

A bill for an act

relating to human services; establishing a child safety system and child safety fund; requiring reports; appropriating money; amending Minnesota Statutes 2006, section 256M.30, subdivisions 1, 2; proposing coding for new law as Minnesota Statutes, chapter 256N.

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

Section 1. **LEGISLATIVE FINDINGS AND PURPOSE.**

The legislature finds that it is the public policy of the state to ensure that all children are safe from abuse and neglect, live in permanent and stable homes where they are nurtured, and have the opportunity to reach their full potential. To further this public policy, it is the intent of the legislature to establish a child safety system that has, as its goal, three performance-based outcomes: child safety, permanency, and well-being. A child safety fund is created to implement, maintain, and provide incentives to counties for the continuous improvement of the child safety system.

Sec. 2. Minnesota Statutes 2006, section 256M.30, subdivision 1, is amended to read:

Subdivision 1. **Service plan submitted to commissioner.** Effective January 1, 2004, and each two-year period thereafter, each county must have a biennial service plan approved by the commissioner in order to receive funds. Only one biennial service plan is required under this chapter, regardless of whether counties receive funding under this chapter, chapter 256N, or both. Counties may submit multicounty or regional service plans.

Sec. 3. Minnesota Statutes 2006, section 256M.30, subdivision 2, is amended to read:

Subd. 2. **Contents.** The service plan shall be completed in a form prescribed by the commissioner. The plan must include:

(1) a statement of the needs of the children, adolescents, and adults who experience the conditions defined in section 256M.10, subdivision 2, paragraph (a), and strengths and resources available in the community to address those needs;

(2) strategies the county will implement to meet the child safety system performance standards in the child safety system in chapter 256N;

~~(2)~~ (3) strategies the county will pursue to achieve the performance targets. Strategies must include specification of how funds under this section and other community resources will be used to achieve desired performance targets;

~~(3)~~ (4) a description of the county's process to solicit public input and a summary of that input;

~~(4)~~ (5) beginning with the service plans submitted for the period from January 1, 2006, through December 31, 2007, performance targets on statewide indicators for each county to measure outcomes of children's mental health, and child safety, permanency, and well-being. The commissioner shall consult with counties and other stakeholders to develop these indicators and collect baseline data to inform the establishment of individual county performance targets for the 2006-2007 biennium and subsequent plans; and

~~(5)~~ (6) a budget for services to be provided with funds under this section. The county must budget at least 40 percent of funds appropriated under sections 256M.01 to 256M.80 for services to ensure the mental health, safety, permanency, and well-being of children from low-income families. The commissioner may reduce the portion of child and community services funds that must be budgeted by a county for services to children in low-income families if:

(i) the incidence of children in low-income families within the county's population is significantly below the statewide median; or

(ii) the county has successfully achieved past performance targets for children's mental health, and child safety, permanency, and well-being and its proposed service plan is judged by the commissioner to provide an adequate level of service to the population with less funding.

Sec. 4. [256N.01] CITATION.

Sections 256N.01 to 256N.50 may be cited as the "Child Protection and Safety Act." This act creates a child safety system to establish performance-based accountability for the safety, permanency, and well-being of children and establishes a child safety fund to address the needs of children within each county.

Sec. 5. **[256N.10] DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 256N.01 to 256N.50, the terms defined in this section have the meanings given.

Subd. 2. **Child safety fund.** "Child safety fund" means funds distributed to the counties under the formula specified in section 256N.30 for the purpose of implementing the child safety system.

Subd. 3. **Child safety system.** "Child safety system" means a performance-based system that ensures the safety, permanency, and well-being of children and is accountable to federal and state performance standards and is funded by the child safety fund.

Subd. 4. **Child safety system performance standards.** "Child safety system performance standards" means the performance standards in section 256N.20, subdivision 2.

Subd. 5. **Commissioner.** "Commissioner" means the commissioner of human services.

Subd. 6. **County board.** "County board" means the board of county commissioners in each county.

Sec. 6. **[256N.20] DUTIES OF COMMISSIONER.**

Subdivision 1. **Allocation of funds.** Each year the commissioner shall allocate funds to each county according to the formula defined in section 256N.30 and based on county compliance with the child safety performance standards.

Subd. 2. **Performance standards and compliance; work group.** (a) The commissioner shall convene a work group to establish:

(1) the child safety system performance standards, including a procedure to review and revise the performance standards every two years to ensure compliance with the federal data measures, data composites, and national standards in United States Code, title 45, section 1355.34(a)(1), and defined in the Federal Register;

(2) a procedure by which the commissioner can measure compliance with the child safety system performance standards;

(3) how a county's compliance with the child safety system performance standards should affect the performance-based funding in section 256N.30; and

(4) whether sanctions or corrective action procedures should be implemented to enhance the county's ability to meet the child safety system performance standards.

(b) The work group shall report back to the chairs of house and senate committees having jurisdiction over human services by January 1, 2008, with recommendations for potential legislation to be offered in the 2008 legislative session.

(c) The commissioner shall consult with county associations to determine the representatives to the work group.

Subd. 3. **Technical assistance and training.** The commissioner shall:

(1) provide necessary information and assistance to each county for establishing performance baselines and performance targets on safety, permanency, and well-being for children and adolescents;

(2) provide training, technical assistance, and other supports, which may include a qualitative case review, to each county to assist in planning, implementing services, and improving performance;

(3) use data collection to determine county compliance with child safety system performance standards;

(4) specify requirements for reports, including fiscal reports, to account for funds distributed; and

(5) work with counties to correct deficits that are identified in the evaluation of county performance under section 256N.50.

Sec. 7. [256N.30] CHILD SAFETY ACT GRANT ALLOCATION.

Subdivision 1. **Child safety fund.** The child safety fund is created for the purposes of sections 256N.01 to 256N.50.

Subd. 2. **Formula.** (a) The commissioner shall allocate funds annually from the child safety fund to each county board on a calendar basis in an amount determined according to this subdivision. Ninety-five percent of available funds must be allocated according to the formula in paragraphs (b) to (f). The remaining five percent of available funds must be allocated to counties through a request for proposal process for projects to meet specific county needs.

(b) By January 1, 2008, the commissioner shall allocate available funds according to the following criteria:

(1) 90 percent must be based on the county's federal child welfare targeted case management (CWTCM) revenue under section 256F.10 for the average of years 2004, 2005, and 2006; and

(2) ten percent must be based on need, calculated as follows:

(i) 50 percent must be based on the three-year average of the percentage of children in poverty in the county; and

(ii) 50 percent must be based on the three-year average of the total number of children in the county.

(c) By January 1, 2009, the commissioner shall allocate available funds according to the following criteria:

(1) 70 percent must be based on the average of the county's federal CWTCM revenue under section 256F.10 for years 2004, 2005, and 2006;

(2) 25 percent must be based on need, calculated as follows:

(i) 50 percent must be based on the three-year average of the percentage of children in poverty in the county; and

(ii) 50 percent must be based on the three-year average of the total number of children in the county; and

(3) five percent must be based on the county's ability to meet the child safety system performance standards in section 256N.20.

(d) By January 1, 2010, the commissioner shall allocate available funds according to the following criteria:

(1) 50 percent must be based on the average of the county's federal CWTCM revenue under section 256F.10 for years 2004, 2005, and 2006;

(2) 35 percent must be based on need, calculated as follows:

(i) 50 percent must be based on the three-year average of the percentage of children in poverty in the county; and

(ii) 50 percent must be based on the three-year average of the total number of children in the county; and

(3) 15 percent must be based on the county's ability to meet the child safety system performance standards in section 256N.20.

(e) By January 1, 2011, the commissioner shall allocate available funds according to the following criteria:

(1) 25 percent must be based on the average of the county's federal CWTCM revenue under section 256F.10 for years 2004, 2005, and 2006;

(2) 55 percent must be based on need, calculated as follows:

(i) 50 percent must be based on the three-year average of the percentage of children in poverty in the county; and

(ii) 50 percent must be based on the three-year average of the total number of children in the county; and

(3) 20 percent must be based on the county's ability to meet the child safety system performance standards in section 256N.20.

(f) By January 1, 2012, and each year thereafter, the commissioner shall allocate available funds according to the following criteria:

(1) 70 percent must be based on need, calculated as follows:

(i) 50 percent must be based on the three-year average of the percentage of children in poverty in the county; and

(ii) 50 percent must be based on the three-year average of the total number of children in the county; and

(2) 30 percent must be based on the county's ability to meet the performance standards in section 256N.20.

Subd. 3. **Tribal participation work group; report.** The commissioner shall convene a work group comprised of tribes, counties, and the Department of Human Services to establish opportunities and mechanisms for tribes to participate in the child safety system to ensure the safety, permanency, and well-being of American Indian children. The work group shall report back to the chairs of house and senate committees having jurisdiction by January 1, 2008, with recommendations for potential legislation to be offered in the 2008 legislative session.

Sec. 8. [256N.40] COUNTY DUTIES.

Subdivision 1. **Performance outcomes.** Counties shall use allocated funds from the child safety fund to meet child safety system performance standards, with the overall goal of achieving the three following outcomes:

(1) protecting children from abuse and neglect, including maintaining a safe environment for children in their homes whenever possible;

(2) maintaining permanency and stability in children's living situations, including preserving continuity of family relationships; and

(3) ensuring that families have the capacity to provide for their children's educational, physical, and mental health needs.

Subd. 2. **Duties of county boards.** The county board of each county is responsible for administering and distributing the funding for children services under subdivision 1.

Sec. 9. [256N.50] EVALUATION OF COUNTY PERFORMANCE.

Subdivision 1. **County evaluation.** The commissioner shall evaluate the performance of each county in the state to measure compliance with the child safety system performance standards. The commissioner shall annually collect and compile data to determine if standards were met, require sanctions or corrective action procedures as determined by the work group in section 256N.20, and utilize the data collected to determine the county's eligibility for all or part of the child safety fund performance allocation under section 256N.30.

7.1 Subd. 2. **Statewide evaluation.** Beginning January 1, 2010, and every two years
7.2 thereafter, the commissioner shall prepare a report which must include the counties'
7.3 progress in achieving compliance with the child safety system performance standards.
7.4 As part of this report, the commissioner shall evaluate and make changes necessary to
7.5 amend the child safety system performance standards. This report must be disseminated to
7.6 county agencies statewide.

7.7 Sec. 10. **APPROPRIATION.**

7.8 \$..... is appropriated from the general fund to the commissioner of human services
7.9 for the biennium beginning July 1, 2007, to develop the child safety system in sections 4
7.10 to 9.