a county agency until the order is reversed by the district court or unless the commissioner or a district court orders monthly assistance or aid or services paid or provided under subdivision ~~10~~ 8.

(d) A vendor under contract with a county agency to provide social services is not a party and may not request a hearing or seek judicial review of an order issued under this section, unless assisting a recipient as provided in section 256.045, subdivision 4.

Sec. 20. Laws 2024, chapter 80, article 1, section 38, subdivision 6, is amended to read:

Subd. 6. **Additional powers of commissioner; subpoenas.** (a) The commissioner may initiate a review of any action or decision of a county agency and direct that the matter be presented to a state ~~children, youth, and families~~ human services judge for a hearing held under subdivision 2 or ~~3~~ section 256.045, subdivision 3b. In all matters dealing with children, youth, and families committed by law to the discretion of the county agency, the commissioner's judgment may be substituted for that of the county agency. The commissioner may order an independent examination when appropriate.

(b) Any party to a hearing held pursuant to subdivision 2 or ~~3~~ section 256.045, subdivision 3b, may request that the commissioner issue a subpoena to compel the attendance of witnesses and the production of records at the hearing. A local agency may request that the commissioner issue a subpoena to compel the release of information from third parties prior to a request for a hearing under section 142A.21 upon a showing of relevance to such a proceeding. The issuance, service, and enforcement of subpoenas under this subdivision is governed by section 357.22 and the Minnesota Rules of Civil Procedure.

~~(c) The commissioner may issue a temporary order staying a proposed demission by a residential facility licensed under chapter 142B:~~

~~(1) while an appeal by a recipient under subdivision 3 is pending; or~~

~~(2) for the period of time necessary for the case management provider to implement the commissioner's order.~~

Sec. 21. Laws 2024, chapter 80, article 1, section 38, subdivision 7, is amended to read:

Subd. 7. **Judicial review.** Any party who is aggrieved by an order of the commissioner of children, youth, and families may appeal the order to the district court of the county responsible for furnishing assistance, or, in appeals under section 256.045, subdivision 3 3b, the county where the maltreatment occurred, by serving a written copy of a notice of appeal upon the commissioner and any adverse party of record within 30 days after the date the commissioner issued the order, the amended order, or order affirming the original order, and by filing the original notice and proof of service with the court administrator of the district court. Service may be made personally or by mail; service by mail is complete upon mailing. The court administrator shall not require a filing fee in appeals taken pursuant to this subdivision, except for appeals taken under section 256.045, subdivision 3 3b. The commissioner may elect to become a party to the proceedings in the district court. Except for appeals under section 256.045, subdivision 3 3b, any party may demand that the commissioner furnish all parties to the proceedings with a copy of the decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the ~~children, youth, and families~~ state human services judge, by serving a written demand upon the commissioner within 30 days after service of the notice of appeal. Any party aggrieved by the failure of an adverse party to obey an order issued by the commissioner under subdivision 5 may compel performance according to the order in the manner prescribed in sections 586.01 to 586.12.

Sec. 22. Laws 2024, chapter 80, article 1, section 38, subdivision 9, is amended to read:

Subd. 9. **Appeal.** Any party aggrieved by the order of the district court may appeal the order as in other civil cases. Except for appeals under section 256.045, subdivision 3 3b, no costs or disbursements shall be taxed against any party nor shall any filing fee or bond be required of any party.

Sec. 23. Laws 2024, chapter 80, article 1, section 96, is amended to read:

Sec. 96. REVISOR INSTRUCTION.

The revisor of statutes must renumber sections or subdivisions in Column A as Column B.

Column A

Column B

256.01, subdivision 12

142A.03, subdivision 7

256.01, subdivision 12a

142A.03, subdivision 8

47.1	256.01, subdivision 15	142A.03, subdivision 10
47.2	256.01, subdivision 36	142A.03, subdivision 22
47.3	256.0112, subdivision 10	142A.07, subdivision 8
47.4	256.019, subdivision 2	142A.28, subdivision 2
47.5	256.4793	142A.45
47.6	256.4794	142A.451
47.7	256.82	142A.418
47.8	256.9831	142A.13, subdivision 14
47.9	256.9862, subdivision 1	142A.13, subdivision 10
47.10	256.9862, subdivision 2	142A.13, subdivision 11
47.11	256.9863	142A.13, subdivision 5
47.12	256.9865, subdivision 1	142A.13, subdivision 6
47.13	256.9865, subdivision 2	142A.13, subdivision 7
47.14	256.9865, subdivision 3	142A.13, subdivision 8
47.15	256.9865, subdivision 4	142A.13, subdivision 9
47.16	256.987, subdivision 2	142A.13, subdivision 2
47.17	256.987, subdivision 3	142A.13, subdivision 3
47.18	256.987, subdivision 4	142A.13, subdivision 4
47.19	256.9871	142A.13, subdivision 12
47.20	256.9872	142A.13, subdivision 13
47.21	256.997	142A.30
47.22	256.998	142A.29
47.23	256B.06, subdivision 6	142A.40
47.24	256E.20	142A.41
47.25	256E.21	142A.411
47.26	256E.22	142A.412
47.27	256E.24	142A.413
47.28	256E.25	142A.414
47.29	256E.26	142A.415
47.30	256E.27	142A.416
47.31	256E.28	142A.417
47.32	<u>256E.38</u>	<u>142A.42</u>
47.33	256N.001	142A.60
47.34	256N.01	142A.601
47.35	256N.02	142A.602
47.36	256N.20	142A.603
47.37	256N.21	142A.604
47.38	256N.22	142A.605

48.1	256N.23	142A.606
48.2	256N.24	142A.607
48.3	256N.25	142A.608
48.4	256N.26	142A.609
48.5	256N.261	142A.61
48.6	256N.27	142A.611
48.7	256N.28	142A.612
48.8	<u>257.85</u>	<u>142A.65</u>
48.9	257.175	142A.03, subdivision 32
48.10	257.33, subdivision 1	142A.03, subdivision 33
48.11	257.33, subdivision 2	142A.03, subdivision 34
48.12	260.014	142A.452
48.13	299A.72	142A.75
48.14	299A.73	142A.43
48.15	299A.95	142A.76
48.16	The revisor of statutes must correct any statutory cross-references consistent with this	
48.17	renumbering.	
48.18	Sec. 24. Laws 2024, chapter 80, article 4, section 26, is amended to read:	
48.19	Sec. 26. REVISOR INSTRUCTION.	
48.20	(a) The revisor of statutes shall renumber each section of Minnesota Statutes listed in	
48.21	column A with the number listed in column B. The revisor shall also make necessary	
48.22	cross-reference changes consistent with the renumbering. The revisor shall also make any	
48.23	technical, language, and other changes necessitated by the renumbering and cross-reference	
48.24	changes in this act.	
48.25	Column A	Column B
48.26	119A.50	142D.12
48.27	119A.52	142D.121
48.28	119A.53	142D.122
48.29	119A.535	142D.123
48.30	119A.5411	142D.124
48.31	119A.545	142D.125
48.32	119B.195	142D.30
48.33	119B.196	142D.24
48.34	119B.25	142D.20
48.35	119B.251	142D.31

49.1	119B.252	142D.32
49.2	119B.27	142D.21
49.3	119B.28	142D.22
49.4	119B.29	142D.23
49.5	121A.16	142D.09
49.6	121A.17	142D.091
49.7	121A.18	142D.092
49.8	121A.19	142D.093
49.9	<u>122A.731</u>	<u>142D.33</u>
49.10	124D.13	142D.10
49.11	124D.135	142D.11
49.12	124D.141	142D.16
49.13	124D.142	142D.13
49.14	124D.15	142D.05
49.15	124D.151	142D.08
49.16	124D.16	142D.06
49.17	124D.165	142D.25
49.18	124D.2211	142D.14
49.19	124D.23	142D.15
49.20	(b) The revisor of statutes shall codify Laws 2017, First Special Session chapter 5, article	
49.21	8, section 9, as amended by article 4, section 25, as Minnesota Statutes, section 142D.07.	
49.22	(c) The revisor of statutes shall change "commissioner of education" to "commissioner	
49.23	of children, youth, and families" and change "Department of Education" to "Department of	
49.24	Children, Youth, and Families" as necessary in Minnesota Statutes, chapters 119A and 120	
49.25	to 129C, to reflect the changes in this act and Laws 2023, chapter 70, article 12. The revisor	
49.26	shall also make any technical, language, and other changes resulting from the change of	
49.27	term to the statutory language, sentence structure, or both, if necessary to preserve the	
49.28	meaning of the text.	
49.29	Sec. 25. Laws 2024, chapter 80, article 6, section 4, is amended to read:	
49.30	Sec. 4. REVISOR INSTRUCTION.	
49.31	(a) The revisor of statutes must renumber each section of Minnesota Statutes in Column	
49.32	A with the number in Column B.	
49.33	Column A	Column B
49.34	245.771	142F.05

50.1	256D.60	142F.10
50.2	256D.61	142F.11
50.3	256D.62	142F.101
50.4	256D.63	142F.102
50.5	256D.64	142F.13
50.6	256D.65	142F.12
50.7	256E.30	142F.30
50.8	256E.31	142F.301
50.9	256E.32	142F.302
50.10	256E.34	142F.14
50.11	<u>256E.342</u>	<u>142F.15</u>
50.12	256E.35	142F.20

50.13 (b) The revisor of statutes must correct any statutory cross-references consistent with
50.14 this renumbering.

50.15 Sec. 26. **DIRECTION TO THE COMMISSIONER OF CHILDREN, YOUTH, AND**
50.16 **FAMILIES; COORDINATION OF SERVICES FOR CHILDREN WITH**
50.17 **DISABILITIES AND MENTAL HEALTH.**

50.18 The commissioner of children, youth, and families shall designate a department leader
50.19 to be responsible for coordination of services and outcomes around children's mental health
50.20 and for children with or at risk for disabilities within and between the Department of Children,
50.21 Youth, and Families; the Department of Human Services; and related agencies.

50.22 Sec. 27. **REVISOR INSTRUCTION.**

50.23 The revisor of statutes must correct any statutory cross-references consistent with this
50.24 act.

50.25 Sec. 28. **REPEALER.**

50.26 (a) Minnesota Statutes 2022, section 245.975, subdivision 8, is repealed.

50.27 (b) Laws 2024, chapter 80, article 1, sections 38, subdivisions 3, 4, and 11; 39; and 43,
50.28 subdivision 2; and Laws 2024, chapter 80, article 7, sections 3; and 9, are repealed.

50.29 **ARTICLE 6**

50.30 **APPROPRIATIONS**

50.31 Section 1. **HEALTH AND HUMAN SERVICES APPROPRIATIONS.**

51.1 The sums shown in the columns marked "Appropriations" are added to or, if shown in
51.2 parentheses, subtracted from the appropriations in Laws 2023, chapter 70, article 20, to the
51.3 agencies and for the purposes specified in this article. The appropriations are from the
51.4 general fund or other named fund and are available for the fiscal years indicated for each
51.5 purpose. The figures "2024" and "2025" used in this article mean that the addition to or
51.6 subtraction from the appropriation listed under them is available for the fiscal year ending
51.7 June 30, 2024, or June 30, 2025, respectively. Base adjustments mean the addition to or
51.8 subtraction from the base level adjustment set in Laws 2023, chapter 70, article 20.
51.9 Supplemental appropriations and reductions to appropriations for the fiscal year ending
51.10 June 30, 2024, are effective the day following final enactment unless a different effective
51.11 date is explicit.

51.12			<u>APPROPRIATIONS</u>	
51.13			<u>Available for the Year</u>	
51.14			<u>Ending June 30</u>	
51.15			<u>2024</u>	<u>2025</u>

51.16 **Sec. 2. COMMISSIONER OF HUMAN**
51.17 **SERVICES**

51.18	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>2,193,000</u>	<u>\$</u>	<u>29,884,000</u>
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51.19	<u>Appropriations by Fund</u>			
51.20		<u>2024</u>	<u>2025</u>	
51.21	<u>General</u>	<u>2,193,000</u>	<u>29,884,000</u>	

51.22 The amounts that may be spent for each
51.23 purpose are specified in the following
51.24 subdivisions.

51.25 **Subd. 2. Central Office; Operations**

51.26	<u>Appropriations by Fund</u>		
51.27	<u>General</u>	<u>(405,000)</u>	<u>12,872,000</u>
51.28	<u>TANF</u>	<u>(990,000)</u>	<u>(1,094,000)</u>

51.29 **(a) Child welfare technology system.**
51.30 \$8,657,000 in fiscal year 2025 is for
51.31 information technology improvements to the
51.32 statewide child welfare information system.
51.33 This is a onetime appropriation and is
51.34 available until June 30, 2026.

52.1 (b) **Base level adjustment.** The general fund
52.2 base is increased by \$4,411,000 in fiscal year
52.3 2026 and by \$4,411,000 in fiscal year 2027.
52.4 The TANF base is decreased by \$1,094,000
52.5 in fiscal year 2026 and by \$1,094,000 in fiscal
52.6 year 2027.

52.7 Subd. 3. **Central Office; Children and Families**

52.8	<u>Appropriations by Fund</u>		
52.9	<u>General</u>	<u>2,598,000</u>	<u>6,467,000</u>
52.10	<u>TANF</u>	<u>990,000</u>	<u>1,094,000</u>

52.11 (a) **Child maltreatment reporting review.**
52.12 \$200,000 in fiscal year 2025 is to conduct a
52.13 review of child maltreatment reporting
52.14 processes and systems in various states,
52.15 evaluate the costs and benefits of each
52.16 reviewed state's system, and submit a report
52.17 to the legislature with recommendations. This
52.18 is a onetime appropriation.

52.19 (b) **Child welfare fiscal analysis.** \$250,000
52.20 in fiscal year 2025 is for a contract with a
52.21 third-party consultant to conduct an
52.22 independent fiscal analysis of the child welfare
52.23 system in Minnesota. This is a onetime
52.24 appropriation and is available until June 30,
52.25 2026.

52.26 (c) **Pregnant and parenting homeless youth**
52.27 **study.** \$150,000 in fiscal year 2025 is for a
52.28 contract with the Wilder Foundation to
52.29 conduct a study of pregnant and parenting
52.30 homeless youth. This is a onetime
52.31 appropriation.

52.32 (d) **Needs analysis for LGBTQIA+ youth**
52.33 **experiencing homelessness.** \$150,000 in
52.34 fiscal year 2025 is for a contract to conduct a

53.1 needs analysis and a site analysis for
 53.2 emergency shelter serving LGBTQIA+ youth
 53.3 experiencing homelessness. This is a onetime
 53.4 appropriation and is available until June 30,
 53.5 2026.

53.6 (e) **Base level adjustment.** The general fund
 53.7 base is increased by \$5,208,000 in fiscal year
 53.8 2026 and by \$5,208,000 in fiscal year 2027.
 53.9 The TANF base is increased by \$1,094,000
 53.10 in fiscal year 2026 and by \$1,094,000 in fiscal
 53.11 year 2027.

53.12 Subd. 4. **Grant Programs; Child Care**
 53.13 **Development Grants**

-0-

360,000

53.14 **Child development associate credential**
 53.15 **coursework.** \$360,000 in fiscal year 2025 is
 53.16 for distribution to child care resource and
 53.17 referral programs to coordinate professional
 53.18 development opportunities for child care
 53.19 providers under Minnesota Statutes, section
 53.20 119B.19, subdivision 7, clause (5), for training
 53.21 related to obtaining a child development
 53.22 associate credential. This is a onetime
 53.23 appropriation and is available through June
 53.24 30, 2026.

53.25 Subd. 5. **Grant Programs; Children's Services**
 53.26 **Grants**

-0-

760,000

53.27 **Preventing nonrelative foster care**
 53.28 **placement grants.** \$760,000 in fiscal year
 53.29 2025 is for preventing nonrelative foster care
 53.30 placement grants. This is a onetime
 53.31 appropriation and is available until June 30,
 53.32 2028.

53.33 Subd. 6. **Grant Programs; Child and Community**
 53.34 **Service Grants**

-0-

(2,704,000)

54.1	<u>Subd. 7. Grant Programs; Children and</u>		
54.2	<u>Economic Support Grants</u>	<u>-0-</u>	<u>9,111,000</u>
54.3	<u>(a) American Indian food sovereignty</u>		
54.4	<u>funding program. \$1,000,000 in fiscal year</u>		
54.5	<u>2025 is for the American Indian food</u>		
54.6	<u>sovereignty funding program under Minnesota</u>		
54.7	<u>Statutes, section 256E.342. This is a onetime</u>		
54.8	<u>appropriation and is available until June 30,</u>		
54.9	<u>2026.</u>		
54.10	<u>(b) Minnesota food bank funding.</u>		
54.11	<u>\$2,000,000 in fiscal year 2025 is for</u>		
54.12	<u>Minnesota's regional food banks that the</u>		
54.13	<u>commissioner contracts with for the purposes</u>		
54.14	<u>of the emergency food assistance program</u>		
54.15	<u>(TEFAP). The commissioner shall distribute</u>		
54.16	<u>funding under this paragraph in accordance</u>		
54.17	<u>with the federal TEFAP formula and</u>		
54.18	<u>guidelines of the United States Department of</u>		
54.19	<u>Agriculture. Funding must be used by all</u>		
54.20	<u>regional food banks to purchase food that will</u>		
54.21	<u>be distributed free of charge to TEFAP partner</u>		
54.22	<u>agencies. Funding must also cover the</u>		
54.23	<u>handling and delivery fees typically paid by</u>		
54.24	<u>food shelves to food banks to ensure that costs</u>		
54.25	<u>associated with funding under this paragraph</u>		
54.26	<u>are not incurred at the local level. This is a</u>		
54.27	<u>onetime appropriation.</u>		
54.28	<u>(c) Minnesota food shelf program.</u>		
54.29	<u>\$2,000,000 in fiscal year 2025 is for the</u>		
54.30	<u>Minnesota food shelf program under</u>		
54.31	<u>Minnesota Statutes, section 256E.34. This is</u>		
54.32	<u>a onetime appropriation.</u>		
54.33	<u>(d) Emergency services program. \$4,000,000</u>		
54.34	<u>in fiscal year 2025 is for emergency services</u>		
54.35	<u>grants under Minnesota Statutes, section</u>		

55.1 256E.36. The commissioner must distribute
55.2 grants under this paragraph to entities that
55.3 received an emergency services grant award
55.4 for fiscal years 2024 and 2025 and have
55.5 emerging, critical, and immediate
55.6 homelessness response needs that have arisen
55.7 since receiving the award, including: (1) the
55.8 need to support overnight emergency shelter
55.9 capacity or daytime service capacity that has
55.10 a demonstrated and significant increase in the
55.11 number of persons served in fiscal year 2024
55.12 compared to fiscal year 2023; and (2) the need
55.13 to maintain existing overnight emergency
55.14 shelter bed capacity or daytime service
55.15 capacity that has a demonstrated and
55.16 significant risk of closure before April 30,
55.17 2025. This is a onetime appropriation and is
55.18 available until June 30, 2027.

55.19 (e) **Base level adjustment.** The general fund
55.20 base is reduced by \$2,593,000 in fiscal year
55.21 2026 and by \$2,593,000 in fiscal year 2027.

55.22	<u>Subd. 8. Fraud Prevention Grants</u>	<u>-0-</u>	<u>3,018,000</u>
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55.23 **Base level adjustment.**The general fund base
55.24 is increased by \$3,018,000 in fiscal year 2026
55.25 and by \$3,018,000 in fiscal year 2027.

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

55.27	<u>Sec. 3. DEPARTMENT OF EDUCATION</u>	<u>\$</u>	<u>1,822,000</u>	<u>\$</u>	<u>1,715,000</u>
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55.28 (a) **Summer EBT.** \$1,822,000 in fiscal year
55.29 2024 and \$1,542,000 in fiscal year 2025 are
55.30 for administration of the summer electronic
55.31 benefits transfer program under Public Law
55.32 117-328. The base for this appropriation is
55.33 \$572,000 in fiscal year 2026 and \$572,000 in
55.34 fiscal year 2027.

56.1 **(b) Operating adjustment due to DCYF**
56.2 **transition.** \$173,000 in fiscal year 2025 is for
56.3 the agency to maintain current levels of service
56.4 after the transition of staff and resources to
56.5 the Department of Children, Youth, and
56.6 Families. The base for this appropriation is
56.7 \$345,000 in fiscal year 2026 and \$345,000 in
56.8 fiscal year 2027.

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

56.10 Sec. 4. **COMMISSIONER OF CHILDREN,**
56.11 **YOUTH, AND FAMILIES** \$ 0 \$ **3,279,000**

56.12 **Base level adjustment.** The general fund base
56.13 is increased by \$7,183,000 in fiscal year 2026
56.14 and \$6,833,000 in fiscal year 2027.

56.15 Sec. 5. **OFFICE OF THE FAMILY CHILD**
56.16 **CARE OMBUDSPERSON** \$ 0 \$ **350,000**

56.17 This is a onetime appropriation.

56.18 Sec. 6. **SUPREME COURT** \$ 0 \$ **800,000**

56.19 **Supreme Court Council on Child**
56.20 **Protection.** \$800,000 in fiscal year 2025 is
56.21 for the establishment and administration of
56.22 the Supreme Court Council on Child
56.23 Protection. This is a onetime appropriation
56.24 and is available until June 30, 2026.

56.25 Sec. 7. Laws 2023, chapter 70, article 20, section 2, subdivision 22, is amended to read:

56.26 Subd. 22. **Grant Programs; Children's Services**
56.27 **Grants**

56.28	Appropriations by Fund		
56.29	General	86,212,000	85,063,000
56.30	Federal TANF	140,000	140,000

56.31 **(a) Title IV-E Adoption Assistance.** The
56.32 commissioner shall allocate funds from the
56.33 state's savings from the Fostering Connections

57.1 to Success and Increasing Adoptions Act's
57.2 expanded eligibility for Title IV-E adoption
57.3 assistance as required in Minnesota Statutes,
57.4 section 256N.261, and as allowable under
57.5 federal law. Additional savings to the state as
57.6 a result of the Fostering Connections to
57.7 Success and Increasing Adoptions Act's
57.8 expanded eligibility for Title IV-E adoption
57.9 assistance is for postadoption, foster care,
57.10 adoption, and kinship services, including a
57.11 parent-to-parent support network and as
57.12 allowable under federal law.

57.13 **(b) Mille Lacs Band of Ojibwe American**
57.14 **Indian child welfare initiative.** \$3,337,000
57.15 in fiscal year 2024 and \$5,294,000 in fiscal
57.16 year 2025 are from the general fund for the
57.17 Mille Lacs Band of Ojibwe to join the
57.18 American Indian child welfare initiative. The
57.19 base for this appropriation is \$7,893,000 in
57.20 fiscal year 2026 and \$7,893,000 in fiscal year
57.21 2027.

57.22 **(c) Leech Lake Band of Ojibwe American**
57.23 **Indian child welfare initiative.** \$1,848,000
57.24 in fiscal year 2024 and \$1,848,000 in fiscal
57.25 year 2025 are from the general fund for the
57.26 Leech Lake Band of Ojibwe to participate in
57.27 the American Indian child welfare initiative.

57.28 **(d) Red Lake Band of Chippewa American**
57.29 **Indian child welfare initiative.** \$3,000,000
57.30 in fiscal year 2024 and \$3,000,000 in fiscal
57.31 year 2025 are from the general fund for the
57.32 Red Lake Band of Chippewa to participate in
57.33 the American Indian child welfare initiative.

57.34 **(e) White Earth Nation American Indian**
57.35 **child welfare initiative.** \$3,776,000 in fiscal

58.1 year 2024 and \$3,776,000 in fiscal year 2025
58.2 are from the general fund for the White Earth
58.3 Nation to participate in the American Indian
58.4 child welfare initiative.

58.5 **(f) Indian Child welfare grants.** \$4,405,000
58.6 in fiscal year 2024 and \$4,405,000 in fiscal
58.7 year 2025 are from the general fund for Indian
58.8 child welfare grants under Minnesota Statutes,
58.9 section 260.785. The base for this
58.10 appropriation is \$4,640,000 in fiscal year 2026
58.11 and \$4,640,000 in fiscal year 2027.

58.12 **(g) Child welfare staff allocation for Tribes.**
58.13 \$799,000 in fiscal year 2024 and \$799,000 in
58.14 fiscal year 2025 are from the general fund for
58.15 grants to Tribes for child welfare staffing
58.16 under Minnesota Statutes, section 260.786.

58.17 **(h) Grants for kinship navigator services.**
58.18 \$764,000 in fiscal year 2024 and \$764,000 in
58.19 fiscal year 2025 are from the general fund for
58.20 grants for kinship navigator services and
58.21 grants to Tribal Nations for kinship navigator
58.22 services under Minnesota Statutes, section
58.23 256.4794. The base for this appropriation is
58.24 \$506,000 in fiscal year 2026 and \$507,000 in
58.25 fiscal year 2027.

58.26 **(i) Family first prevention and early**
58.27 **intervention assessment response grants.**
58.28 \$4,000,000 in fiscal year 2024 and \$6,112,000
58.29 in fiscal year 2025 are from the general fund
58.30 for family assessment response grants under
58.31 Minnesota Statutes, section 260.014. The base
58.32 for this appropriation is \$6,000,000 in fiscal
58.33 year 2026 and \$6,000,000 in fiscal year 2027.

59.1 **(j) Grants for evidence-based prevention**
59.2 **and early intervention services.** \$4,329,000
59.3 in fiscal year 2024 and \$4,100,000 in fiscal
59.4 year 2025 are from the general fund for grants
59.5 to support evidence-based prevention and early
59.6 intervention services under Minnesota
59.7 Statutes, section 256.4793.

59.8 **(k) Grant to administer pool of qualified**
59.9 **individuals for assessments.** \$250,000 in
59.10 fiscal year 2024 and \$250,000 in fiscal year
59.11 2025 are from the general fund for grants to
59.12 establish and manage a pool of state-funded
59.13 qualified individuals to conduct assessments
59.14 for out-of-home placement of a child in a
59.15 qualified residential treatment program.

59.16 **(l) Quality parenting initiative grant**
59.17 **program.** \$100,000 in fiscal year 2024 and
59.18 \$100,000 in fiscal year 2025 are from the
59.19 general fund for a grant to Quality Parenting
59.20 Initiative Minnesota under Minnesota Statutes,
59.21 section 245.0962.

59.22 **(m) STAY in the community grants.**
59.23 \$1,579,000 in fiscal year 2024 and \$2,247,000
59.24 in fiscal year 2025 are from the general fund
59.25 for the STAY in the community program
59.26 under Minnesota Statutes, section 260C.452.
59.27 This is a onetime appropriation and is
59.28 available until June 30, 2027.

59.29 **(n) Grants for community resource centers.**
59.30 \$5,657,000 in fiscal year 2024 is from the
59.31 general fund for grants to establish a network
59.32 of community resource centers. This is a
59.33 onetime appropriation and is available until
59.34 June 30, 2027.

60.1 ~~(e) Family assets for independence in~~
60.2 ~~Minnesota. \$1,405,000 in fiscal year 2024~~
60.3 ~~and \$1,391,000 in fiscal year 2025 are from~~
60.4 ~~the general fund for the family assets for~~
60.5 ~~independence in Minnesota program, under~~
60.6 ~~Minnesota Statutes, section 256E.35. This is~~
60.7 ~~a onetime appropriation and is available until~~
60.8 ~~June 30, 2027.~~

60.9 ~~(p)~~ (o) **Base level adjustment.** The general
60.10 fund base is \$85,280,000 in fiscal year 2026
60.11 and \$85,281,000 in fiscal year 2027.

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

60.13 Sec. 8. Laws 2023, chapter 70, article 20, section 2, subdivision 24, is amended to read:

60.14	Subd. 24. Grant Programs; Children and		
60.15	Economic Support Grants	212,877,000	78,333,000

60.16 **(a) Fraud prevention initiative start-up**
60.17 **grants.** \$400,000 in fiscal year 2024 is for
60.18 start-up grants to the Red Lake Nation, White
60.19 Earth Nation, and Mille Lacs Band of Ojibwe
60.20 to develop a fraud prevention program. This
60.21 is a onetime appropriation and is available
60.22 until June 30, 2025.

60.23 **(b) American Indian food sovereignty**
60.24 **funding program.** \$3,000,000 in fiscal year
60.25 2024 and \$3,000,000 in fiscal year 2025 are
60.26 for Minnesota Statutes, section 256E.342. This
60.27 appropriation is available until June 30, 2025.
60.28 The base for this appropriation is \$2,000,000
60.29 in fiscal year 2026 and \$2,000,000 in fiscal
60.30 year 2027.

60.31 **(c) Hennepin County grants to provide**
60.32 **services to people experiencing**
60.33 **homelessness.** \$11,432,000 in fiscal year 2024
60.34 is for grants to maintain capacity for shelters

61.1 and services provided to persons experiencing
61.2 homelessness in Hennepin County. Of this
61.3 amount:

61.4 (1) \$4,500,000 is for a grant to Avivo Village;

61.5 (2) \$2,000,000 is for a grant to the American
61.6 Indian Community Development Corporation
61.7 Homeward Bound shelter;

61.8 (3) \$1,650,000 is for a grant to the Salvation
61.9 Army Harbor Lights shelter;

61.10 (4) \$500,000 is for a grant to Agate Housing
61.11 and Services;

61.12 (5) \$1,400,000 is for a grant to Catholic
61.13 Charities of St. Paul and Minneapolis;

61.14 (6) \$450,000 is for a grant to Simpson
61.15 Housing; and

61.16 (7) \$932,000 is for a grant to Hennepin
61.17 County.

61.18 Nothing shall preclude an eligible organization
61.19 receiving funding under this paragraph from
61.20 applying for and receiving funding under
61.21 Minnesota Statutes, section 256E.33, 256E.36,
61.22 256K.45, or 256K.47, nor does receiving
61.23 funding under this paragraph count against
61.24 any eligible organization in the competitive
61.25 processes related to those grant programs
61.26 under Minnesota Statutes, section 256E.33,
61.27 256E.36, 256K.45, or 256K.47.

61.28 **(d) Diaper distribution grant program.**
61.29 \$545,000 in fiscal year 2024 and \$553,000 in
61.30 fiscal year 2025 are for a grant to the Diaper
61.31 Bank of Minnesota under Minnesota Statutes,
61.32 section 256E.38.

62.1 (e) **Prepared meals food relief.** \$1,654,000
62.2 in fiscal year 2024 and \$1,638,000 in fiscal
62.3 year 2025 are for prepared meals food relief
62.4 grants. This is a onetime appropriation.

62.5 (f) **Emergency shelter facilities.** \$98,456,000
62.6 in fiscal year 2024 is for grants to eligible
62.7 applicants for emergency shelter facilities.
62.8 This is a onetime appropriation and is
62.9 available until June 30, 2028.

62.10 (g) **Homeless youth cash stipend pilot**
62.11 **project.** \$5,302,000 in fiscal year 2024 is for
62.12 a grant to Youthprise for the homeless youth
62.13 cash stipend pilot project. The grant must be
62.14 used to provide cash stipends to homeless
62.15 youth, provide cash incentives for stipend
62.16 recipients to participate in periodic surveys,
62.17 provide youth-designed optional services, and
62.18 complete a legislative report. This is a onetime
62.19 appropriation and is available until June 30,
62.20 ~~2028~~ 2027.

62.21 (h) **Heading Home Ramsey County**
62.22 **continuum of care grants.** \$11,432,000 in
62.23 fiscal year 2024 is for grants to maintain
62.24 capacity for shelters and services provided to
62.25 people experiencing homelessness in Ramsey
62.26 County. Of this amount:

62.27 (1) \$2,286,000 is for a grant to Catholic
62.28 Charities of St. Paul and Minneapolis;

62.29 (2) \$1,498,000 is for a grant to More Doors;

62.30 (3) \$1,734,000 is for a grant to Interfaith
62.31 Action Project Home;

62.32 (4) \$2,248,000 is for a grant to Ramsey
62.33 County;

63.1 (5) \$689,000 is for a grant to Radas Health;

63.2 (6) \$493,000 is for a grant to The Listening

63.3 House;

63.4 (7) \$512,000 is for a grant to Face to Face;

63.5 and

63.6 (8) \$1,972,000 is for a grant to the city of St.

63.7 Paul.

63.8 Nothing shall preclude an eligible organization

63.9 receiving funding under this paragraph from

63.10 applying for and receiving funding under

63.11 Minnesota Statutes, section 256E.33, 256E.36,

63.12 256K.45, or 256K.47, nor does receiving

63.13 funding under this paragraph count against

63.14 any eligible organization in the competitive

63.15 processes related to those grant programs

63.16 under Minnesota Statutes, section 256E.33,

63.17 256E.36, 256K.45, or 256K.47.

63.18 **(i) Capital for emergency food distribution**

63.19 **facilities.** \$7,000,000 in fiscal year 2024 is for

63.20 improving and expanding the infrastructure

63.21 of food shelf facilities. Grant money must be

63.22 made available to nonprofit organizations,

63.23 federally recognized Tribes, and local units of

63.24 government. This is a onetime appropriation

63.25 and is available until June 30, 2027.

63.26 **(j) Emergency services program grants.**

63.27 \$15,250,000 in fiscal year 2024 and

63.28 \$14,750,000 in fiscal year 2025 are for

63.29 emergency services grants under Minnesota

63.30 Statutes, section 256E.36. Any unexpended

63.31 amount in the first year does not cancel and

63.32 is available in the second year. The base for

63.33 this appropriation is \$25,000,000 in fiscal year

63.34 2026 and \$30,000,000 in fiscal year 2027.

64.1 (k) **Homeless Youth Act grants.** \$15,136,000
64.2 in fiscal year 2024 and \$15,136,000 in fiscal
64.3 year 2025 are for grants under Minnesota
64.4 Statutes, section 256K.45, subdivision 1. Any
64.5 unexpended amount in the first year does not
64.6 cancel and is available in the second year.

64.7 (l) **Transitional housing programs.**
64.8 \$3,000,000 in fiscal year 2024 and \$3,000,000
64.9 in fiscal year 2025 are for transitional housing
64.10 programs under Minnesota Statutes, section
64.11 256E.33. Any unexpended amount in the first
64.12 year does not cancel and is available in the
64.13 second year.

64.14 (m) **Safe harbor shelter and housing grants.**
64.15 \$2,125,000 in fiscal year 2024 and \$2,125,000
64.16 in fiscal year 2025 are for grants under
64.17 Minnesota Statutes, section 256K.47. Any
64.18 unexpended amount in the first year does not
64.19 cancel and is available in the second year. The
64.20 base for this appropriation is \$1,250,000 in
64.21 fiscal year 2026 and \$1,250,000 in fiscal year
64.22 2027.

64.23 (n) **Supplemental nutrition assistance**
64.24 **program (SNAP) outreach.** \$1,000,000 in
64.25 fiscal year 2024 and \$1,000,000 in fiscal year
64.26 2025 are for the SNAP outreach program
64.27 under Minnesota Statutes, section 256D.65.
64.28 The base for this appropriation is \$500,000 in
64.29 fiscal year 2026 and \$500,000 in fiscal year
64.30 2027.

64.31 (o) **Base level adjustment.** The general fund
64.32 base is \$83,179,000 in fiscal year 2026 and
64.33 \$88,179,000 in fiscal year 2027.

65.1 **(p) Minnesota food assistance program.**

65.2 Unexpended funds for the Minnesota food
65.3 assistance program under Minnesota Statutes,
65.4 section 256D.64, for fiscal year 2024 are
65.5 available until June 30, 2025.

65.6 **(q) Family assets for independence in**

65.7 **Minnesota. \$1,405,000 in fiscal year 2024**
65.8 **and \$1,391,000 in fiscal year 2025 are from**
65.9 **the general fund for the family assets for**
65.10 **independence in Minnesota program under**
65.11 **Minnesota Statutes, section 256E.35. This is**
65.12 **a onetime appropriation and is available under**
65.13 **June 30, 2027.**

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

65.15 Sec. 9. Laws 2023, chapter 70, article 20, section 23, is amended to read:

65.16 Sec. 23. **TRANSFERS.**

65.17 Subdivision 1. **Grants.** The commissioner of human services and commissioner of
65.18 children, youth, and families, with the approval of the commissioner of management and
65.19 budget, may transfer unencumbered appropriation balances for the biennium ending June
65.20 30, 2025, within fiscal years among MFIP; general assistance; medical assistance;
65.21 MinnesotaCare; MFIP child care assistance under Minnesota Statutes, section 119B.05;
65.22 Minnesota supplemental aid program; housing support program; the entitlement portion of
65.23 Northstar Care for Children under Minnesota Statutes, chapter 256N; and the entitlement
65.24 portion of the behavioral health fund between fiscal years of the biennium. The commissioner
65.25 shall report to the chairs and ranking minority members of the legislative committees with
65.26 jurisdiction over health and human services quarterly about transfers made under this
65.27 subdivision.

65.28 Subd. 2. **Administration.** Positions, salary money, and nonsalary administrative money
65.29 may be transferred within and between the Department of Human Services and Department
65.30 of Children, Youth, and Families as the commissioners consider necessary, with the advance
65.31 approval of the commissioner of management and budget. The commissioners shall report
65.32 to the chairs and ranking minority members of the legislative committees with jurisdiction
65.33 over health and human services finance quarterly about transfers made under this section.

66.1 Sec. 10. **DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES FEDERAL**
66.2 **REIMBURSEMENT.**

66.3 Minnesota Management and Budget shall reflect Department of Children, Youth, and
66.4 Families federal reimbursement costs as expenditure reductions in the general fund budgeted
66.5 fund balance as they would be reported in conformity with generally accepted accounting
66.6 principles.

66.7 Sec. 11. **APPROPRIATIONS GIVEN EFFECT ONCE.**

66.8 If an appropriation or transfer under this article is enacted more than once during the
66.9 2024 regular session, the appropriation or transfer must be given effect once.

66.10 Sec. 12. **EXPIRATION OF UNCODIFIED LANGUAGE.**

66.11 All uncodified language contained in this article expires on June 30, 2025, unless a
66.12 different expiration date is explicit.

245.975 OMBUDSPERSON FOR FAMILY CHILD CARE PROVIDERS.

Subd. 8. **Office support.** The commissioner shall provide the ombudsperson with the necessary office space, supplies, equipment, and clerical support to effectively perform the duties under this section.

245A.065 CHILD CARE FIX-IT TICKET.

(a) In lieu of a correction order under section 245A.06, the commissioner shall issue a fix-it ticket to a family child care or child care center license holder if the commissioner finds that:

(1) the license holder has failed to comply with a requirement in this chapter or Minnesota Rules, chapter 9502 or 9503, that the commissioner determines to be eligible for a fix-it ticket;

(2) the violation does not imminently endanger the health, safety, or rights of the persons served by the program;

(3) the license holder did not receive a fix-it ticket or correction order for the violation at the license holder's last licensing inspection;

(4) the violation can be corrected at the time of inspection or within 48 hours, excluding Saturdays, Sundays, and holidays; and

(5) the license holder corrects the violation at the time of inspection or agrees to correct the violation within 48 hours, excluding Saturdays, Sundays, and holidays.

(b) The fix-it ticket must state:

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

(2) the specific law or rule violated; and

(3) that the violation was corrected at the time of inspection or must be corrected within 48 hours, excluding Saturdays, Sundays, and holidays.

(c) The commissioner shall not publicly publish a fix-it ticket on the department's website.

(d) Within 48 hours, excluding Saturdays, Sundays, and holidays, of receiving a fix-it ticket, the license holder must correct the violation and within one week submit evidence to the licensing agency that the violation was corrected.

(e) If the violation is not corrected at the time of inspection or within 48 hours, excluding Saturdays, Sundays, and holidays, or the evidence submitted is insufficient to establish that the license holder corrected the violation, the commissioner must issue a correction order for the violation of Minnesota law or rule identified in the fix-it ticket according to section 245A.06.

256.01 COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES.

Subd. 12. **Child mortality review panel.** (a) The commissioner shall establish a child mortality review panel to review deaths of children in Minnesota, including deaths attributed to maltreatment or in which maltreatment may be a contributing cause and to review near fatalities as defined in section 260E.35. The commissioners of health, education, and public safety and the attorney general shall each designate a representative to the child mortality review panel. Other panel members shall be appointed by the commissioner, including a board-certified pathologist and a physician who is a coroner or a medical examiner. The purpose of the panel shall be to make recommendations to the state and to county agencies for improving the child protection system, including modifications in statute, rule, policy, and procedure.

(b) The commissioner may require a county agency to establish a local child mortality review panel. The commissioner may establish procedures for conducting local reviews and may require that all professionals with knowledge of a child mortality case participate in the local review. In this section, "professional" means a person licensed to perform or a person performing a specific service in the child protective service system. "Professional" includes law enforcement personnel, social service agency attorneys, educators, and social service, health care, and mental health care providers.

(c) If the commissioner of human services has reason to believe that a child's death was caused by maltreatment or that maltreatment was a contributing cause, the commissioner has access to not public data under chapter 13 maintained by state agencies, statewide systems, or political subdivisions that are related to the child's death or circumstances surrounding the care of the child. The commissioner shall also have access to records of private hospitals as necessary to carry out the

duties prescribed by this section. Access to data under this paragraph is limited to police investigative data; autopsy records and coroner or medical examiner investigative data; hospital, public health, or other medical records of the child; hospital and other medical records of the child's parent that relate to prenatal care; and records created by social service agencies that provided services to the child or family within three years preceding the child's death. A state agency, statewide system, or political subdivision shall provide the data upon request of the commissioner. Not public data may be shared with members of the state or local child mortality review panel in connection with an individual case.

(d) Notwithstanding the data's classification in the possession of any other agency, data acquired by a local or state child mortality review panel in the exercise of its duties is protected nonpublic or confidential data as defined in section 13.02, but may be disclosed as necessary to carry out the purposes of the review panel. The data is not subject to subpoena or discovery. The commissioner may disclose conclusions of the review panel, but shall not disclose data that was classified as confidential or private data on decedents, under section 13.10, or private, confidential, or protected nonpublic data in the disseminating agency, except that the commissioner may disclose local social service agency data as provided in section 260E.35, on individual cases involving a fatality or near fatality of a person served by the local social service agency prior to the date of death.

(e) A person attending a child mortality review panel meeting shall not disclose what transpired at the meeting, except to carry out the purposes of the mortality review panel. The proceedings and records of the mortality review panel are protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state or a county agency, arising out of the matters the panel is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the review panel. A person who presented information before the review panel or who is a member of the panel shall not be prevented from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding a person shall not be questioned about the person's presentation of information to the review panel or opinions formed by the person as a result of the review meetings.

Subd. 12a. **Department of Human Services child fatality and near fatality review team.** (a) The commissioner shall establish a Department of Human Services child fatality and near fatality review team to review child fatalities and near fatalities due to child maltreatment and child fatalities and near fatalities that occur in licensed facilities and are not due to natural causes. The review team shall assess the entire child protection services process from the point of a mandated reporter reporting the alleged maltreatment through the ongoing case management process. Department staff shall lead and conduct on-site local reviews and utilize supervisors from local county and tribal child welfare agencies as peer reviewers. The review process must focus on critical elements of the case and on the involvement of the child and family with the county or tribal child welfare agency. The review team shall identify necessary program improvement planning to address any practice issues identified and training and technical assistance needs of the local agency. Summary reports of each review shall be provided to the state child mortality review panel when completed.

(b) A member of the child fatality and near fatality review team shall not disclose what transpired during the review, except to carry out the duties of the child fatality and near fatality review team. The proceedings and records of the child fatality and near fatality review team are protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or a county agency arising out of the matters the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were assessed or presented during proceedings of the review team. A person who presented information before the review team or who is a member of the team shall not be prevented from testifying about matters within the person's knowledge. In a civil or criminal proceeding a person shall not be questioned about the person's presentation of information to the review team or opinions formed by the person as a result of the review.

Laws 2024, chapter 80, article 1, section 38 Subdivisions 3, 4, 11,

Sec. 38. [142A.20] ADMINISTRATIVE AND JUDICIAL REVIEW OF CHILDREN, YOUTH, AND FAMILIES MATTERS.

Subd. 3. **Standard of evidence for maltreatment and disqualification hearings.** (a) The state children, youth, and families judge shall determine that maltreatment has occurred if a preponderance of evidence exists to support the final disposition under chapter 260E or section 626.557. For purposes of hearings regarding disqualification, the state children, youth, and families judge shall affirm the proposed disqualification in an appeal under subdivision 2, paragraph (a), clause (5), if a preponderance of the evidence shows the individual has:

(1) committed maltreatment under section 626.557 or chapter 260E that is serious or recurring;

(2) committed an act or acts meeting the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or

(3) failed to make required reports under section 626.557 or chapter 260E, for incidents in which the final disposition under section 626.557 or chapter 260E was substantiated maltreatment that was serious or recurring.

(b) If the disqualification is affirmed, the state children, youth, and families judge shall determine whether the individual poses a risk of harm in accordance with the requirements of section 245C.22, and whether the disqualification should be set aside or not set aside. In determining whether the disqualification should be set aside, the children, youth, and families judge shall consider all of the characteristics that cause the individual to be disqualified, including those characteristics that were not subject to review under paragraph (a), in order to determine whether the individual poses a risk of harm. A decision to set aside a disqualification that is the subject of the hearing constitutes a determination that the individual does not pose a risk of harm and that the individual may provide direct contact services in the individual program specified in the set aside.

(c) If a disqualification is based solely on a conviction or is conclusive for any reason under section 245C.29, the disqualified individual does not have a right to a hearing under this section.

(d) The state children, youth, and families judge shall recommend an order to the commissioner of health; education; children, youth, and families; or human services, as applicable, who shall issue a final order. The commissioner shall affirm, reverse, or modify the final disposition. Any order of the commissioner issued in accordance with this subdivision is conclusive upon the parties unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under chapters 142B and 245C and sections 144.50 to 144.58 and 144A.02 to 144A.482, the commissioner's determination as to maltreatment is conclusive, as provided under section 245C.29.

Subd. 4. **Conduct of hearings.** (a) All hearings held pursuant to subdivision 2 or 3 shall be conducted according to the provisions of the federal Social Security Act and the regulations implemented in accordance with that act to enable this state to qualify for federal grants-in-aid and according to the rules and written policies of the commissioner. County agencies shall install equipment necessary to conduct telephone hearings. A state children, youth, and families judge may schedule a telephone conference hearing when the distance or time required to travel to the county agency offices will cause a delay in the issuance of an order, or to promote efficiency, or at the mutual request of the parties. Hearings may be conducted by telephone conferences unless the applicant, recipient, former recipient, person, or facility contesting maltreatment objects. A children, youth, and families judge may grant a request for a hearing in person by holding the hearing by interactive video technology or in person. The children, youth, and families judge must hear the case in person if the person asserts that either the person or a witness has a physical or mental disability that would impair the person's or witness's ability to fully participate in a hearing held by interactive video technology. The hearing shall not be held earlier than five days after filing of the required notice with the county or state agency. The state children, youth, and families judge shall notify all interested persons of the time, date, and location of the hearing at least five days before the date of the hearing. Interested persons may be represented by legal counsel or other representative of their choice, including a provider of therapy services, at the hearing and may appear personally, testify and offer evidence, and examine and cross-examine witnesses. The applicant, recipient, former recipient, person, or facility contesting maltreatment shall have the opportunity to examine the contents of the case file and all documents and records to be used by the county or state agency at the hearing at a reasonable time before the date of the hearing and during the hearing. In hearings under subdivision 2, paragraph (a), clauses (4) and (5), either party may subpoena the private data relating to the investigation prepared by the agency under section 626.557 or chapter 260E that are

APPENDIX
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not otherwise accessible under section 13.04, provided the identity of the reporter may not be disclosed.

(b) The private data obtained by subpoena in a hearing under subdivision 2, paragraph (a), clause (2), must be subject to a protective order that prohibits its disclosure for any other purpose outside the hearing provided for in this section without prior order of the district court. Disclosure without court order is punishable by a sentence of not more than 90 days imprisonment or a fine of not more than \$1,000, or both. These restrictions on the use of private data do not prohibit access to the data under section 13.03, subdivision 6. Except for appeals under subdivision 2, paragraph (a), clause (2), upon request, the county agency shall provide reimbursement for transportation, child care, photocopying, medical assessment, witness fee, and other necessary and reasonable costs incurred by the applicant, recipient, or former recipient in connection with the appeal. All evidence, except that privileged by law, commonly accepted by reasonable people in the conduct of their affairs as having probative value with respect to the issues, shall be submitted at the hearing and the hearing shall not be "a contested case" within the meaning of section 14.02, subdivision 3. The agency must present its evidence prior to or at the hearing and may not submit evidence after the hearing except by agreement of the parties at the hearing, provided the petitioner has the opportunity to respond.

(c) In hearings under subdivision 2, paragraph (a), clauses (2) and (5), involving determinations of maltreatment or disqualification made by more than one county agency, by a county agency and a state agency, or by more than one state agency, the hearings may be consolidated into a single fair hearing upon the consent of all parties and the state children, youth, and families judge.

Subd. 11. **Interagency agreement with DHS.** The commissioner of children, youth, and families may enter into an agreement with the commissioner of human services so that the commissioner of human services may conduct hearings and recommend and issue orders on behalf of the commissioner of children, youth, and families in accordance with this section.

Laws 2024, chapter 80, article 1, section 39

Sec. 39. **[142A.21] HEARING PROCEDURES.**

Subdivision 1. **Scope.** (a) The requirements in this section apply to all fair hearings and appeals under section 142A.20, subdivision 2, paragraph (a), clauses (1), (2), (3), and (6). Except as provided in subdivisions 3 and 19, the requirements under this section apply to fair hearings and appeals under section 142A.20, subdivision 2, paragraph (a), clause (2).

(b) For purposes of this section, "person" means an individual who, on behalf of themselves or their household, is appealing, disputing, or challenging an action, a decision, or a failure to act by an agency in the children, youth, and families system. When a person involved in a proceeding under this section is represented by an attorney or by an authorized representative, the term "person" also means the person's attorney or authorized representative. Any notice sent to the person involved in the hearing must also be sent to the person's attorney or authorized representative.

(c) For purposes of this section, "agency" means the county human services agency, the Department of Children, Youth, and Families, and, where applicable, any entity involved under a contract, subcontract, grant, or subgrant with the state agency or with a county agency, that provides or operates programs or services in which appeals are governed by section 142A.20.

Subd. 2. **Access to files.** A person involved in a fair hearing appeal has the right of access to the person's complete case files and to examine all private welfare data on the person that has been generated, collected, stored, or disseminated by the agency. A person involved in a fair hearing appeal has the right to a free copy of all documents in the case file involved in a fair hearing appeal. For purposes of this section, "case file" means the information, documents, and data, in whatever form, that have been generated, collected, stored, or disseminated by the agency in connection with the person and the program or service involved.

Subd. 3. **Agency appeal summary.** (a) Except in fair hearings and appeals under section 142A.20, subdivision 2, paragraph (a), clauses (4) and (5), the agency involved in an appeal must prepare a state agency appeal summary for each fair hearing appeal. The state agency appeal summary shall be mailed or otherwise delivered to the person who is involved in the appeal at least three working days before the date of the hearing. The state agency appeal summary must also be mailed or otherwise delivered to the department's Appeals Office at least three working days before the date of the fair hearing appeal.

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(b) In addition, the children, youth, and families judge shall confirm that the state agency appeal summary is mailed or otherwise delivered to the person involved in the appeal as required under paragraph (a). The person involved in the fair hearing should be provided, through the state agency appeal summary or other reasonable methods, appropriate information about the procedures for the fair hearing and an adequate opportunity to prepare. These requirements apply equally to the state agency or an entity under contract when involved in the appeal.

(c) The contents of the state agency appeal summary must be adequate to inform the person involved in the appeal of the evidence on which the agency relies and the legal basis for the agency's action or determination.

Subd. 4. **Enforcing access to files.** A person involved in a fair hearing appeal may enforce the right of access to data and copies of the case file by making a request to the children, youth, and families judge. The children, youth, and families judge will make an appropriate order enforcing the person's rights under the Minnesota Government Data Practices Act, including but not limited to, ordering access to files, data, and documents; continuing a hearing to allow adequate time for access to data; or prohibiting use by the agency of files, data, or documents that have been generated, collected, stored, or disseminated without compliance with the Minnesota Government Data Practices Act and that have not been provided to the person involved in the appeal.

Subd. 5. **Prehearing conferences.** (a) The children, youth, and families judge prior to a fair hearing appeal may hold a prehearing conference to further the interests of justice or efficiency and must include the person involved in the appeal. A person involved in a fair hearing appeal or the agency may request a prehearing conference. The prehearing conference may be conducted by telephone, in person, or in writing. The prehearing conference may address the following:

- (1) disputes regarding access to files, evidence, subpoenas, or testimony;
- (2) the time required for the hearing or any need for expedited procedures or decision;
- (3) identification or clarification of legal or other issues that may arise at the hearing;
- (4) identification of and possible agreement to factual issues; and
- (5) scheduling and any other matter that will aid in the proper and fair functioning of the hearing.

(b) The children, youth, and families judge shall make a record or otherwise contemporaneously summarize the prehearing conference in writing, which shall be sent to both the person involved in the hearing, the person's attorney or authorized representative, and the agency. A children, youth, and families judge may make and issue rulings and orders while the appeal is pending. During the pendency of the appeal, these rulings and orders are not subject to a request for reconsideration or appeal. These rulings and orders are subject to review under subdivision 24 and section 142A.20, subdivision 7.

Subd. 6. **Appeal request for emergency assistance or urgent matter.** (a) When an appeal involves an application for emergency assistance, the agency involved shall mail or otherwise deliver the state agency appeal summary to the department's Appeals Office within two working days of receiving the request for an appeal. A person may also request that a fair hearing be held on an emergency basis when the issue requires an immediate resolution. The children, youth, and families judge shall schedule the fair hearing on the earliest available date according to the urgency of the issue involved. Issuance of the recommended decision after an emergency hearing shall be expedited.

(b) The commissioner shall issue a written decision within five working days of receiving the recommended decision, shall immediately inform the parties of the outcome by telephone, and shall mail the decision no later than two working days following the date of the decision.

Subd. 7. **Continuance, rescheduling, or adjourning a hearing.** (a) A person involved in a fair hearing, or the agency, may request a continuance, a rescheduling, or an adjournment of a hearing for a reasonable period of time. The grounds for granting a request for a continuance, a rescheduling, or adjournment of a hearing include, but are not limited to, the following:

- (1) to reasonably accommodate the appearance of a witness;
- (2) to ensure that the person has adequate opportunity for preparation and for presentation of evidence and argument;

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(3) to ensure that the person or the agency has adequate opportunity to review, evaluate, and respond to new evidence, or where appropriate, to require that the person or agency review, evaluate, and respond to new evidence;

(4) to permit the person involved and the agency to negotiate toward resolution of some or all of the issues where both agree that additional time is needed;

(5) to permit the agency to reconsider a previous action or determination;

(6) to permit or to require the performance of actions not previously taken; and

(7) to provide additional time or to permit or require additional activity by the person or agency as the interests of fairness may require.

(b) Requests for continuances or for rescheduling may be made orally or in writing. The person or agency requesting the continuance or rescheduling must first make reasonable efforts to contact the other participants in the hearing or their representatives and seek to obtain an agreement on the request. Requests for continuance or rescheduling should be made no later than three working days before the scheduled date of the hearing, unless there is a good cause as specified in subdivision 13. Granting a continuance or rescheduling may be conditioned upon a waiver by the requester of applicable time limits but should not cause unreasonable delay.

Subd. 8. **Subpoenas.** (a) A person involved in a fair hearing or the agency may request a subpoena for a witness, for evidence, or for both. A reasonable number of subpoenas shall be issued to require the attendance and the testimony of witnesses, and the production of evidence relating to any issue of fact in the appeal hearing. The request for a subpoena must show a need for the subpoena and the general relevance to the issues involved. The subpoena shall be issued in the name of the department and shall be served and enforced as provided in section 357.22 and the Minnesota Rules of Civil Procedure.

(b) An individual or entity served with a subpoena may petition the children, youth, and families judge in writing to vacate or modify a subpoena. The children, youth, and families judge shall resolve such a petition in a prehearing conference involving all parties and shall make a written decision. A subpoena may be vacated or modified if the children, youth, and families judge determines that the testimony or evidence sought does not relate with reasonable directness to the issues of the fair hearing appeal; that the subpoena is unreasonable, over broad, or oppressive; that the evidence sought is repetitious or cumulative; or that the subpoena has not been served reasonably in advance of the time when the appeal hearing will be held.

Subd. 9. **No ex parte contact.** The children, youth, and families judge shall not have ex parte contact on substantive issues with the agency or with any person or witness in a fair hearing appeal. No employee of the department or agency shall review, interfere with, change, or attempt to influence the recommended decision of the children, youth, and families judge in any fair hearing appeal, except through the procedure allowed in subdivision 18. The limitations in this subdivision do not affect the commissioner's authority to review or reconsider decisions or make final decisions.

Subd. 10. **Telephone or face-to-face hearing.** A fair hearing appeal may be conducted by telephone, by other electronic media, or by an in-person, face-to-face hearing. At the request of the person involved in a fair hearing appeal or their representative, a face-to-face hearing shall be conducted with all participants personally present before the children, youth, and families judge.

Subd. 11. **Hearing facilities and equipment.** The children, youth, and families judge shall conduct the hearing in the county where the person involved resides, unless an alternate location is mutually agreed upon before the hearing, or unless the person has agreed to a hearing by telephone. Hearings under section 142A.20, subdivision 2, paragraph (a), clauses (4) and (5), must be conducted in the county where the determination was made, unless an alternate location is mutually agreed upon before the hearing. The hearing room shall be of sufficient size and layout to adequately accommodate both the number of individuals participating in the hearing and any identified special needs of any individual participating in the hearing. The children, youth, and families judge shall ensure that all communication and recording equipment that is necessary to conduct the hearing and to create an adequate record is present and functioning properly. If any necessary communication or recording equipment fails or ceases to operate effectively, the children, youth, and families judge shall take any steps necessary, including stopping or adjourning the hearing, until the necessary equipment is present and functioning properly. All reasonable efforts shall be undertaken to prevent and avoid any delay in the hearing process caused by defective communication or recording equipment.

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Subd. 12. **Interpreter and translation services.** The children, youth, and families judge has a duty to inquire and to determine whether any participant in the hearing needs the services of an interpreter or translator in order to participate in or to understand the hearing process. Necessary interpreter or translation services must be provided at no charge to the person involved in the hearing. If it appears that interpreter or translation services are needed but are not available for the scheduled hearing, the children, youth, and families judge shall continue or postpone the hearing until appropriate services can be provided.

Subd. 13. **Failure to appear; good cause.** If a person involved in a fair hearing appeal fails to appear at the hearing, the children, youth, and families judge may dismiss the appeal. The children, youth, and families judge may reopen the appeal if within ten working days after the date of the dismissal the person files information in writing with the children, youth, and families judge to show good cause for not appearing. Good cause can be shown when there is:

- (1) a death or serious illness in the person's family;
- (2) a personal injury or illness that reasonably prevents the person from attending the hearing;
- (3) an emergency, crisis, or unforeseen event that reasonably prevents the person from attending the hearing;
- (4) an obligation or responsibility of the person that a reasonable person, in the conduct of one's affairs, could reasonably determine takes precedence over attending the hearing;
- (5) lack of or failure to receive timely notice of the hearing in the preferred language of the person involved in the hearing; and
- (6) excusable neglect, excusable inadvertence, excusable mistake, or other good cause as determined by the children, youth, and families judge.

Subd. 14. **Commencement of hearing.** The children, youth, and families judge shall begin each hearing by describing the process to be followed in the hearing, including the swearing in of witnesses, how testimony and evidence are presented, the order of examining and cross-examining witnesses, and the opportunity for an opening statement and a closing statement. The children, youth, and families judge shall identify for the participants the issues to be addressed at the hearing and shall explain to the participants the burden of proof that applies to the person involved and the agency. The children, youth, and families judge shall confirm, prior to proceeding with the hearing, that the state agency appeal summary, if required under subdivision 3, has been properly completed and provided to the person involved in the hearing, and that the person has been provided documents and an opportunity to review the case file, as provided in this section.

Subd. 15. **Conduct of the hearing.** The children, youth, and families judge shall act in a fair and impartial manner at all times. At the beginning of the hearing the agency must designate one person as their representative who shall be responsible for presenting the agency's evidence and questioning any witnesses. The children, youth, and families judge shall make sure that the person and the agency are provided sufficient time to present testimony and evidence, to confront and cross-examine all adverse witnesses, and to make any relevant statement at the hearing. The children, youth, and families judge shall make reasonable efforts to explain the hearing process to persons who are not represented and shall ensure that the hearing is conducted fairly and efficiently. Upon the reasonable request of the person or the agency involved, the children, youth, and families judge may direct witnesses to remain outside the hearing room, except during their individual testimony. The children, youth, and families judge shall not terminate the hearing before affording the person and the agency a complete opportunity to submit all admissible evidence and reasonable opportunity for oral or written statement. If a hearing lasts longer than anticipated, the hearing shall be rescheduled or continued from day-to-day until completion. Hearings that have been continued shall be timely scheduled to minimize delay in the disposition of the appeal.

Subd. 16. **Scope of issues addressed at the hearing.** The hearing shall address the correctness and legality of the agency's action and shall not be limited simply to a review of the propriety of the agency's action. The person involved may raise and present evidence on all legal claims or defenses arising under state or federal law as a basis for appealing or disputing an agency action but not constitutional claims beyond the jurisdiction of the fair hearing. The children, youth, and families judge may take official notice of adjudicative facts.

Subd. 17. **Burden of persuasion.** The burden of persuasion is governed by specific state or federal law and regulations that apply to the subject of the hearing. If there is no specific law, then the participant in the hearing who asserts the truth of a claim is under the burden to persuade the children, youth, and families judge that the claim is true.

Subd. 18. **Inviting comment by department.** The children, youth, and families judge or the commissioner may determine that a written comment by the department about the policy implications of a specific legal issue could help resolve a pending appeal. Such a written policy comment from the department shall be obtained only by a written request that is also sent to the person involved and to the agency or its representative. When such a written comment is received, both the person involved in the hearing and the agency shall have adequate opportunity to review, evaluate, and respond to the written comment, including submission of additional testimony or evidence, and cross-examination concerning the written comment.

Subd. 19. **Developing the record.** The children, youth, and families judge shall accept all evidence, except evidence privileged by law, that is commonly accepted by reasonable people in the conduct of their affairs as having probative value on the issues to be addressed at the hearing. Except in fair hearings and appeals under section 142A.20, subdivision 2, paragraph (a), clauses (4) and (5), in cases involving medical issues such as a diagnosis, a physician's report, or a review team's decision, the children, youth, and families judge shall consider whether it is necessary to have a medical assessment other than that of the individual making the original decision. When necessary, the children, youth, and families judge shall require an additional assessment be obtained at agency expense and made part of the hearing record. The children, youth, and families judge shall ensure for all cases that the record is sufficiently complete to make a fair and accurate decision.

Subd. 20. **Unrepresented persons.** In cases involving unrepresented persons, the children, youth, and families judge shall take appropriate steps to identify and develop in the hearing relevant facts necessary for making an informed and fair decision. These steps may include, but are not limited to, asking questions of witnesses and referring the person to a legal services office. An unrepresented person shall be provided an adequate opportunity to respond to testimony or other evidence presented by the agency at the hearing. The children, youth, and families judge shall ensure that an unrepresented person has a full and reasonable opportunity at the hearing to establish a record for appeal.

Subd. 21. **Closing of the record.** The agency must present its evidence prior to or at the hearing. The agency shall not be permitted to submit evidence after the hearing except by agreement at the hearing between the person involved, the agency, and the children, youth, and families judge. If evidence is submitted after the hearing, based on such an agreement, the person involved and the agency must be allowed sufficient opportunity to respond to the evidence. When necessary, the record shall remain open to permit a person to submit additional evidence on the issues presented at the hearing.

Subd. 22. **Decisions.** (a) A timely, written decision must be issued in every appeal. Each decision must contain a clear ruling on the issues presented in the appeal hearing and should contain a ruling only on questions directly presented by the appeal and the arguments raised in the appeal.

(b) A written decision must be issued within 90 days of the date the person involved requested the appeal unless a shorter time is required by law. An additional 30 days is provided in those cases where the commissioner refuses to accept the recommended decision. In appeals of maltreatment determinations or disqualifications filed pursuant to section 142A.20, subdivision 2, paragraph (a), clause (4) or (5), that also give rise to possible licensing actions, the 90-day period for issuing final decisions does not begin until the later of the date that the licensing authority provides notice to the appeals division that the authority has made the final determination in the matter or the date the appellant files the last appeal in the consolidated matters.

(c) The decision must contain both findings of fact and conclusions of law, clearly separated and identified. The findings of fact must be based on the entire record. Each finding of fact made by the children, youth, and families judge shall be supported by a preponderance of the evidence unless a different standard is required under the regulations of a particular program. The "preponderance of the evidence" means, in light of the record as a whole, the evidence leads the children, youth, and families judge to believe that the finding of fact is more likely to be true than not true. The legal claims or arguments of a participant do not constitute either a finding of fact or a conclusion of law, except to the extent the children, youth, and families judge adopts an argument as a finding of fact or conclusion of law.

(d) The decision shall contain at least the following:

(1) a listing of the date and place of the hearing and the participants at the hearing;

(2) a clear and precise statement of the issues, including the dispute under consideration and the specific points that must be resolved in order to decide the case;

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(3) a listing of the material, including exhibits, records, reports, placed into evidence at the hearing, and upon which the hearing decision is based;

(4) the findings of fact based upon the entire hearing record. The findings of fact must be adequate to inform the participants and any interested person in the public of the basis of the decision. If the evidence is in conflict on an issue that must be resolved, the findings of fact must state the reasoning used in resolving the conflict;

(5) conclusions of law that address the legal authority for the hearing and the ruling and give appropriate attention to the claims of the participants to the hearing;

(6) a clear and precise statement of the decision made resolving the dispute under consideration in the hearing; and

(7) written notice of the right to appeal to district court or to request reconsideration, and of the actions required and the time limits for taking appropriate action to appeal to district court or to request a reconsideration.

(e) The children, youth, and families judge shall not independently investigate facts or otherwise rely on information not presented at the hearing. The children, youth, and families judge may not contact other agency personnel, except as provided in subdivision 18. The children, youth, and families judge's recommended decision must be based exclusively on the testimony and evidence presented at the hearing, and legal arguments presented, and the children, youth, and families judge's research and knowledge of the law.

(f) The commissioner will review the recommended decision and accept or refuse to accept the decision according to section 142A.20, subdivision 5.

Subd. 23. **Refusal to accept recommended orders.** (a) If the commissioner refuses to accept the recommended order from the children, youth, and families judge, the person involved, the person's attorney or authorized representative, and the agency shall be sent a copy of the recommended order, a detailed explanation of the basis for refusing to accept the recommended order, and the proposed modified order.

(b) The person involved and the agency shall have at least ten business days to respond to the proposed modification of the recommended order. The person involved and the agency may submit a legal argument concerning the proposed modification, and may propose to submit additional evidence that relates to the proposed modified order.

Subd. 24. **Reconsideration.** (a) Reconsideration may be requested within 30 days of the date of the commissioner's final order. If reconsideration is requested under section 142A.20, subdivision 5, the other participants in the appeal shall be informed of the request. The person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and may include proposed additional evidence supporting the request. The other participants shall be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond.

(b) When the requesting party raises a question as to the appropriateness of the findings of fact, the commissioner shall review the entire record.

(c) When the requesting party questions the appropriateness of a conclusion of law, the commissioner shall consider the recommended decision, the decision under reconsideration, and the material submitted in connection with the reconsideration. The commissioner shall review the remaining record as necessary to issue a reconsidered decision.

(d) The commissioner shall issue a written decision on reconsideration in a timely fashion. The decision must clearly inform the parties that this constitutes the final administrative decision, advise the participants of the right to seek judicial review, and the deadline for doing so.

Subd. 25. **Access to appeal decisions.** Appeal decisions must be maintained in a manner so that the public has ready access to previous decisions on particular topics, subject to appropriate procedures for safeguarding names, personal identifying information, and other private data on the individual persons involved in the appeal.

Laws 2024, chapter 80, article 1, section 43, subdivision 2

Sec. 43. **[142A.27] ADMINISTRATIVE FRAUD DISQUALIFICATION HEARINGS.**

Subd. 2. **Combined hearing.** The children, youth, and families judge may combine a fair hearing under section 142A.20 and administrative fraud disqualification hearing under this section into a single hearing if the factual issues arise out of the same, or related, circumstances and the individual receives prior notice that the hearings will be combined. If the administrative fraud disqualification hearing and fair hearing are combined, the time frames for administrative fraud disqualification hearings specified in Code of Federal Regulations, title 7, section 273.16, apply. If the individual accused of wrongfully obtaining assistance is charged under section 142A.25 or 256.98 for the same act or acts that are the subject of the hearing, the individual may request that the hearing be delayed until the criminal charge is decided by the court or withdrawn.

(b) A human services judge may combine a fair hearing and administrative fraud disqualification hearing pursuant to section 142A.27, subdivision 2, or 256.046, subdivision 2, if either is under the jurisdiction of the commissioner of human services or the commissioner of children, youth, and families.

Laws 2024, chapter 80, article 7, section 3

Sec. 3. Minnesota Statutes 2022, section 256J.08, subdivision 32, is amended to read:

Subd. 32. **Fair hearing or hearing.** "Fair hearing" or "hearing" means the evidentiary hearing conducted by the department ~~human services~~ of children, youth, and families judge to resolve disputes as specified in section 256J.40, or if not applicable, section 256.045.

Laws 2024, chapter 80, article 7, section 9

Sec. 9. Minnesota Statutes 2023 Supplement, section 256J.40, is amended to read:

256J.40 FAIR HEARINGS.

Caregivers receiving a notice of intent to sanction or a notice of adverse action that includes a sanction, reduction in benefits, suspension of benefits, denial of benefits, or termination of benefits may request a fair hearing. A request for a fair hearing must be submitted in writing to the county agency or to the commissioner and must be mailed within 30 days after a participant or former participant receives written notice of the agency's action or within 90 days when a participant or former participant shows good cause for not submitting the request within 30 days. A former participant who receives a notice of adverse action due to an overpayment may appeal the adverse action according to the requirements in this section. Issues that may be appealed are:

- (1) the amount of the assistance payment;
- (2) a suspension, reduction, denial, or termination of assistance;
- (3) the basis for an overpayment, the calculated amount of an overpayment, and the level of recoupment;
- (4) the eligibility for an assistance payment; and
- (5) the use of protective or vendor payments under section 256J.39, subdivision 2, clauses (1) to (3).

A county agency must not reduce, suspend, or terminate payment when an aggrieved participant requests a fair hearing prior to the effective date of the adverse action or within ten days of the mailing of the notice of adverse action, whichever is later, unless the participant requests in writing not to receive continued assistance pending a hearing decision. Assistance issued pending a fair hearing is subject to recovery under section 256P.08 when as a result of the fair hearing decision the participant is determined ineligible for assistance or the amount of the assistance received. A county agency may increase or reduce an assistance payment while an appeal is pending when the circumstances of the participant change and are not related to the issue on appeal. The commissioner's order is binding on a county agency. No additional notice is required to enforce the commissioner's order.

A county agency shall reimburse appellants for reasonable and necessary expenses of attendance at the hearing, such as child care and transportation costs and for the transportation expenses of the appellant's witnesses and representatives to and from the hearing. Reasonable and necessary expenses do not include legal fees. Fair hearings must be conducted at a reasonable time and date by an impartial ~~human services~~ children, youth, and families judge employed by the department. The

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hearing may be conducted by telephone or at a site that is readily accessible to persons with disabilities.

The appellant may introduce new or additional evidence relevant to the issues on appeal. Recommendations of the ~~human services~~ children, youth, and families judge and decisions of the commissioner must be based on evidence in the hearing record and are not limited to a review of the county agency action.

9560.0232 ADMINISTRATIVE REQUIREMENTS.

Subp. 5. Child mortality review panel.

A. For purposes of this subpart, "local review panel" means a local multidisciplinary child mortality review panel.

B. Under the commissioner's authority in Minnesota Statutes, section 256.01, subdivision 12, paragraph (b), each county shall establish a local review panel and shall participate on the local review panel. The local agency's child protection team may serve as the local review panel. The local review panel shall require participation by professional representatives, including professionals with knowledge of the child mortality case being reviewed.

C. The local review panel shall:

(1) have access to not public data under Minnesota Statutes, section 256.01, subdivision 12, paragraph (c), maintained by state agencies, statewide systems, or political subdivisions that are related to a child's death or circumstances surrounding the care of the child;

(2) conduct a local review of the case within 60 days of the death of a child if:

(a) the death was caused by maltreatment;

(b) the manner of death was due to sudden infant death syndrome or was other than by natural causes, and the child was a member of a family receiving social services from a local agency, a member of a family that received social services during the year before the child's death, or a member of a family that was the subject of a child protection assessment; or

(c) the death occurred in a facility licensed by the department if the manner of death was by other than natural causes; and

(3) submit a report of the review to the department within 30 days of completing subitem (2).

A review may be delayed if there is pending litigation or an active assessment or investigation.

D. Under Minnesota Statutes, section 256.01, subdivision 12, paragraph (d):

(1) data acquired by the local review panel in the exercise of its duty is protected nonpublic or confidential data as defined in Minnesota Statutes, section 13.02, but may be disclosed as necessary to carry out the purposes of the local review panel. The data is not subject to subpoena or discovery; and

(2) the commissioner may disclose conclusions of the local review panel, but shall not disclose data classified as confidential or private on decedents under Minnesota Statutes, section 13.10, or data classified as private, confidential, or protected nonpublic in the disseminating agency.

E. Persons attending the local review panel meeting, members of the local review panel, persons who presented information to the local review panel, and all data, information, documents, and records pertaining to the local review panel must comply with the requirements under Minnesota Statutes, section 256.01, subdivision 12, paragraph (e).

F. When the department notifies the local agency that a state review will be conducted under Minnesota Statutes, section 256.01, subdivision 12, paragraph (a), the local agency shall submit a copy of the social services file within five working days.