

**SENATE
STATE OF MINNESOTA
SPECIAL SESSION**

S.F. No. 24

(SENATE AUTHORS: KIFFMEYER)

DATE
06/12/2020

D-PG

16 Introduction and first reading
Referred to Rules and Administration

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to human services; child care; foster care; requiring students in foster care

1.3 who change schools to be enrolled within seven days; requiring responsible social

1.4 services agencies to initiate and facilitate phone calls between parents and foster

1.5 care providers for children in out-of-home placement; requiring responsible social

1.6 services agencies to coordinate prenatal alcohol exposure screenings for children

1.7 in foster care; modifying family day care training requirements; requiring local

1.8 agencies to use a universal form to process family day care variance requests and

1.9 post variance policies publicly; modifying background study requirements for

1.10 guardians and conservators; modifying the definition of supervision in child care

1.11 center settings; modifying birth to age eight pilot project participation requirements;

1.12 modifying provisions of the family assets for independence initiative; extending

1.13 the first three years of life demonstration project; directing the commissioner of

1.14 human services to modify an annual foster care report, develop foster care phone

1.15 call training, develop a uniform family day care variance application form, and

1.16 evaluate continuous licenses for family day care providers; amending Minnesota

1.17 Statutes 2018, sections 245A.02, subdivision 2c; 245A.04, subdivision 9; 245A.50,

1.18 as amended; 245C.10, by adding a subdivision; 245C.32, subdivision 2; 256.041,

1.19 subdivision 10; 256E.35; 257.0725; 260C.219; 524.5-118; Minnesota Statutes

1.20 2019 Supplement, sections 245A.02, subdivision 18; 245A.149; 245A.16,

1.21 subdivision 1; 245A.40, subdivision 7; Laws 2016, chapter 189, article 15, section

1.22 29; Laws 2017, First Special Session chapter 6, article 7, section 33, subdivisions

1.23 2, 3; proposing coding for new law in Minnesota Statutes, chapter 120A.

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

1.25 Section 1. **[120A.21] ENROLLMENT OF A STUDENT IN FOSTER CARE.**

1.26 A student placed in foster care must remain enrolled in the student's prior school unless

1.27 it is determined that remaining enrolled in the prior school is not in the student's best interests.

1.28 If the student does not remain enrolled in the prior school, the student must be enrolled in

1.29 a new school within seven school days.

Sec. 2. Minnesota Statutes 2018, section 245A.02, subdivision 2c, is amended to read:

Subd. 2c. **Annual or annually; family child care training requirements.** For the purposes of ~~section 245A.50, subdivisions 1 to 9~~ sections 245A.50 to 245A.53, "annual" or "annually" means the 12-month period beginning on the license effective date or the annual anniversary of the effective date and ending on the day prior to the annual anniversary of the license effective date.

EFFECTIVE DATE. This section is effective September 30, 2020.

Sec. 3. Minnesota Statutes 2019 Supplement, section 245A.02, subdivision 18, is amended to read:

Subd. 18. **Supervision.** (a) For purposes of licensed child care centers, "supervision" means when a program staff person:

(1) is accountable for the child's care;

(2) can intervene to protect the health and safety of the child; and

(3) is within sight and hearing of the child at all times except as described in paragraphs (b) to ~~(d)~~ (e).

(b) When an infant is placed in a crib room to sleep, supervision occurs when a program staff person is within sight or hearing of the infant. When supervision of a crib room is provided by sight or hearing, the center must have a plan to address the other supervision components.

(c) When a single school-age child uses the restroom within the licensed space, supervision occurs when a program staff person has knowledge of the child's activity and location and checks on the child at least every five minutes. When a school-age child uses the restroom outside the licensed space, including but not limited to field trips, supervision occurs when staff accompany children to the restroom.

(d) When a school-age child leaves the classroom but remains within the licensed space to deliver or retrieve items from the child's personal storage space, supervision occurs when a program staff person has knowledge of the child's activity and location and checks on the child at least every five minutes.

(e) When a single preschooler uses an individual, private restroom within the classroom with the door closed, supervision occurs when a program staff person has knowledge of the child's activity and location, can hear the child, and checks on the child at least every five minutes.

3.1 Sec. 4. Minnesota Statutes 2018, section 245A.04, subdivision 9, is amended to read:

3.2 Subd. 9. **Variances.** (a) The commissioner may grant variances to rules that do not affect
3.3 the health or safety of persons in a licensed program if the following conditions are met:

3.4 (1) the variance must be requested by an applicant or license holder on a form and in a
3.5 manner prescribed by the commissioner;

3.6 (2) the request for a variance must include the reasons that the applicant or license holder
3.7 cannot comply with a requirement as stated in the rule and the alternative equivalent measures
3.8 that the applicant or license holder will follow to comply with the intent of the rule; and

3.9 (3) the request must state the period of time for which the variance is requested.

3.10 The commissioner may grant a permanent variance when conditions under which the
3.11 variance is requested do not affect the health or safety of persons being served by the licensed
3.12 program, nor compromise the qualifications of staff to provide services. The permanent
3.13 variance shall expire as soon as the conditions that warranted the variance are modified in
3.14 any way. Any applicant or license holder must inform the commissioner of any changes or
3.15 modifications that have occurred in the conditions that warranted the permanent variance.
3.16 Failure to advise the commissioner shall result in revocation of the permanent variance and
3.17 may be cause for other sanctions under sections 245A.06 and 245A.07.

3.18 The commissioner's decision to grant or deny a variance request is final and not subject
3.19 to appeal under the provisions of chapter 14.

3.20 (b) The commissioner shall consider variances for child care center staff qualification
3.21 requirements under Minnesota Rules, parts 9503.0032 and 9503.0033, that do not affect
3.22 the health and safety of children served by the center. A variance request must be submitted
3.23 to the commissioner in accordance with paragraph (a) and must include a plan for the staff
3.24 person to gain additional experience, education, or training, as requested by the commissioner.
3.25 When reviewing a variance request under this section, the commissioner shall consider the
3.26 staff person's level of professional development, including but not limited to steps completed
3.27 on the Minnesota career lattice.

3.28 (c) Beginning January 1, 2021, counties shall use a uniform application form developed
3.29 by the commissioner for variance requests by family child care license holders.

Sec. 5. Minnesota Statutes 2019 Supplement, section 245A.149, is amended to read:

245A.149 SUPERVISION OF FAMILY CHILD CARE LICENSE HOLDER'S OWN CHILD.

(a) Notwithstanding Minnesota Rules, part 9502.0365, subpart 5, and with the license holder's consent, an individual may be present in the licensed space, may supervise the family child care license holder's own child both inside and outside of the licensed space, and is exempt from the training and supervision requirements of this chapter and Minnesota Rules, chapter 9502, if the individual:

(1) is related to the license holder or to the license holder's child, as defined in section 245A.02, subdivision 13, or is a household member who the license holder has reported to the county agency;

(2) is not a designated caregiver, helper, or substitute for the licensed program;

(3) is involved only in the care of the license holder's own child; and

(4) does not have direct, unsupervised contact with any nonrelative children receiving services.

(b) If the individual in paragraph (a) is not a household member, the individual is also exempt from background study requirements under chapter 245C.

EFFECTIVE DATE. This section is effective September 30, 2020.

Sec. 6. Minnesota Statutes 2019 Supplement, section 245A.16, subdivision 1, is amended to read:

Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and private agencies that have been designated or licensed by the commissioner to perform licensing functions and activities under section 245A.04 and background studies for family child care under chapter 245C; to recommend denial of applicants under section 245A.05; to issue correction orders, to issue variances, and recommend a conditional license under section 245A.06; or to recommend suspending or revoking a license or issuing a fine under section 245A.07, shall comply with rules and directives of the commissioner governing those functions and with this section. The following variances are excluded from the delegation of variance authority and may be issued only by the commissioner:

(1) dual licensure of family child care and child foster care, dual licensure of child and adult foster care, and adult foster care and family child care;

(2) adult foster care maximum capacity;

5.1 (3) adult foster care minimum age requirement;

5.2 (4) child foster care maximum age requirement;

5.3 (5) variances regarding disqualified individuals except that, before the implementation
5.4 of NETStudy 2.0, county agencies may issue variances under section 245C.30 regarding
5.5 disqualified individuals when the county is responsible for conducting a consolidated
5.6 reconsideration according to sections 245C.25 and 245C.27, subdivision 2, clauses (a) and
5.7 (b), of a county maltreatment determination and a disqualification based on serious or
5.8 recurring maltreatment;

5.9 (6) the required presence of a caregiver in the adult foster care residence during normal
5.10 sleeping hours;

5.11 (7) variances to requirements relating to chemical use problems of a license holder or a
5.12 household member of a license holder; and

5.13 (8) variances to section 245A.53 for a time-limited period. If the commissioner grants
5.14 a variance under this clause, the license holder must provide notice of the variance to all
5.15 parents and guardians of the children in care.

5.16 Except as provided in section 245A.14, subdivision 4, paragraph (e), a county agency must
5.17 not grant a license holder a variance to exceed the maximum allowable family child care
5.18 license capacity of 14 children.

5.19 (b) A county agency that has been designated by the commissioner to issue family child
5.20 care variances must:

5.21 (1) publish the county agency's policies and criteria for issuing variances on the county's
5.22 public website and update the policies as necessary; and

5.23 (2) annually distribute the county agency's policies and criteria for issuing variances to
5.24 all family child care license holders in the county.

5.25 ~~(b)~~ (c) Before the implementation of NETStudy 2.0, county agencies must report
5.26 information about disqualification reconsiderations under sections 245C.25 and 245C.27,
5.27 subdivision 2, paragraphs (a) and (b), and variances granted under paragraph (a), clause
5.28 (5), to the commissioner at least monthly in a format prescribed by the commissioner.

5.29 ~~(e)~~ (d) For family child care programs, the commissioner shall require a county agency
5.30 to conduct one unannounced licensing review at least annually.

5.31 ~~(d)~~ (e) For family adult day services programs, the commissioner may authorize licensing
5.32 reviews every two years after a licensee has had at least one annual review.

6.1 ~~(e)~~ (f) A license issued under this section may be issued for up to two years.

6.2 ~~(f)~~ (g) During implementation of chapter 245D, the commissioner shall consider:

6.3 (1) the role of counties in quality assurance;

6.4 (2) the duties of county licensing staff; and

6.5 (3) the possible use of joint powers agreements, according to section 471.59, with counties
6.6 through which some licensing duties under chapter 245D may be delegated by the
6.7 commissioner to the counties.

6.8 Any consideration related to this paragraph must meet all of the requirements of the corrective
6.9 action plan ordered by the federal Centers for Medicare and Medicaid Services.

6.10 ~~(g)~~ (h) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or
6.11 successor provisions; and section 245D.061 or successor provisions, for family child foster
6.12 care programs providing out-of-home respite, as identified in section 245D.03, subdivision
6.13 1, paragraph (b), clause (1), is excluded from the delegation of authority to county and
6.14 private agencies.

6.15 ~~(h)~~ (i) A county agency shall report to the commissioner, in a manner prescribed by the
6.16 commissioner, the following information for a licensed family child care program:

6.17 (1) the results of each licensing review completed, including the date of the review, and
6.18 any licensing correction order issued;

6.19 (2) any death, serious injury, or determination of substantiated maltreatment; and

6.20 (3) any fires that require the service of a fire department within 48 hours of the fire. The
6.21 information under this clause must also be reported to the state fire marshal within two
6.22 business days of receiving notice from a licensed family child care provider.

6.23 **EFFECTIVE DATE.** This section is effective January 1, 2021.

6.24 Sec. 7. Minnesota Statutes 2019 Supplement, section 245A.40, subdivision 7, is amended
6.25 to read:

6.26 Subd. 7. **In-service.** (a) A license holder must ensure that the center director, staff
6.27 persons, substitutes, and unsupervised volunteers complete in-service training each calendar
6.28 year.

6.29 (b) The center director and staff persons who work more than 20 hours per week must
6.30 complete 24 hours of in-service training each calendar year. Staff persons who work 20
6.31 hours or less per week must complete 12 hours of in-service training each calendar year.

7.1 Substitutes and unsupervised volunteers must complete the requirements of paragraphs ~~(e)~~
7.2 ~~to (h)~~ (d) to (g) and do not otherwise have a minimum number of hours of training to
7.3 complete.

7.4 (c) The number of in-service training hours may be prorated for individuals not employed
7.5 for an entire year.

7.6 (d) Each year, in-service training must include:

7.7 (1) the center's procedures for maintaining health and safety according to section 245A.41
7.8 and Minnesota Rules, part 9503.0140, and handling emergencies and accidents according
7.9 to Minnesota Rules, part 9503.0110;

7.10 (2) the reporting responsibilities under section 626.556 and Minnesota Rules, part
7.11 9503.0130;

7.12 (3) at least one-half hour of training on the standards under section 245A.1435 and on
7.13 reducing the risk of sudden unexpected infant death as required under subdivision 5, if
7.14 applicable; and

7.15 (4) at least one-half hour of training on the risk of abusive head trauma from shaking
7.16 infants and young children as required under subdivision 5a, if applicable.

7.17 (e) Each year, or when a change is made, whichever is more frequent, in-service training
7.18 must be provided on: (1) the center's risk reduction plan under section 245A.66, subdivision
7.19 2; and (2) a child's individual child care program plan as required under Minnesota Rules,
7.20 part 9503.0065, subpart 3.

7.21 (f) At least once every two calendar years, the in-service training must include:

7.22 (1) child development and learning training under subdivision 2;

7.23 (2) pediatric first aid that meets the requirements of subdivision 3;

7.24 (3) pediatric cardiopulmonary resuscitation training that meets the requirements of
7.25 subdivision 4;

7.26 (4) cultural dynamics training to increase awareness of cultural differences; and

7.27 (5) disabilities training to increase awareness of differing abilities of children.

7.28 (g) At least once every five years, in-service training must include child passenger
7.29 restraint training that meets the requirements of subdivision 6, if applicable.

(h) The remaining hours of the in-service training requirement must be met by completing training in the following content areas of the Minnesota Knowledge and Competency Framework:

(1) Content area I: child development and learning;

(2) Content area II: developmentally appropriate learning experiences;

(3) Content area III: relationships with families;

(4) Content area IV: assessment, evaluation, and individualization;

(5) Content area V: historical and contemporary development of early childhood education;

(6) Content area VI: professionalism;

(7) Content area VII: health, safety, and nutrition; and

(8) Content area VIII: application through clinical experiences.

(i) For purposes of this subdivision, the following terms have the meanings given them.

(1) "Child development and learning training" means training in understanding how children develop physically, cognitively, emotionally, and socially and learn as part of the children's family, culture, and community.

(2) "Developmentally appropriate learning experiences" means creating positive learning experiences, promoting cognitive development, promoting social and emotional development, promoting physical development, and promoting creative development.

(3) "Relationships with families" means training on building a positive, respectful relationship with the child's family.

(4) "Assessment, evaluation, and individualization" means training in observing, recording, and assessing development; assessing and using information to plan; and assessing and using information to enhance and maintain program quality.

(5) "Historical and contemporary development of early childhood education" means training in past and current practices in early childhood education and how current events and issues affect children, families, and programs.

(6) "Professionalism" means training in knowledge, skills, and abilities that promote ongoing professional development.

(7) "Health, safety, and nutrition" means training in establishing health practices, ensuring safety, and providing healthy nutrition.

(8) "Application through clinical experiences" means clinical experiences in which a person applies effective teaching practices using a range of educational programming models.

(j) The license holder must ensure that documentation, as required in subdivision 10, includes the number of total training hours required to be completed, name of the training, the Minnesota Knowledge and Competency Framework content area, number of hours completed, and the director's approval of the training.

(k) In-service training completed by a staff person that is not specific to that child care center is transferable upon a staff person's change in employment to another child care program.

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

Sec. 8. Minnesota Statutes 2018, section 245A.50, as amended by Laws 2019, First Special Session chapter 9, article 2, section 53, is amended to read:

245A.50 FAMILY CHILD CARE TRAINING REQUIREMENTS.

Subdivision 1. **Initial training.** (a) License holders, second adult caregivers, and substitutes must comply with the training requirements in this section.

(b) Helpers who assist with care on a regular basis must complete six hours of training within one year after the date of initial employment.

(c) Training requirements established under this section that must be completed prior to initial licensure must be satisfied only by a newly licensed child care provider or by a child care provider who has not held an active child care license in Minnesota in the previous 12 months. A child care provider who voluntarily cancels a license or allows the license to lapse for a period of less than 12 months and who seeks reinstatement of the lapsed or canceled license within 12 months of the lapse or cancellation must satisfy the annual, ongoing training requirements, and is not required to satisfy the training requirements that must be completed prior to initial licensure. A child care provider who relocates within the state must (1) satisfy the annual, ongoing training requirements according to the schedules established in this section and (2) not be required to satisfy the training requirements under this section that the child care provider completed prior to initial licensure. If a licensed provider moves to a new county, the new county is prohibited from requiring the provider to complete any orientation class or training for new providers.

(d) Before a second adult caregiver or substitute cares for a child or assists in the care of a child, the license holder must train the second adult caregiver or substitute on:

(1) the emergency preparedness plan required under section 245A.51, subdivision 3;
and

(2) allergy prevention and response required under section 245A.51, subdivision 1.

Subd. 1a. **Definitions and general provisions.** For the purposes of this section, the following terms have the meanings given:

(1) "second adult caregiver" means an adult who cares for children in the licensed program along with the license holder for a cumulative total of more than 500 hours annually;

(2) "helper" means a minor, ages 13 to 17, who assists in caring for children; and

(3) "substitute" means an adult who assumes responsibility for a license holder for a cumulative total of not more than 500 hours annually.

An adult who cares for children in the licensed program along with the license holder for a cumulative total of not more than 500 hours annually has the same training requirements as a substitute.

Subd. 2. **Child development and learning and behavior guidance training.** (a) For purposes of family and group family child care, the license holder and each second adult caregiver ~~who provides care in the licensed setting for more than 30 days in any 12-month period~~ shall complete and document at least four hours of child growth development and learning and behavior guidance training prior to initial licensure, and before caring for children. For purposes of this subdivision, "child development and learning training" means training in understanding how children develop physically, cognitively, emotionally, and socially and learn as part of the children's family, culture, and community. "Behavior guidance training" means training in the understanding of the functions of child behavior and strategies for managing challenging situations. ~~At least two hours of child development and learning or behavior guidance training must be repeated annually. The training curriculum~~ shall be developed or approved by the commissioner of human services.

(b) Notwithstanding initial child development and learning and behavior guidance training requirements in paragraph (a), individuals are exempt from this requirement if they:

(1) have taken a three-credit course on early childhood development within the past five years;

(2) have received a baccalaureate or master's degree in early childhood education or school-age child care within the past five years;

(3) are licensed in Minnesota as a prekindergarten teacher, an early childhood educator, a kindergarten to grade 6 teacher with a prekindergarten specialty, an early childhood special education teacher, or an elementary teacher with a kindergarten endorsement; or

(4) have received a baccalaureate degree with a Montessori certificate within the past five years.

(c) The license holder and each second adult caregiver must annually take at least two hours of child development and learning or behavior guidance training. A three-credit course about early childhood development meets the requirements of this paragraph.

Subd. 3. **First aid.** ~~(a) When children are present in a family child care home governed by Minnesota Rules, parts 9502.0315 to 9502.0445, at least one staff person must be present in the home who has been trained in first aid~~ Before initial licensure and before caring for a child, license holders, second adult caregivers, and substitutes must be trained in pediatric first aid. The first aid training must have been provided by an individual approved to provide first aid instruction. First aid training may be less than eight hours and persons qualified to provide first aid training include individuals approved as first aid instructors. First aid training must be repeated every two years License holders, second adult caregivers, and substitutes must repeat pediatric first aid training every two years. When the training expires, it must be retaken no later than the day before the anniversary of the license holder's license effective date.

~~(b) A family child care provider is exempt from the first aid training requirements under this subdivision related to any substitute caregiver who provides less than 30 hours of care during any 12-month period.~~

~~(e)~~ (b) Video training reviewed and approved by the county licensing agency satisfies the training requirement of this subdivision.

Subd. 4. **Cardiopulmonary resuscitation.** ~~(a) When children are present in a family child care home governed by Minnesota Rules, parts 9502.0315 to 9502.0445, at least one caregiver must be present in the home who has been trained in cardiopulmonary resuscitation (CPR)~~ Before initial licensure and before caring for a child, license holders, second adult caregivers, and substitutes must be trained in pediatric cardiopulmonary resuscitation (CPR), including CPR techniques for infants and children, and in the treatment of obstructed airways. The CPR training must have been provided by an individual approved to provide CPR instruction; License holders, second adult caregivers, and substitutes must be repeated repeat pediatric CPR training at least once every two years; and must be documented document the training in the caregiver's license holder's records. When the training expires,

12.1 it must be retaken no later than the day before the anniversary of the license holder's license
12.2 effective date.

12.3 ~~(b) A family child care provider is exempt from the CPR training requirement in this~~
12.4 ~~subdivision related to any substitute caregiver who provides less than 30 hours of care during~~
12.5 ~~any 12-month period.~~

12.6 ~~(e)~~ (b) Persons providing CPR training must use CPR training that has been developed:

12.7 (1) by the American Heart Association or the American Red Cross and incorporates
12.8 psychomotor skills to support the instruction; or

12.9 (2) using nationally recognized, evidence-based guidelines for CPR training and
12.10 incorporates psychomotor skills to support the instruction.

12.11 Subd. 5. **Sudden unexpected infant death and abusive head trauma training.** (a)
12.12 License holders must ensure and document that before ~~staff persons~~ the license holder,
12.13 second adult caregivers, substitutes, and helpers assist in the care of infants, they are
12.14 instructed on the standards in section 245A.1435 and receive training on reducing the risk
12.15 of sudden unexpected infant death. In addition, license holders must ensure and document
12.16 that before ~~staff persons~~ the license holder, second adult caregivers, substitutes, and helpers
12.17 assist in the care of infants and children under school age, they receive training on reducing
12.18 the risk of abusive head trauma from shaking infants and young children. The training in
12.19 this subdivision may be provided as initial training under subdivision 1 or ongoing annual
12.20 training under subdivision 7.

12.21 (b) Sudden unexpected infant death reduction training required under this subdivision
12.22 must, at a minimum, address the risk factors related to sudden unexpected infant death,
12.23 means of reducing the risk of sudden unexpected infant death in child care, and license
12.24 holder communication with parents regarding reducing the risk of sudden unexpected infant
12.25 death.

12.26 (c) Abusive head trauma training required under this subdivision must, at a minimum,
12.27 address the risk factors related to shaking infants and young children, means of reducing
12.28 the risk of abusive head trauma in child care, and license holder communication with parents
12.29 regarding reducing the risk of abusive head trauma.

12.30 (d) Training for family and group family child care providers must be developed by the
12.31 commissioner in conjunction with the Minnesota Sudden Infant Death Center and approved
12.32 by the Minnesota Center for Professional Development. Sudden unexpected infant death

13.1 reduction training and abusive head trauma training may be provided in a single course of
13.2 no more than two hours in length.

13.3 (e) Sudden unexpected infant death reduction training and abusive head trauma training
13.4 required under this subdivision must be completed in person or as allowed under subdivision
13.5 10, clause (1) or (2), at least once every two years. When the training expires, it must be
13.6 retaken no later than the day before the anniversary of the license holder's license effective
13.7 date. On the years when the ~~license holder~~ individual receiving training is not receiving
13.8 training in person or as allowed under subdivision 10, clause (1) or (2), the ~~license holder~~
13.9 individual receiving training in accordance with this subdivision must receive sudden
13.10 unexpected infant death reduction training and abusive head trauma training through a video
13.11 of no more than one hour in length. The video must be developed or approved by the
13.12 commissioner.

13.13 (f) An individual who is related to the license holder as defined in section 245A.02,
13.14 subdivision 13, and who is involved only in the care of the license holder's own infant or
13.15 child under school age and who is not designated to be a second adult caregiver, helper, or
13.16 substitute, ~~as defined in Minnesota Rules, part 9502.0315,~~ for the licensed program, is
13.17 exempt from the sudden unexpected infant death and abusive head trauma training.

13.18 Subd. 6. **Child passenger restraint systems; training requirement.** (a) A license
13.19 holder must comply with all seat belt and child passenger restraint system requirements
13.20 under section 169.685.

13.21 (b) Family and group family child care programs licensed by the Department of Human
13.22 Services that serve a child or children under ~~nine~~ nine ~~eight~~ eight years of age must document training
13.23 that fulfills the requirements in this subdivision.

13.24 (1) Before a license holder, ~~staff person,~~ second adult caregiver, substitute, or helper
13.25 transports a child or children under age ~~nine~~ nine ~~eight~~ eight in a motor vehicle, the person placing
13.26 the child or children in a passenger restraint must satisfactorily complete training on the
13.27 proper use and installation of child restraint systems in motor vehicles. Training completed
13.28 under this subdivision may be used to meet initial training under subdivision 1 or ongoing
13.29 training under subdivision 7.

13.30 (2) Training required under this subdivision must be at least one hour in length, completed
13.31 at initial training, and repeated at least once every five years. When the training expires, it
13.32 must be retaken no later than the day before the anniversary of the license holder's license
13.33 effective date. At a minimum, the training must address the proper use of child restraint
13.34 systems based on the child's size, weight, and age, and the proper installation of a car seat

14.1 or booster seat in the motor vehicle used by the license holder to transport the child or
14.2 children.

14.3 (3) Training under this subdivision must be provided by individuals who are certified
14.4 and approved by the Department of Public Safety, Office of Traffic Safety. License holders
14.5 may obtain a list of certified and approved trainers through the Department of Public Safety
14.6 website or by contacting the agency.

14.7 (c) Child care providers that only transport school-age children as defined in section
14.8 245A.02, subdivision 19, paragraph (f), in child care buses as defined in section 169.448,
14.9 subdivision 1, paragraph (e), are exempt from this subdivision.

14.10 Subd. 7. **Training requirements for family and group family child care.** For purposes
14.11 of family and group family child care, the license holder and each ~~primary~~ second adult
14.12 caregiver must complete 16 hours of ongoing training each year. ~~For purposes of this~~
14.13 ~~subdivision, a primary caregiver is an adult caregiver who provides services in the licensed~~
14.14 ~~setting for more than 30 days in any 12-month period.~~ Repeat of topical training requirements
14.15 in subdivisions 2 to 8 shall count toward the annual 16-hour training requirement. Additional
14.16 ongoing training subjects to meet the annual 16-hour training requirement must be selected
14.17 from the following areas:

14.18 (1) child development and learning training ~~under subdivision 2, paragraph (a) in~~
14.19 understanding how a child develops physically, cognitively, emotionally, and socially, and
14.20 how a child learns as part of the child's family, culture, and community;

14.21 (2) developmentally appropriate learning experiences, including training in creating
14.22 positive learning experiences, promoting cognitive development, promoting social and
14.23 emotional development, promoting physical development, promoting creative development;
14.24 and behavior guidance;

14.25 (3) relationships with families, including training in building a positive, respectful
14.26 relationship with the child's family;

14.27 (4) assessment, evaluation, and individualization, including training in observing,
14.28 recording, and assessing development; assessing and using information to plan; and assessing
14.29 and using information to enhance and maintain program quality;

14.30 (5) historical and contemporary development of early childhood education, including
14.31 training in past and current practices in early childhood education and how current events
14.32 and issues affect children, families, and programs;

(6) professionalism, including training in knowledge, skills, and abilities that promote ongoing professional development; and

(7) health, safety, and nutrition, including training in establishing healthy practices; ensuring safety; and providing healthy nutrition.

Subd. 8. **Other required training requirements.** (a) The training required of family and group family child care providers and staff must include training in the cultural dynamics of early childhood development and child care. The cultural dynamics and disabilities training and skills development of child care providers must be designed to achieve outcomes for providers of child care that include, but are not limited to:

(1) an understanding and support of the importance of culture and differences in ability in children's identity development;

(2) understanding the importance of awareness of cultural differences and similarities in working with children and their families;

(3) understanding and support of the needs of families and children with differences in ability;

(4) developing skills to help children develop unbiased attitudes about cultural differences and differences in ability;

(5) developing skills in culturally appropriate caregiving; and

(6) developing skills in appropriate caregiving for children of different abilities.

The commissioner shall approve the curriculum for cultural dynamics and disability training.

(b) The provider must meet the training requirement in section 245A.14, subdivision 11, paragraph (a), clause (4), to be eligible to allow a child cared for at the family child care or group family child care home to use the swimming pool located at the home.

Subd. 9. **Supervising for safety; training requirement.** (a) Courses required by this subdivision must include the following health and safety topics:

(1) preventing and controlling infectious diseases;

(2) administering medication;

(3) preventing and responding to allergies;

(4) ensuring building and physical premises safety;

(5) handling and storing biological contaminants;

16.1 (6) preventing and reporting child abuse and maltreatment; and

16.2 (7) emergency preparedness.

16.3 ~~(a) (b)~~ Before initial licensure and before caring for a child, all family child care license
16.4 holders and each second adult caregiver ~~who provides care in the licensed family child care~~
16.5 ~~home for more than 30 days in any 12-month period~~ shall complete and document the
16.6 completion of the six-hour Supervising for Safety for Family Child Care course developed
16.7 by the commissioner.

16.8 (c) The license holder must ensure and document that, before caring for a child, all
16.9 substitutes have completed the four-hour Basics of Licensed Family Child Care for
16.10 Substitutes course developed by the commissioner, which must include health and safety
16.11 topics as well as child development and learning.

16.12 ~~(b) (d)~~ The family child care license holder and each second adult caregiver ~~who provides~~
16.13 ~~care in the licensed family child care home for more than 30 days in any 12-month period~~
16.14 shall complete and document:

16.15 (1) the annual completion of a two-hour active supervision course developed by the
16.16 commissioner; and

16.17 (2) the completion at least once every five years of the two-hour courses Health and
16.18 Safety I and Health and Safety II. When the training is due for the first time or expires, it
16.19 must be taken no later than the day before the anniversary of the license holder's license
16.20 effective date. A license holder's or second adult caregiver's completion of either training
16.21 in a given year meets the annual active supervision training requirement in clause (1).

16.22 (e) At least once every three years, license holders must ensure and document that
16.23 substitutes have completed the four-hour Basics of Licensed Family Child Care for
16.24 Substitutes course. When the training expires, it must be retaken no later than the day before
16.25 the anniversary of the license holder's license effective date.

16.26 Subd. 10. **Approved training.** (a) The commissioner of human services must post
16.27 information on the department's website indicating the specific category within the
16.28 Knowledge and Competency Framework that will satisfy training requirements for child
16.29 development and learning, behavior guidance, and active supervision. County licensing
16.30 staff must accept trainings designated as satisfying training requirements by the commissioner
16.31 under this paragraph.

16.32 (b) Unless specifically authorized in this section, one training does not fulfill two different
16.33 training requirements. Courses within the identified knowledge and competency areas that

17.1 are specific to child care centers or legal nonlicensed providers do not fulfill the requirements
17.2 of this section.

17.3 (c) County licensing staff must accept training approved by the Minnesota Center for
17.4 Professional Development, including:

17.5 (1) face-to-face or classroom training;

17.6 (2) online training; and

17.7 (3) relationship-based professional development, such as mentoring, coaching, and
17.8 consulting.

17.9 Subd. 11. **Provider training.** New and increased training requirements under this section
17.10 must not be imposed on providers until the commissioner establishes statewide accessibility
17.11 to the required provider training.

17.12 **EFFECTIVE DATE.** This section is effective September 30, 2020.

17.13 Sec. 9. Minnesota Statutes 2018, section 245C.10, is amended by adding a subdivision to
17.14 read:

17.15 Subd. 15. **Guardians and conservators.** The commissioner shall recover the cost of
17.16 conducting background studies for guardians and conservators under section 524.5-118
17.17 through a fee of no more than \$110 per study. The fees collected under this subdivision are
17.18 appropriated to the commissioner for the purpose of conducting background studies.

17.19 **EFFECTIVE DATE.** This section is effective January 1, 2021.

17.20 Sec. 10. Minnesota Statutes 2018, section 245C.32, subdivision 2, is amended to read:

17.21 Subd. 2. **Use.** (a) The commissioner may also use these systems and records to obtain
17.22 and provide criminal history data from the Bureau of Criminal Apprehension, criminal
17.23 history data held by the commissioner, and data about substantiated maltreatment under
17.24 section 626.556 or 626.557, for other purposes, provided that:

17.25 (1) the background study is specifically authorized in statute; or

17.26 (2) the request is made with the informed consent of the subject of the study as provided
17.27 in section 13.05, subdivision 4.

17.28 (b) An individual making a request under paragraph (a), clause (2), must agree in writing
17.29 not to disclose the data to any other individual without the consent of the subject of the data.

(c) The commissioner may recover the cost of obtaining and providing background study data by charging the individual or entity requesting the study a fee of no more than \$20 per study. The fees collected under this paragraph are appropriated to the commissioner for the purpose of conducting background studies.

~~(d) The commissioner shall recover the cost of obtaining background study data required under section 524.5-118 through a fee of \$50 per study for an individual who has not lived outside Minnesota for the past ten years, and a fee of \$100 for an individual who has resided outside of Minnesota for any period during the ten years preceding the background study. The commissioner shall recover, from the individual, any additional fees charged by other states' licensing agencies that are associated with these data requests. Fees under subdivision 3 also apply when criminal history data from the National Criminal Records Repository is required.~~

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

Sec. 11. Minnesota Statutes 2018, section 256.041, subdivision 10, is amended to read:

Subd. 10. **Expiration.** The council expires on June 30, ~~2020~~ 2022.

Sec. 12. Minnesota Statutes 2018, section 256E.35, is amended to read:

256E.35 FAMILY ASSETS FOR INDEPENDENCE.

Subdivision 1. **Establishment.** The Minnesota family assets for independence initiative is established to provide incentives for low-income families to accrue assets for education, housing, vehicles, and economic development purposes.

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

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

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

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

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

19.1 (d) "Fiduciary organization" means:

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

19.3 (2) a federal community development credit union serving the seven-county metropolitan
19.4 area; or

19.5 (3) a women-oriented economic development agency serving the seven-county
19.6 metropolitan area.

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

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

19.11 (2) participates in ongoing statewide family assets for independence in Minnesota (FAIM)
19.12 network training meetings under FAIM program supervision; and

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

19.14 (f) "Financial institution" means a bank, bank and trust, savings bank, savings association,
19.15 or credit union, the deposits of which are insured by the Federal Deposit Insurance
19.16 Corporation or the National Credit Union Administration.

19.17 (g) "Household" means all individuals who share use of a dwelling unit as primary
19.18 quarters for living and eating separate from other individuals.

19.19 (h) "Permissible use" means:

19.20 (1) postsecondary educational expenses at an eligible educational institution as defined
19.21 in paragraph (b), including books, supplies, and equipment required for courses of instruction;

19.22 (2) acquisition costs of acquiring, constructing, or reconstructing a residence, including
19.23 any usual or reasonable settlement, financing, or other closing costs;

19.24 (3) business capitalization expenses for expenditures on capital, plant, equipment, working
19.25 capital, and inventory expenses of a legitimate business pursuant to a business plan approved
19.26 by the fiduciary organization; ~~and~~

19.27 (4) acquisition costs of a principal residence within the meaning of section 1034 of the
19.28 Internal Revenue Code of 1986 which do not exceed 100 percent of the average area purchase
19.29 price applicable to the residence determined according to section 143(e)(2) and (3) of the
19.30 Internal Revenue Code of 1986; and

19.31 (5) acquisition costs of a personal vehicle only if approved by the fiduciary organization.

Subd. 3. **Grants awarded.** The commissioner shall allocate funds to participating fiduciary organizations to provide family asset services. Grant awards must be based on a plan submitted by a statewide organization representing fiduciary organizations. The statewide organization must ensure that any interested unrepresented fiduciary organization have input into the development of the plan. The plan must equitably distribute funds to achieve geographic balance and document the capacity of participating fiduciary organizations to manage the program ~~and to raise the private match.~~

Subd. 4. **Duties.** A participating fiduciary organization must:

(1) provide separate accounts for the immediate deposit of program funds;

(2) establish a process to select participants and describe any priorities for participation;

(3) enter into a family asset agreement with the household to establish the terms of participation;

(4) provide households with economic literacy education;

(5) provide households with information on early childhood family education;

(6) provide matching deposits for participating households;

(7) coordinate with other related public and private programs; and

(8) establish a process to appeal and mediate disputes.

Subd. 4a. **Financial coaching.** A financial coach shall provide the following to program participants:

(1) financial education relating to budgeting, debt reduction, asset-specific training, and financial stability activities;

(2) asset-specific training related to buying a home or vehicle, acquiring postsecondary education, or starting or expanding a small business; and

(3) financial stability education and training to improve and sustain financial security.

Subd. 5. **Household eligibility; participation.** (a) To be eligible for state or TANF matching funds in the family assets for independence initiative, a household must meet the eligibility requirements of the federal Assets for Independence Act, Public Law 105-285, in Title IV, section 408 of that act.

(b) Each participating household must sign a family asset agreement that includes the amount of scheduled deposits into its savings account, the proposed use, and the proposed

21.1 savings goal. A participating household must agree to complete an economic literacy training
21.2 program.

21.3 (c) Participating households may only deposit money that is derived from household
21.4 earned income or from state and federal income tax credits.

21.5 Subd. 6. **Withdrawal; matching; permissible uses.** (a) To receive a match, a
21.6 participating household must transfer funds withdrawn from a family asset account to its
21.7 matching fund custodial account held by the fiscal agent, according to the family asset
21.8 agreement. The fiscal agent must determine if the match request is for a permissible use
21.9 consistent with the household's family asset agreement.

21.10 (b) The fiscal agent must ensure the household's custodial account contains the applicable
21.11 matching funds to match the balance in the household's account, including interest, on at
21.12 least a quarterly basis and at the time of an approved withdrawal. Matches must be ~~provided~~
21.13 ~~as follows:~~

21.14 ~~(1) from state grant and TANF funds, a matching contribution of \$1.50~~ \$3 from state
21.15 grant or TANF funds for every \$1 of funds withdrawn from the family asset account equal
21.16 ~~to the lesser of \$720 per year or~~ not to exceed a \$3,000 ~~\$6,000 lifetime limit; and.~~

21.17 ~~(2) from nonstate funds, a matching contribution of no less than \$1.50 for every \$1 of~~
21.18 ~~funds withdrawn from the family asset account equal to the lesser of \$720 per year or a~~
21.19 ~~\$3,000 lifetime limit.~~

21.20 (c) Notwithstanding paragraph (b), if funds are appropriated for the Federal Assets for
21.21 Independence Act of 1998, and a participating fiduciary organization is awarded a grant
21.22 under that act, participating households with that fiduciary organization must be provided
21.23 matches as follows:

21.24 (1) from state grant and TANF funds, a matching contribution of \$1.50 for every \$1 of
21.25 funds withdrawn from the family asset account not to exceed a \$3,000 lifetime limit; and

21.26 (2) from nonstate funds, a matching contribution of not less than \$1.50 for every \$1 of
21.27 funds withdrawn from the family asset account not to exceed a \$3,000 lifetime limit.

21.28 ~~(b)~~ (d) Upon receipt of transferred custodial account funds, the fiscal agent must make
21.29 a direct payment to the vendor of the goods or services for the permissible use.

21.30 Subd. 7. **Program reporting.** The fiscal agent on behalf of each fiduciary organization
21.31 participating in a family assets for independence initiative must report quarterly to the
21.32 commissioner of human services identifying the participants with accounts, the number of
21.33 accounts, the amount of savings and matches for each participant's account, the uses of the

account, and the number of businesses, homes, vehicles, and educational services paid for with money from the account, as well as other information that may be required for the commissioner to administer the program and meet federal TANF reporting requirements.

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

Sec. 13. Minnesota Statutes 2018, section 257.0725, is amended to read:

257.0725 ANNUAL REPORT.

The commissioner of human services shall publish an annual report on child maltreatment and on children in out-of-home placement. The commissioner shall confer with counties, child welfare organizations, child advocacy organizations, the courts, and other groups on how to improve the content and utility of the department's annual report. In regard to child maltreatment, the report shall include the number and kinds of maltreatment reports received and any other data that the commissioner determines is appropriate to include in a report on child maltreatment. In regard to children in out-of-home placement, the report shall include, by county and statewide, information on legal status, living arrangement, age, sex, race, accumulated length of time in placement, reason for most recent placement, race of family with whom placed, school enrollments within seven days of placement pursuant to section 120A.21, and other information deemed appropriate on all children in out-of-home placement. Out-of-home placement includes placement in any facility by an authorized child-placing agency.

Sec. 14. Minnesota Statutes 2018, section 260C.219, is amended to read:

260C.219 AGENCY RESPONSIBILITIES FOR PARENTS AND CHILDREN IN PLACEMENT.

Subdivision 1. Responsibilities for parents; noncustodial parents. (a) When a child is in foster care, the responsible social services agency shall make diligent efforts to identify, locate, and, where appropriate, offer services to both parents of the child.

~~(+)~~ (b) The responsible social services agency shall assess whether a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child temporarily or permanently. An assessment under this ~~clause~~ paragraph may include, but is not limited to, obtaining information under section 260C.209. If after assessment, the responsible social services agency determines that a noncustodial or nonadjudicated parent is willing and capable of providing day-to-day care of the child, the responsible social services agency may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child. If a parent is not an adjudicated parent, the responsible

23.1 social services agency shall require the nonadjudicated parent to cooperate with paternity
23.2 establishment procedures as part of the case plan.

23.3 ~~(2)~~ (c) If, after assessment, the responsible social services agency determines that the
23.4 child cannot be in the day-to-day care of either parent, the agency shall:

23.5 ~~(i)~~ (1) prepare an out-of-home placement plan addressing the conditions that each parent
23.6 must meet before the child can be in that parent's day-to-day care; and

23.7 ~~(ii)~~ (2) provide a parent who is the subject of a background study under section 260C.209
23.8 15 days' notice that it intends to use the study to recommend against putting the child with
23.9 that parent, and the court shall afford the parent an opportunity to be heard concerning the
23.10 study.

23.11 The results of a background study of a noncustodial parent shall not be used by the agency
23.12 to determine that the parent is incapable of providing day-to-day care of the child unless
23.13 the agency reasonably believes that placement of the child into the home of that parent
23.14 would endanger the child's health, safety, or welfare.

23.15 ~~(3)~~ (d) If, after the provision of services following an out-of-home placement plan under
23.16 this ~~section~~ subdivision, the child cannot return to the care of the parent from whom the
23.17 child was removed or who had legal custody at the time the child was placed in foster care,
23.18 the agency may petition on behalf of a noncustodial parent to establish legal custody with
23.19 that parent under section 260C.515, subdivision 4. If paternity has not already been
23.20 established, it may be established in the same proceeding in the manner provided for under
23.21 chapter 257.

23.22 ~~(4)~~ (e) The responsible social services agency may be relieved of the requirement to
23.23 locate and offer services to both parents by the juvenile court upon a finding of good cause
23.24 after the filing of a petition under section 260C.141.

23.25 Subd. 2. Notice to parent or guardian. ~~(b)~~ The responsible social services agency shall
23.26 give notice to the parent or guardian of each child in foster care, other than a child in
23.27 voluntary foster care for treatment under chapter 260D, of the following information:

23.28 (1) that the child's placement in foster care may result in termination of parental rights
23.29 or an order permanently placing the child out of the custody of the parent, but only after
23.30 notice and a hearing as required under this chapter and the juvenile court rules;

23.31 (2) time limits on the length of placement and of reunification services, including the
23.32 date on which the child is expected to be returned to and safely maintained in the home of

24.1 the parent or parents or placed for adoption or otherwise permanently removed from the
24.2 care of the parent by court order;

24.3 (3) the nature of the services available to the parent;

24.4 (4) the consequences to the parent and the child if the parent fails or is unable to use
24.5 services to correct the circumstances that led to the child's placement;

24.6 (5) the first consideration for placement with relatives;

24.7 (6) the benefit to the child in getting the child out of foster care as soon as possible,
24.8 preferably by returning the child home, but if that is not possible, through a permanent legal
24.9 placement of the child away from the parent;

24.10 (7) when safe for the child, the benefits to the child and the parent of maintaining
24.11 visitation with the child as soon as possible in the course of the case and, in any event,
24.12 according to the visitation plan under this section; and

24.13 (8) the financial responsibilities and obligations, if any, of the parent or parents for the
24.14 support of the child during the period the child is in foster care.

24.15 Subd. 3. Information for a parent considering voluntary placement. ~~(e)~~ The
24.16 responsible social services agency shall inform a parent considering voluntary placement
24.17 of a child under section 260C.227 of the following information:

24.18 (1) the parent and the child each has a right to separate legal counsel before signing a
24.19 voluntary placement agreement, but not to counsel appointed at public expense;

24.20 (2) the parent is not required to agree to the voluntary placement, and a parent who enters
24.21 a voluntary placement agreement may at any time request that the agency return the child.
24.22 If the parent so requests, the child must be returned within 24 hours of the receipt of the
24.23 request;

24.24 (3) evidence gathered during the time the child is voluntarily placed may be used at a
24.25 later time as the basis for a petition alleging that the child is in need of protection or services
24.26 or as the basis for a petition seeking termination of parental rights or other permanent
24.27 placement of the child away from the parent;

24.28 (4) if the responsible social services agency files a petition alleging that the child is in
24.29 need of protection or services or a petition seeking the termination of parental rights or other
24.30 permanent placement of the child away from the parent, the parent would have the right to
24.31 appointment of separate legal counsel and the child would have a right to the appointment

25.1 of counsel and a guardian ad litem as provided by law, and that counsel will be appointed
25.2 at public expense if they are unable to afford counsel; and

25.3 (5) the timelines and procedures for review of voluntary placements under section
25.4 260C.212, subdivision 3, and the effect the time spent in voluntary placement on the
25.5 scheduling of a permanent placement determination hearing under sections 260C.503 to
25.6 260C.521.

25.7 **Subd. 4. Medical examinations.** ~~(d)~~ When an agency accepts a child for placement, the
25.8 agency shall determine whether the child has had a physical examination by or under the
25.9 direction of a licensed physician within the 12 months immediately preceding the date when
25.10 the child came into the agency's care. If there is documentation that the child has had an
25.11 examination within the last 12 months, the agency is responsible for seeing that the child
25.12 has another physical examination within one year of the documented examination and
25.13 annually in subsequent years. If the agency determines that the child has not had a physical
25.14 examination within the 12 months immediately preceding placement, the agency shall ensure
25.15 that the child has an examination within 30 days of coming into the agency's care and once
25.16 a year in subsequent years.

25.17 **Subd. 5. Children reaching age of majority; copies of records.** ~~(e)~~ Whether under
25.18 state guardianship or not, if a child leaves foster care by reason of having attained the age
25.19 of majority under state law, the child must be given at no cost a copy of the child's social
25.20 and medical history, as defined in section 259.43, and education report.

25.21 **Subd. 6. Initial foster care phone call.** (a) When a child enters foster care or moves to
25.22 a new foster care placement, the responsible social services agency should attempt to
25.23 coordinate a phone call between the foster parent or facility and the child's parent or legal
25.24 guardian to establish a connection and encourage ongoing information sharing between the
25.25 child's parent or legal guardian and the foster parent or facility; and to provide an opportunity
25.26 to share any information regarding the child, the child's needs, or the child's care that would
25.27 facilitate the child's adjustment to the foster home, promote stability, reduce the risk of
25.28 trauma, or otherwise improve the quality of the child's care.

25.29 (b) The responsible social services agency should attempt to coordinate the phone call
25.30 in paragraph (a) as soon as practicable after the child arrives at the placement but no later
25.31 than 72 hours after the child's placement. If the responsible social services agency determines
25.32 that the phone call is not in the child's best interests, or if the agency is unable to identify,
25.33 locate, or contact the child's parent or legal guardian despite reasonable efforts, or despite
25.34 active efforts if the child is an American Indian child, the agency may delay the phone call

until up to 48 hours after the agency determines that the phone call is in the child's best interests, or up to 48 hours after the child's parent or legal guardian is located or becomes available for the phone call. The responsible social services agency is not required to attempt to coordinate the phone call if placing the phone call poses a danger to the mental or physical health of the child or foster parent.

(c) The responsible social services agency shall document the date and time of the phone call in paragraph (a), its efforts to coordinate the phone call, its efforts to identify, locate, or find availability for the child's parent or legal guardian, any determination of whether the phone call is in the child's best interests, and any reasons that the phone call did not occur, including any danger to the child's or foster parent's mental or physical health.

Subd. 7. **Prenatal alcohol exposure screening.** (a) The responsible social services agency shall coordinate a prenatal alcohol exposure screening for any child who enters foster care as soon as practicable but no later than 45 days after the removal of the child from the child's home, if the agency has determined that the child has not previously been screened or identified as prenatally exposed to alcohol.

(b) The responsible social services agency shall ensure that the screening is conducted in accordance with:

(1) existing prenatal alcohol exposure screening best practice guidelines; and

(2) the criteria developed and provided to the responsible social services agency by the statewide organization that focuses solely on prevention and intervention with fetal alcohol spectrum disorder and that receives funding under the appropriation for fetal alcohol spectrum disorder in Laws 2007, chapter 147, article 19, section 4, subdivision 2.

EFFECTIVE DATE. This section is effective for children who enter foster care on or after August 1, 2020, except subdivision 6 is effective for children entering out-of-home placement or moving between placements on or after November 1, 2020.

Sec. 15. Minnesota Statutes 2018, section 524.5-118, is amended to read:

524.5-118 BACKGROUND STUDY.

Subdivision 1. **When required; exception.** (a) The court shall require a background study under this section:

(1) before the appointment of a guardian or conservator, unless a background study has been done on the person under this section within the previous ~~two~~ five years; and

(2) once every ~~two~~ five years after the appointment, if the person continues to serve as a guardian or conservator.

(b) The background study must include:

(1) criminal history data from the Bureau of Criminal Apprehension, other criminal history data held by the commissioner of human services, and data regarding whether the person has been a perpetrator of substantiated maltreatment of a vulnerable adult or minor;

(2) criminal history data from ~~the National Criminal Records Repository if the proposed guardian or conservator has not resided in Minnesota for the previous ten years or if the Bureau of Criminal Apprehension information received from the commissioner of human services under subdivision 2, paragraph (b), indicates that the subject is a multistate offender or that the individual's multistate offender status is undetermined~~ a national criminal history record check as defined in section 245C.02, subdivision 13c; and

(3) state licensing agency data if a search of the database or databases of the agencies listed in subdivision 2a shows that the proposed guardian or conservator has ever held a professional license directly related to the responsibilities of a professional fiduciary from an agency listed in subdivision 2a that was conditioned, suspended, revoked, or canceled.

(c) If the guardian or conservator is not an individual, the background study must be done on all individuals currently employed by the proposed guardian or conservator who will be responsible for exercising powers and duties under the guardianship or conservatorship.

(d) If the court determines that it would be in the best interests of the ward or protected person to appoint a guardian or conservator before the background study can be completed, the court may make the appointment pending the results of the study, however, the background study must then be completed as soon as reasonably possible after appointment, no later than 30 days after appointment.

(e) The fee for background studies conducted under this section is specified in section 245C.10, subdivision 14. The fee for conducting a background study for appointment of a professional guardian or conservator must be paid by the guardian or conservator. In other cases, the fee must be paid as follows:

(1) if the matter is proceeding in forma pauperis, the fee is an expense for purposes of section 524.5-502, paragraph (a);

(2) if there is an estate of the ward or protected person, the fee must be paid from the estate; or

(3) in the case of a guardianship or conservatorship of the person that is not proceeding in forma pauperis, the court may order that the fee be paid by the guardian or conservator or by the court.

(f) The requirements of this subdivision do not apply if the guardian or conservator is:

(1) a state agency or county;

(2) a parent or guardian of a proposed ward or protected person who has a developmental disability, if the parent or guardian has raised the proposed ward or protected person in the family home until the time the petition is filed, unless counsel appointed for the proposed ward or protected person under section 524.5-205, paragraph (d); 524.5-304, paragraph (b); 524.5-405, paragraph (a); or 524.5-406, paragraph (b), recommends a background study; or

(3) a bank with trust powers, bank and trust company, or trust company, organized under the laws of any state or of the United States and which is regulated by the commissioner of commerce or a federal regulator.

Subd. 2. Procedure; criminal history and maltreatment records background

check. (a) The court shall request the commissioner of human services to complete a background study under section 245C.32. The request must be accompanied by the applicable fee and the signed consent of the subject of the study authorizing the release of the data obtained to the court. ~~If the court is requesting a search of the National Criminal Records Repository, the request must be accompanied by~~ acknowledgment that the study subject received a privacy notice required under subdivision 3. The commissioner of human services shall conduct a national criminal history record check. The study subject shall submit a set of classifiable fingerprints of the subject of the study. The fingerprints must be recorded on a fingerprint card provided by the commissioner of human services.

(b) The commissioner of human services shall provide the court with criminal history data as defined in section 13.87 from the Bureau of Criminal Apprehension in the Department of Public Safety, other criminal history data held by the commissioner of human services, ~~and~~ data regarding substantiated maltreatment of vulnerable adults under section 626.557 and substantiated maltreatment of minors under section 626.556, and criminal history information from other states or jurisdictions as indicated from a national criminal history record check within ~~15~~ 20 working days of receipt of a request. If the subject of the study has been the perpetrator of substantiated maltreatment of a vulnerable adult or minor, the response must include a copy of the public portion of the investigation memorandum under section 626.557, subdivision 12b, or the public portion of the investigation memorandum

under section 626.556, subdivision 10f. ~~If the court did not request a search of the National Criminal Records Repository and information from the Bureau of Criminal Apprehension indicates that the subject is a multistate offender or that multistate offender status is undetermined, the response must include this information. The commissioner shall provide the court with information from the National Criminal Records Repository within three working days of the commissioner's receipt of the data~~ The commissioner shall provide the court with information from a review of information according to subdivision 2a if the study subject provided information indicating current or prior affiliation with a state licensing agency.

(c) Notwithstanding section 626.557, subdivision 12b, or 626.556, subdivision 10f, if the commissioner of human services or a county lead agency or lead investigative agency has information that a person on whom a background study was previously done under this section has been determined to be a perpetrator of maltreatment of a vulnerable adult or minor, the commissioner or the county may provide this information to the court that requested the background study. The commissioner may also provide the court with additional criminal history or substantiated maltreatment information that becomes available after the background study is done.

Subd. 2a. **Procedure; state licensing agency data.** (a) The court shall request the commissioner of human services to provide the court within 25 working days of receipt of the request with licensing agency data for licenses directly related to the responsibilities of a professional fiduciary if the study subject indicates current or prior affiliation from the following agencies in Minnesota:

(1) Lawyers Responsibility Board;

(2) State Board of Accountancy;

(3) Board of Social Work;

(4) Board of Psychology;

(5) Board of Nursing;

(6) Board of Medical Practice;

(7) Department of Education;

(8) Department of Commerce;

(9) Board of Chiropractic Examiners;

(10) Board of Dentistry;

(11) Board of Marriage and Family Therapy;

(12) Department of Human Services; ~~and~~

(13) Peace Officer Standards and Training (POST) Board; and

(14) Professional Educator Licensing and Standards Board.

(b) The commissioner shall enter into agreements with these agencies to provide ~~for the~~ commissioner with electronic access to the relevant licensing data ~~by the commissioner,~~ and to provide the commissioner with a quarterly list of new sanctions issued by the agency.

(c) The commissioner shall provide to the court the electronically available data maintained in the agency's database, including whether the proposed guardian or conservator is or has been licensed by the agency, and if the licensing agency database indicates a disciplinary action or a sanction against the individual's license, including a condition, suspension, revocation, or cancellation.

(d) If the proposed guardian or conservator has resided in a state other than Minnesota in the previous ten years, licensing agency data under this section shall also include the licensing agency data from any other state where the proposed guardian or conservator reported to have resided during the previous ten years if the study subject indicates current or prior affiliation. If the proposed guardian or conservator has or has had a professional license in another state that is directly related to the responsibilities of a professional fiduciary from one of the agencies listed under paragraph (a), state licensing agency data shall also include data from the relevant licensing agency of that state.

(e) The commissioner is not required to repeat a search for Minnesota or out-of-state licensing data on an individual if the commissioner has provided this information to the court within the prior ~~two~~ five years.

~~(f) If an individual has continuously resided in Minnesota since a previous background study under this section was completed, the commissioner is not required to repeat a search for records in another state.~~ The commissioner shall review the information in paragraph (c) at least once every four months to determine if an individual who has been studied within the previous five years:

(1) has new disciplinary action or sanction against the individual's license; or

(2) did not disclose a prior or current affiliation with a Minnesota licensing agency.

(g) If the commissioner's review in paragraph (f) identifies new information, the commissioner shall provide any new information to the court.

Subd. 3. ~~Form~~ **Forms and systems.** The court must provide the study subject with a privacy notice that complies with section 245C.05, subdivision 2c. The commissioner of human services shall develop a form to be used for requesting use the NETStudy 2.0 system to conduct a background study under this section, which must include:

~~(1) a notification to the subject of the study that the court will request the commissioner to perform a background study under this section;~~

~~(2) a notification to the subject of the rights in subdivision 4; and~~

~~(3) a signed consent to conduct the background study.~~

Subd. 4. **Rights.** The court shall notify the subject of a background study that the subject has the following rights:

(1) the right to be informed that the court will request a background study on the subject for the purpose of determining whether the person's appointment or continued appointment is in the best interests of the ward or protected person;

(2) the right to be informed of the results of the study and to obtain from the court a copy of the results; and

(3) the right to challenge the accuracy and completeness of information contained in the results under section 13.04, subdivision 4, except to the extent precluded by section 256.045, subdivision 3.

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

Sec. 16. Laws 2016, chapter 189, article 15, section 29, is amended to read:

Sec. 29. **DIRECTION TO COMMISSIONERS; INCOME AND ASSET EXCLUSION.**

(a) The commissioner of human services shall not count payments made to families by the income and child development in the first three years of life demonstration project as income or assets for purposes of determining or redetermining eligibility for child care assistance programs under Minnesota Statutes, chapter 119B; the Minnesota family investment program, work benefit program, or diversionary work program under Minnesota Statutes, chapter 256J, during the duration of the demonstration.

(b) The commissioner of human services shall not count payments made to families by the income and child development in the first three years of life demonstration project as income for purposes of determining or redetermining eligibility for medical assistance under

32.1 Minnesota Statutes, chapter 256B, and MinnesotaCare under Minnesota Statutes, chapter
32.2 256L.

32.3 (c) For the purposes of this section, "income and child development in the first three
32.4 years of life demonstration project" means a demonstration project funded by the United
32.5 States Department of Health and Human Services National Institutes of Health to evaluate
32.6 whether the unconditional cash payments have a causal effect on the cognitive,
32.7 socioemotional, and brain development of infants and toddlers.

32.8 (d) This section shall only be implemented if Minnesota is chosen as a site for the child
32.9 development in the first three years of life demonstration project, and expires January 1,
32.10 2022 2026.

32.11 (e) The commissioner of human services shall provide a report to the chairs and ranking
32.12 minority members of the legislative committees having jurisdiction over human services
32.13 issues by January 1, 2023 2027, informing the legislature on the progress and outcomes of
32.14 the demonstration under this section.

32.15 Sec. 17. Laws 2017, First Special Session chapter 6, article 7, section 33, subdivision 2,
32.16 is amended to read:

32.17 Subd. 2. **Pilot design and goals.** The pilot will establish five key developmental milestone
32.18 markers from birth to age eight. ~~Enrollees in the Pilot~~ program participants will be
32.19 developmentally assessed and tracked by a technology solution that tracks developmental
32.20 milestones along the established developmental continuum. If a ~~child's~~ pilot program
32.21 participant's progress falls below established milestones ~~and the weighted scoring~~, the
32.22 coordinated service system will focus on identified areas of concern, ~~mobilize appropriate~~
32.23 ~~supportive services~~, and offer referrals or services to identified children and their families
32.24 pilot program participants.

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

32.26 Sec. 18. Laws 2017, First Special Session chapter 6, article 7, section 33, subdivision 3,
32.27 is amended to read:

32.28 Subd. 3. **Program participants in ~~phase 1~~ target population.** Pilot program participants
32.29 must opt in and provide parental or guardian consent to participate and be enrolled or engaged
32.30 in one or more of the following:

32.31 (1) ~~be enrolled in~~ a Women's Infant & Children (WIC) program;

(2) ~~be participating in a family home visiting program, or nurse family practice, or Healthy Families America (HFA) Follow Along Program;~~

(3) ~~be children and families qualifying for and participating in early language learners (ELL) in the school district in which they reside; and a school's early childhood screening;~~
or

(4) ~~opt in and provide parental consent to participate in the pilot project~~ any other Dakota County or school program that is determined as useful for identifying children at risk of falling below established guidelines.

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

Sec. 19. **DIRECTION TO COMMISSIONER; INITIAL FOSTER CARE PHONE CALL TRAINING.**

By August 1, 2020, the commissioner of human services shall issue written guidance to county social services agencies, foster parents, and facilities to fully implement the initial foster care phone call procedures in Minnesota Statutes, section 260C.219, subdivision 6.

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

Sec. 20. **DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES; UNIFORM FAMILY CHILD CARE VARIANCE APPLICATION FORM DEVELOPED BY THE COMMISSIONER.**

By October 1, 2020, the commissioner of human services, after consultation with county licensors and family child care providers, including those serving on the Family Child Care Task Force, shall issue to counties a uniform application form for family child care variance requests. The commissioner shall also issue any necessary training or guidance for counties to use the form.

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

Sec. 21. **DIRECTION TO THE COMMISSIONER; EVALUATION OF CONTINUOUS LICENSES.**

By January 1, 2021, the commissioner of human services shall consult with family child care license holders and county agencies to determine whether family child care licenses should automatically renew instead of requiring license holders to reapply for licensure. If the commissioner determines that family child care licenses should automatically renew,

- 34.1 the commissioner must propose legislation for the 2021 legislative session to make the
- 34.2 required amendments to statute and administrative rules, as necessary.
- 34.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.