

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 4572

(SENATE AUTHORS: WIKLUND)		
DATE	D-PG	OFFICIAL STATUS
03/04/2024	11913	Introduction and first reading Referred to Health and Human Services
03/14/2024	12222a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
03/25/2024	12875a	Comm report: To pass as amended and re-refer to Health and Human Services

1.1

A bill for an act

1.2

relating to human services; the Department of Human Services child placement

1.3

and safety executive bill; amending Minnesota Statutes 2022, sections 243.166,

1.4

subdivision 7; 245E.08; 256J.08, subdivision 34a; 256J.28, subdivision 1; 256N.22,

1.5

subdivision 10; 256N.24, subdivision 10; 256N.26, subdivisions 15, 16, 18, 21,

1.6

22; 256P.05, by adding a subdivision; 259.37, subdivision 2; 259.79, subdivision

1.7

1; 259.83, subdivision 4; 260C.178, subdivision 7; 260C.202; 260C.209,

1.8

subdivision 1; 260C.212, subdivision 2; 260C.301, subdivision 1; 260C.515,

1.9

subdivision 4; 260C.607, subdivisions 1, 6; 260C.611; 260C.613, subdivision 1;

1.10

260C.615, subdivision 1; 260E.03, subdivision 23; 393.07, subdivision 10a;

1.11

Minnesota Statutes 2023 Supplement, sections 13.46, subdivision 4; 119B.011,

1.12

subdivision 15; 119B.16, subdivisions 1a, 1c; 119B.161, subdivision 2; 124D.142,

1.13

subdivision 2; 144.2252, subdivision 2; 144.2253; 245A.03, subdivision 7; 245C.02,

1.14

subdivision 6a; 256.046, subdivision 3; 256P.06, subdivision 3; 259.83, subdivisions

1.15

1, 1b, 3a.

1.16

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

1.17

ARTICLE 1

1.18

CHILD CARE

1.19

Section 1. Minnesota Statutes 2023 Supplement, section 119B.16, subdivision 1a, is

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amended to read:

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Subd. 1a. **Fair hearing allowed for providers.** (a) This subdivision applies to providers

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caring for children receiving child care assistance.

1.23

(b) A provider may request a fair hearing according to sections 256.045 and 256.046

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only if a county agency or the commissioner:

1.25

(1) denies or revokes a provider's authorization, unless the action entitles the provider

1.26

to:

- 2.1 (i) an administrative review under section 119B.161; or
- 2.2 (ii) a contested case hearing or an administrative reconsideration under section 245.095;
- 2.3 (2) assigns responsibility for an overpayment to a provider under section 119B.11,
- 2.4 subdivision 2a;
- 2.5 (3) establishes an overpayment for failure to comply with section 119B.125, subdivision
- 2.6 6;
- 2.7 (4) seeks monetary recovery or recoupment under section 245E.02, subdivision 4,
- 2.8 paragraph (c), clause (2);
- 2.9 (5) ends a provider's rate differential under section 119B.13, subdivision 3a or 3b;
- 2.10 ~~(5)~~ (6) initiates an administrative fraud disqualification ~~hearing~~; or
- 2.11 ~~(6)~~ (7) issues a payment and the provider disagrees with the amount of the payment.
- 2.12 (c) A provider may request a fair hearing by submitting a written request to the
- 2.13 ~~Department of Human Services, Appeals Division~~ state agency. A provider's request must
- 2.14 be received by the ~~Appeals Division~~ state agency no later than 30 days after the date a
- 2.15 county or the commissioner ~~mail~~ sends the notice under subdivision 1c.
- 2.16 (d) The provider's appeal request must contain the following:
- 2.17 (1) each disputed item, the reason for the dispute, and, if applicable, an estimate of the
- 2.18 dollar amount involved for each disputed item;
- 2.19 (2) the computation the provider believes to be correct, if applicable;
- 2.20 (3) the statute or rule relied on for each disputed item; and
- 2.21 (4) the name, address, and telephone number of the person at the provider's place of
- 2.22 business with whom contact may be made regarding the appeal.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2024.

2.24 Sec. 2. Minnesota Statutes 2023 Supplement, section 119B.16, subdivision 1c, is amended

2.25 to read:

2.26 Subd. 1c. **Notice to providers.** (a) Before taking an action appealable under subdivision

2.27 1a, paragraph (b), clauses (1) to (5), a county agency or the commissioner must ~~mail~~ send

2.28 written notice to the provider against whom the action is being taken. Unless otherwise

2.29 specified under this chapter, chapter 245E, or Minnesota Rules, chapter 3400, a county

2.30 agency or the commissioner must ~~mail~~ send the written notice at least 15 calendar days

before the adverse action's effective date. If the appealable action is a denial of an authorization under subdivision 1a, paragraph (b), clause (1), the provider's notice is effective on the date the notice is sent.

(b) The notice of adverse action in paragraph (a) shall state (1) the factual basis for the county agency or department's determination, (2) the action the county agency or department intends to take, (3) the dollar amount of the monetary recovery or recoupment, if known, and (4) the provider's right to appeal the department's proposed action.

(c) Notice requirements for administrative fraud disqualifications under subdivision 1a, paragraph (b), clause (6), are set forth in section 256.046, subdivision 3.

(d) A provider must receive notices that include:

(1) the right to appeal if a county issues a payment and the provider disagrees with the amount of the payment under subdivision 1a, paragraph (b), clause (7), at the time of authorization and reauthorization under section 119B.125, subdivision 1; and

(2) the amount of each payment when a payment is issued.

(e) A provider's request to appeal a payment amount must be received by the state agency no later than 30 days after the date a county sends the notice informing the provider of its payment amount.

**EFFECTIVE DATE.** This section is effective August 1, 2024.

Sec. 3. Minnesota Statutes 2023 Supplement, section 119B.161, subdivision 2, is amended to read:

Subd. 2. **Notice.** (a) The commissioner must ~~mail~~ send written notice to a provider within five days of suspending payment or denying or revoking the provider's authorization under subdivision 1.

(b) The notice must:

(1) state the provision under which the commissioner is denying, revoking, or suspending the provider's authorization or suspending payment to the provider;

(2) set forth the general allegations leading to the denial, revocation, or suspension of the provider's authorization. The notice need not disclose any specific information concerning an ongoing investigation;

(3) state that the denial, revocation, or suspension of the provider's authorization is for a temporary period and explain the circumstances under which the action expires; and

(4) inform the provider of the right to submit written evidence and argument for consideration by the commissioner.

(c) Notwithstanding Minnesota Rules, part 3400.0185, if the commissioner suspends payment to a provider under chapter 245E or denies or revokes a provider's authorization under section 119B.13, subdivision 6, paragraph (d), clause (1) or (2), a county agency or the commissioner must send notice of service authorization closure to each affected family. The notice sent to an affected family is effective on the date the notice is created.

**EFFECTIVE DATE.** This section is effective August 1, 2024.

Sec. 4. Minnesota Statutes 2023 Supplement, section 124D.142, subdivision 2, is amended to read:

Subd. 2. **System components.** (a) The standards-based voluntary quality rating and improvement system includes:

(1) effective July 1, 2026, at least a one-star rating for all programs licensed under Minnesota Rules, chapter 9502 or 9503, or Tribally licensed that do not opt out of the system under paragraph (b) and that are not:

(i) the subject of a finding of fraud for which the program or individual is currently serving a penalty or exclusion;

(ii) prohibited from receiving public funds under section 245.095, regardless of whether the action is under appeal;

(iii) under revocation, suspension, temporary immediate suspension, or decertification, or is operating under a conditional license, regardless of whether the action is under appeal; or

(iv) the subject of suspended, denied, or terminated payments to a provider under section 119B.13, subdivision 6, paragraph (d), clause (1) or (2); 245E.02, subdivision 4, paragraph (c), clause (4); or 256.98, subdivision 1, regardless of whether the action is under appeal;

(2) quality opportunities in order to improve the educational outcomes of children so that they are ready for school;

(3) a framework based on the Minnesota quality rating system rating tool and a common set of child outcome and program standards informed by evaluation results;

(4) a tool to increase the number of publicly funded and regulated early learning and care services in both public and private market programs that are high quality;

(5) voluntary participation ensuring that if a program or provider chooses to participate, the program or provider will be rated and may receive public funding associated with the rating; and

(6) tracking progress toward statewide access to high-quality early learning and care programs, progress toward the number of low-income children whose parents can access quality programs, and progress toward increasing the number of children who are fully prepared to enter kindergarten.

(b) By July 1, 2026, the commissioner of human services shall establish a process by which a program may opt out of the rating under paragraph (a), clause (1). The commissioner shall consult with Tribes to develop a process for rating Tribally licensed programs that is consistent with the goal outlined in paragraph (a), clause (1).

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

Sec. 5. Minnesota Statutes 2023 Supplement, section 256.046, subdivision 3, is amended to read:

Subd. 3. **Administrative disqualification of child care providers caring for children receiving child care assistance.** (a) The department shall pursue an administrative disqualification, if the child care provider is accused of committing an intentional program violation, in lieu of a criminal action when it has not been pursued. Intentional program violations include intentionally making false or misleading statements; intentionally misrepresenting, concealing, or withholding facts; and repeatedly and intentionally violating program regulations under chapters 119B and 245E. Intent may be proven by demonstrating a pattern of conduct that violates program rules under chapters 119B and 245E.

(b) To initiate an administrative disqualification, the commissioner must ~~mail~~ send written notice ~~by certified mail~~ using a signature-verified confirmed delivery method to the provider against whom the action is being taken. Unless otherwise specified under chapter 119B or 245E or Minnesota Rules, chapter 3400, the commissioner must ~~mail~~ send the written notice at least 15 calendar days before the adverse action's effective date. The notice shall state (1) the factual basis for the agency's determination, (2) the action the agency intends to take, (3) the dollar amount of the monetary recovery or recoupment, if known, and (4) the provider's right to appeal the agency's proposed action.

(c) The provider may appeal an administrative disqualification by submitting a written request to the ~~Department of Human Services, Appeals Division~~ state agency. A provider's

request must be received by the ~~Appeals Division~~ state agency no later than 30 days after the date the commissioner mails the notice.

(d) The provider's appeal request must contain the following:

(1) each disputed item, the reason for the dispute, and, if applicable, an estimate of the dollar amount involved for each disputed item;

(2) the computation the provider believes to be correct, if applicable;

(3) the statute or rule relied on for each disputed item; and

(4) the name, address, and telephone number of the person at the provider's place of business with whom contact may be made regarding the appeal.

(e) On appeal, the issuing agency bears the burden of proof to demonstrate by a preponderance of the evidence that the provider committed an intentional program violation.

(f) The hearing is subject to the requirements of sections 256.045 and 256.0451. The human services judge may combine a fair hearing and administrative disqualification hearing into a single hearing if the factual issues arise out of the same or related circumstances and the provider receives prior notice that the hearings will be combined.

(g) A provider found to have committed an intentional program violation and is administratively disqualified ~~shall~~ must be disqualified, for a period of three years for the first offense and permanently for any subsequent offense, from receiving any payments from any child care program under chapter 119B.

(h) Unless a timely and proper appeal made under this section is received by the department, the administrative determination of the department is final and binding.

**EFFECTIVE DATE.** This section is effective August 1, 2024.

## ARTICLE 2

### CHILD WELFARE

Section 1. Minnesota Statutes 2022, section 243.166, subdivision 7, is amended to read:

Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections 244.052 and 299C.093, the data provided under this section is private data on individuals under section 13.02, subdivision 12.

(b) The data may be used only by law enforcement and corrections agencies for law enforcement and corrections purposes. Law enforcement or a corrections agent may disclose the status of an individual as a predatory offender to a child protection worker with a local

welfare agency for purposes of doing a family investigation or assessment under chapter 260E. A corrections agent may also disclose the status of an individual as a predatory offender to comply with section 244.057.

(c) The commissioner of human services is authorized to have access to the data for:

(1) state-operated services, as defined in section 246.014, for the purposes described in section 246.13, subdivision 2, paragraph (b); and

(2) purposes of completing background studies under chapter 245C.

Sec. 2. Minnesota Statutes 2023 Supplement, section 245A.03, subdivision 7, is amended to read:

Subd. 7. **Licensing moratorium.** (a) The commissioner shall not issue an initial license for child foster care licensed under Minnesota Rules, parts 2960.3000 to 2960.3340 which does not include child foster residence settings with residential program certifications for compliance with the Family First Prevention Services Act under section 245A.25, subdivision 1, paragraph (a), or adult foster care licensed under Minnesota Rules, parts 9555.5105 to 9555.6265, under this chapter for a physical location that will not be the primary residence of the license holder for the entire period of licensure. If a child foster residence setting that was previously exempt from the licensing moratorium under this paragraph has its Family First Prevention Services Act certification rescinded under section 245A.25, subdivision 9, or if a family child foster care home or family adult foster care home license is issued during this moratorium, and the license holder changes the license holder's primary residence away from the physical location of the foster care license, the commissioner shall revoke the license according to section 245A.07. The commissioner shall not issue an initial license for a community residential setting licensed under chapter 245D. When approving an exception under this paragraph, the commissioner shall consider the resource need determination process in paragraph (h), the availability of foster care licensed beds in the geographic area in which the licensee seeks to operate, the results of a person's choices during their annual assessment and service plan review, and the recommendation of the local county board. The determination by the commissioner is final and not subject to appeal. Exceptions to the moratorium include:

(1) a license for a person in a foster care setting that is not the primary residence of the license holder and where at least 80 percent of the residents are 55 years of age or older;

(2) foster care licenses replacing foster care licenses in existence on May 15, 2009, or community residential setting licenses replacing adult foster care licenses in existence on

8.1 December 31, 2013, and determined to be needed by the commissioner under paragraph  
8.2 (b);

8.3 (3) new foster care licenses or community residential setting licenses determined to be  
8.4 needed by the commissioner under paragraph (b) for the closure of a nursing facility, ICF/DD,  
8.5 or regional treatment center; restructuring of state-operated services that limits the capacity  
8.6 of state-operated facilities; or allowing movement to the community for people who no  
8.7 longer require the level of care provided in state-operated facilities as provided under section  
8.8 256B.092, subdivision 13, or 256B.49, subdivision 24;

8.9 (4) new foster care licenses or community residential setting licenses determined to be  
8.10 needed by the commissioner under paragraph (b) for persons requiring hospital-level care;  
8.11 or

8.12 (5) new foster care licenses or community residential setting licenses for people receiving  
8.13 customized living or 24-hour customized living services under the brain injury or community  
8.14 access for disability inclusion waiver plans under section 256B.49 or elderly waiver plan  
8.15 under chapter 256S and residing in the customized living setting for which a license is  
8.16 required. A customized living service provider subject to this exception may rebut the  
8.17 presumption that a license is required by seeking a reconsideration of the commissioner's  
8.18 determination. The commissioner's disposition of a request for reconsideration is final and  
8.19 not subject to appeal under chapter 14. The exception is available until December 31, 2023.  
8.20 This exception is available when:

8.21 (i) the person's customized living services are provided in a customized living service  
8.22 setting serving four or fewer people in a single-family home operational on or before June  
8.23 30, 2021. Operational is defined in section 256B.49, subdivision 28;

8.24 (ii) the person's case manager provided the person with information about the choice of  
8.25 service, service provider, and location of service, including in the person's home, to help  
8.26 the person make an informed choice; and

8.27 (iii) the person's services provided in the licensed foster care or community residential  
8.28 setting are less than or equal to the cost of the person's services delivered in the customized  
8.29 living setting as determined by the lead agency.

8.30 (b) The commissioner shall determine the need for newly licensed foster care homes or  
8.31 community residential settings as defined under this subdivision. As part of the determination,  
8.32 the commissioner shall consider the availability of foster care capacity in the area in which  
8.33 the licensee seeks to operate, and the recommendation of the local county board. The



9.1 determination by the commissioner must be final. A determination of need is not required  
9.2 for a change in ownership at the same address.

9.3 (c) When an adult resident served by the program moves out of a foster home that is not  
9.4 the primary residence of the license holder according to section 256B.49, subdivision 15,  
9.5 paragraph (f), or the adult community residential setting, the county shall immediately  
9.6 inform the Department of Human Services Licensing Division. The department may decrease  
9.7 the statewide licensed capacity for adult foster care settings.

9.8 (d) Residential settings that would otherwise be subject to the decreased license capacity  
9.9 established in paragraph (c) ~~shall~~ must be exempt if the license holder's beds are occupied  
9.10 by residents whose primary diagnosis is mental illness and the license holder is certified  
9.11 under the requirements in subdivision 6a or section 245D.33.

9.12 (e) A resource need determination process, managed at the state level, using the available  
9.13 data required by section 144A.351, and other data and information ~~shall~~ must be used to  
9.14 determine where the reduced capacity determined under section 256B.493 will be  
9.15 implemented. The commissioner shall consult with the stakeholders described in section  
9.16 144A.351, and employ a variety of methods to improve the state's capacity to meet the  
9.17 informed decisions of those people who want to move out of corporate foster care or  
9.18 community residential settings, long-term service needs within budgetary limits, including  
9.19 seeking proposals from service providers or lead agencies to change service type, capacity,  
9.20 or location to improve services, increase the independence of residents, and better meet  
9.21 needs identified by the long-term services and supports reports and statewide data and  
9.22 information.

9.23 (f) At the time of application and reapplication for licensure, the applicant and the license  
9.24 holder that are subject to the moratorium or an exclusion established in paragraph (a) are  
9.25 required to inform the commissioner whether the physical location where the foster care  
9.26 will be provided is or will be the primary residence of the license holder for the entire period  
9.27 of licensure. If the primary residence of the applicant or license holder changes, the applicant  
9.28 or license holder must notify the commissioner immediately. The commissioner shall print  
9.29 on the foster care license certificate whether or not the physical location is the primary  
9.30 residence of the license holder.

9.31 (g) License holders of foster care homes identified under paragraph (f) that are not the  
9.32 primary residence of the license holder and that also provide services in the foster care home  
9.33 that are covered by a federally approved home and community-based services waiver, as  
9.34 authorized under chapter 256S or section 256B.092 or 256B.49, must inform the human

10.1 services licensing division that the license holder provides or intends to provide these  
10.2 waiver-funded services.

10.3 (h) The commissioner may adjust capacity to address needs identified in section  
10.4 144A.351. Under this authority, the commissioner may approve new licensed settings or  
10.5 delicense existing settings. Delicensing of settings will be accomplished through a process  
10.6 identified in section 256B.493.

10.7 (i) The commissioner must notify a license holder when its corporate foster care or  
10.8 community residential setting licensed beds are reduced under this section. The notice of  
10.9 reduction of licensed beds must be in writing and delivered to the license holder by certified  
10.10 mail or personal service. The notice must state why the licensed beds are reduced and must  
10.11 inform the license holder of its right to request reconsideration by the commissioner. The  
10.12 license holder's request for reconsideration must be in writing. If mailed, the request for  
10.13 reconsideration must be postmarked and sent to the commissioner within 20 calendar days  
10.14 after the license holder's receipt of the notice of reduction of licensed beds. If a request for  
10.15 reconsideration is made by personal service, it must be received by the commissioner within  
10.16 20 calendar days after the license holder's receipt of the notice of reduction of licensed beds.

10.17 (j) The commissioner shall not issue an initial license for children's residential treatment  
10.18 services licensed under Minnesota Rules, parts 2960.0580 to 2960.0700, under this chapter  
10.19 for a program that Centers for Medicare and Medicaid Services would consider an institution  
10.20 for mental diseases. Facilities that serve only private pay clients are exempt from the  
10.21 moratorium described in this paragraph. The commissioner has the authority to manage  
10.22 existing statewide capacity for children's residential treatment services subject to the  
10.23 moratorium under this paragraph and may issue an initial license for such facilities if the  
10.24 initial license would not increase the statewide capacity for children's residential treatment  
10.25 services subject to the moratorium under this paragraph.

10.26 Sec. 3. Minnesota Statutes 2022, section 256N.22, subdivision 10, is amended to read:

10.27 Subd. 10. **Assigning a successor relative custodian for a child's Northstar kinship**  
10.28 **assistance.** (a) In the event of the death or incapacity of the relative custodian, eligibility  
10.29 for Northstar kinship assistance and title IV-E assistance, if applicable, is not affected if the  
10.30 relative custodian is replaced by a successor named in the Northstar kinship assistance  
10.31 benefit agreement. Northstar kinship assistance ~~shall~~ must be paid to a named successor  
10.32 who is not the child's legal parent, biological parent or stepparent, or other adult living in  
10.33 the home of the legal parent, biological parent, or stepparent.

10.34 (b) In order to receive Northstar kinship assistance, a named successor must:

- 11.1 (1) meet the background study requirements in subdivision 4;
- 11.2 (2) renegotiate the agreement consistent with section 256N.25, subdivision 2, including
- 11.3 cooperating with an assessment under section 256N.24;
- 11.4 (3) be ordered by the court to be the child's legal relative custodian in a modification
- 11.5 proceeding under section 260C.521, subdivision 2; and
- 11.6 (4) satisfy the requirements in this paragraph within one year of the relative custodian's
- 11.7 death or incapacity unless the commissioner certifies that the named successor made
- 11.8 reasonable attempts to satisfy the requirements within one year and failure to satisfy the
- 11.9 requirements was not the responsibility of the named successor.
- 11.10 (c) Payment of Northstar kinship assistance to the successor guardian may be temporarily
- 11.11 approved through the policies, procedures, requirements, and deadlines under section
- 11.12 256N.28, subdivision 2. Ongoing payment shall begin in the month when all the requirements
- 11.13 in paragraph (b) are satisfied.
- 11.14 (d) Continued payment of Northstar kinship assistance may occur in the event of the
- 11.15 death or incapacity of the relative custodian when:
- 11.16 (1) no successor has been named in the benefit agreement ~~when~~ or a named successor
- 11.17 is not able or willing to accept custody or guardianship of the child; and
- 11.18 (2) the commissioner gives written consent to an individual who is a guardian or custodian
- 11.19 appointed by a court for the child upon the death of both relative custodians in the case of
- 11.20 assignment of custody to two individuals, or the sole relative custodian in the case of
- 11.21 assignment of custody to one individual, unless the child is under the custody of a county,
- 11.22 tribal, or child-placing agency.
- 11.23 (e) Temporary assignment of Northstar kinship assistance may be approved for a
- 11.24 maximum of six consecutive months from the death or incapacity of the relative custodian
- 11.25 or custodians as provided in paragraph (a) and must adhere to the policies, procedures,
- 11.26 requirements, and deadlines under section 256N.28, subdivision 2, that are prescribed by
- 11.27 the commissioner. If a court has not appointed a permanent legal guardian or custodian
- 11.28 within six months, the Northstar kinship assistance must terminate and must not be resumed.
- 11.29 (f) Upon assignment of assistance payments under paragraphs (d) and (e), assistance
- 11.30 must be provided from funds other than title IV-E.

12.1 Sec. 4. Minnesota Statutes 2022, section 256N.24, subdivision 10, is amended to read:

12.2 Subd. 10. **Caregiver requests for reassessments.** (a) A caregiver may initiate a  
12.3 reassessment request for an eligible child in writing to the financially responsible agency  
12.4 or, if there is no financially responsible agency, the agency designated by the commissioner.  
12.5 The written request must include the reason for the request and the name, address, and  
12.6 contact information of the caregivers. The caregiver may request a reassessment if at least  
12.7 six months have elapsed since any previous assessment or reassessment. For an eligible  
12.8 foster child, a foster parent may request reassessment in less than six months with written  
12.9 documentation that there have been significant changes in the child's needs that necessitate  
12.10 an earlier reassessment.

12.11 (b) A caregiver may request a reassessment of an at-risk child for whom an adoption  
12.12 assistance agreement has been executed if the caregiver has satisfied the commissioner with  
12.13 written documentation from a qualified expert that the potential disability upon which  
12.14 eligibility for the agreement was based has manifested itself, consistent with section 256N.25,  
12.15 subdivision 3, paragraph (b).

12.16 (c) If the reassessment cannot be completed within 30 days of the caregiver's request,  
12.17 the agency responsible for reassessment must notify the caregiver of the reason for the delay  
12.18 and a reasonable estimate of when the reassessment can be completed.

12.19 (d) Notwithstanding any provision to the contrary in paragraph (a) or subdivision 9,  
12.20 when a Northstar kinship assistance agreement or adoption assistance agreement under  
12.21 section 256N.25 has been signed by all parties, no reassessment may be requested or  
12.22 conducted until the court finalizes the transfer of permanent legal and physical custody or  
12.23 finalizes the adoption, ~~or the assistance agreement expires according to section 256N.25,~~  
12.24 ~~subdivision 1.~~

12.25 Sec. 5. Minnesota Statutes 2022, section 256N.26, subdivision 15, is amended to read:

12.26 Subd. 15. **Payments.** (a) Payments to caregivers or youth under Northstar Care for  
12.27 Children must be made monthly. Consistent with section 256N.24, subdivision 13, the  
12.28 financially responsible agency must send the caregiver or youth the required written notice  
12.29 within 15 days of a completed assessment or reassessment.

12.30 (b) Unless paragraph (c) ~~or~~, (d), or (e) applies, the financially responsible agency shall  
12.31 pay foster parents directly for eligible children in foster care.

12.32 (c) When the legally responsible agency is different than the financially responsible  
12.33 agency, the legally responsible agency may make the payments to the caregiver or youth,

provided payments are made on a timely basis. The financially responsible agency must pay the legally responsible agency on a timely basis. Caregivers must have access to the financially and legally responsible agencies' records of the transaction, consistent with the retention schedule for the payments.

(d) For eligible children in foster care, the financially responsible agency may pay the foster parent's payment for a licensed child-placing agency instead of paying the foster parents directly. The licensed child-placing agency must timely pay the foster parents and maintain records of the transaction. Caregivers must have access to the financially responsible agency's records of the transaction and the child-placing agency's records of the transaction, consistent with the retention schedule for the payments.

(e) If a foster youth aged 18 to 21 years old is placed in an unlicensed supervised independent living setting, payments must be made directly to the youth or to a vendor if the legally responsible agency determines it to be in the youth's best interests. If the legally responsible agency has reason to believe that the youth is being financially exploited or at risk of being financially exploited in the approved unlicensed supervised independent living setting, the legally responsible agency shall advise the financially responsible agency to make the payments to a vendor.

Sec. 6. Minnesota Statutes 2022, section 256N.26, subdivision 16, is amended to read:

Subd. 16. **Effect of benefit on other aid.** Payments received under this section must not be considered as income for child care assistance under chapter 119B or any other financial benefit. Consistent with section 256J.24, a child or youth receiving a maintenance payment under Northstar Care for Children is excluded from any Minnesota family investment program assistance unit.

Sec. 7. Minnesota Statutes 2022, section 256N.26, subdivision 18, is amended to read:

Subd. 18. **Overpayments.** The commissioner has the authority to collect any amount of foster care payment, adoption assistance, or Northstar kinship assistance paid to a caregiver or youth in excess of the payment due. Payments covered by this subdivision include basic maintenance needs payments, supplemental difficulty of care payments, and reimbursement of home and vehicle modifications under subdivision 10. Prior to any collection, the commissioner or the commissioner's designee shall notify the caregiver or youth in writing, including:

(1) the amount of the overpayment and an explanation of the cause of overpayment;

- 14.1 (2) clarification of the corrected amount;
- 14.2 (3) a statement of the legal authority for the decision;
- 14.3 (4) information about how the caregiver can correct the overpayment;
- 14.4 (5) if repayment is required, when the payment is due and a person to contact to review
- 14.5 a repayment plan;
- 14.6 (6) a statement that the caregiver or youth has a right to a fair hearing review by the
- 14.7 department; and
- 14.8 (7) the procedure for seeking a fair hearing review by the department.

14.9 Sec. 8. Minnesota Statutes 2022, section 256N.26, subdivision 21, is amended to read:

14.10 Subd. 21. **Correct and true information.** The caregiver or youth must be investigated

14.11 for fraud if the caregiver or youth reports information the caregiver or youth knows is untrue,

14.12 the caregiver or youth fails to notify the commissioner of changes that may affect eligibility,

14.13 or the agency administering the program receives relevant information that the caregiver

14.14 or youth did not report.

14.15 Sec. 9. Minnesota Statutes 2022, section 256N.26, subdivision 22, is amended to read:

14.16 Subd. 22. **Termination notice for caregiver or youth.** The agency that issues the

14.17 maintenance payment shall provide the child's caregiver or youth with written notice of

14.18 termination of payment. Termination notices must be sent at least 15 days before the final

14.19 payment or, in the case of an unplanned termination, the notice is sent within three days of

14.20 the end of the payment. The written notice must minimally include the following:

- 14.21 (1) the date payment will end;
- 14.22 (2) the reason payments will end and the event that is the basis to terminate payment;
- 14.23 (3) a statement that the ~~provider~~ caregiver or youth has a right to a fair hearing review
- 14.24 by the department consistent with section 256.045, subdivision 3;
- 14.25 (4) the procedure to request a fair hearing; and
- 14.26 (5) the name, telephone number, and email address of a contact person at the agency.

14.27 Sec. 10. Minnesota Statutes 2022, section 260C.178, subdivision 7, is amended to read:

14.28 Subd. 7. **~~Out-of-home placement~~ Case plan.** (a) When the court has ordered the child

14.29 into the care of a parent under subdivision 1, paragraph (c), clause (1), the child protective

15.1 services plan under section 260E.26 must be filed within 30 days of the filing of the juvenile  
15.2 protection petition under section 260C.141, subdivision 1.

15.3 ~~(a)~~ (b) When the court orders the child into foster care under subdivision 1, paragraph  
15.4 (c), clause (2), and not into the care of a parent, an out-of-home placement plan required  
15.5 under section 260C.212 ~~shall~~ must be filed with the court within 30 days of the filing of a  
15.6 juvenile protection petition under section 260C.141, subdivision 1, when the court orders  
15.7 emergency removal of the child under this section, or filed with the petition if the petition  
15.8 is a review of a voluntary placement under section 260C.141, subdivision 2.

15.9 ~~(b)~~ (c) Upon the filing of the child protective services plan under section 260E.26 or  
15.10 out-of-home placement plan which that has been developed jointly with the parent and in  
15.11 consultation with others as required under section 260C.212, subdivision 1, the court may  
15.12 approve implementation of the plan by the responsible social services agency based on the  
15.13 allegations contained in the petition and any evaluations, examinations, or assessments  
15.14 conducted under subdivision 1, paragraph ~~(b)~~ (m). The court shall send written notice of the  
15.15 approval of the child protective services plan or out-of-home placement plan to all parties  
15.16 and the county attorney or may state such approval on the record at a hearing. A parent may  
15.17 agree to comply with the terms of the plan filed with the court.

15.18 ~~(c)~~ (d) The responsible social services agency shall make reasonable efforts to engage  
15.19 both parents of the child in case planning. The responsible social service agency shall report  
15.20 the results of its efforts to engage the child's parents in the child protective services plan or  
15.21 out-of-home placement plan filed with the court. The agency shall notify the court of the  
15.22 services it will provide or efforts it will attempt under the plan notwithstanding the parent's  
15.23 refusal to cooperate or disagreement with the services. The parent may ask the court to  
15.24 modify the plan to require different or additional services requested by the parent, but which  
15.25 the agency refused to provide. The court may approve the plan as presented by the agency  
15.26 or may modify the plan to require services requested by the parent. The court's approval  
15.27 ~~shall~~ must be based on the content of the petition.

15.28 ~~(d)~~ (e) Unless the parent agrees to comply with the terms of the child protective services  
15.29 plan or out-of-home placement plan, the court may not order a parent to comply with the  
15.30 provisions of the plan until the court finds the child is in need of protection or services and  
15.31 orders disposition under section 260C.201, subdivision 1. However, the court may find that  
15.32 the responsible social services agency has made reasonable efforts for reunification if the  
15.33 agency makes efforts to implement the terms of ~~an~~ the child protective services plan or  
15.34 out-of-home placement plan approved under this section.

16.1 Sec. 11. Minnesota Statutes 2022, section 260C.202, is amended to read:

16.2 **260C.202 COURT REVIEW OF ~~FOSTER CARE~~ DISPOSITION.**

16.3 Subdivision 1. Court review for a child in the home of a parent under protective  
16.4 supervision. If the court orders a child into the home of a parent under the protective  
16.5 supervision of the responsible social services agency or child-placing agency under section  
16.6 260C.201, subdivision 1, paragraph (a), clause (1), the court shall review the child protective  
16.7 services plan under section 260E.26 at least every 90 days. The court shall notify the parents  
16.8 of the provisions of sections 260C.503 to 260C.521, as required under juvenile court rules.

16.9 Subd. 2. Court review for a child placed in foster care. (a) If the court orders a child  
16.10 placed in foster care, the court shall review the out-of-home placement plan and the child's  
16.11 placement at least every 90 days as required in juvenile court rules to determine whether  
16.12 continued out-of-home placement is necessary and appropriate or whether the child should  
16.13 be returned home.

16.14 (b) This review is not required if the court has returned the child home, ordered the child  
16.15 permanently placed away from the parent under sections 260C.503 to 260C.521, or  
16.16 terminated rights under section 260C.301. Court review for a child permanently placed  
16.17 away from a parent, including where the child is under guardianship of the commissioner,  
16.18 ~~shall be~~ is governed by section 260C.607.

16.19 (c) When a child is placed in a qualified residential treatment program setting as defined  
16.20 in section 260C.007, subdivision 26d, the responsible social services agency must submit  
16.21 evidence to the court as specified in section 260C.712.

16.22 ~~(b)~~ (d) No later than three months after the child's placement in foster care, the court  
16.23 shall review agency efforts to search for and notify relatives pursuant to section 260C.221,  
16.24 and order that the agency's efforts begin immediately, or continue, if the agency has failed  
16.25 to perform, or has not adequately performed, the duties under that section. The court must  
16.26 order the agency to continue to appropriately engage relatives who responded to the notice  
16.27 under section 260C.221 in placement and case planning decisions and to consider relatives  
16.28 for foster care placement consistent with section 260C.221. Notwithstanding a court's finding  
16.29 that the agency has made reasonable efforts to search for and notify relatives under section  
16.30 260C.221, the court may order the agency to continue making reasonable efforts to search  
16.31 for, notify, engage, and consider relatives who came to the agency's attention after sending  
16.32 the initial notice under section 260C.221.

16.33 ~~(e)~~ (e) The court shall review the out-of-home placement plan and may modify the plan  
16.34 as provided under section 260C.201, subdivisions 6 and 7.



~~(d)~~ (f) When the court transfers the custody of a child to a responsible social services agency resulting in foster care or protective supervision with a noncustodial parent under subdivision 1, the court shall notify the parents of the provisions of sections 260C.204 and 260C.503 to 260C.521, as required under juvenile court rules.

~~(e)~~ (g) When a child remains in or returns to foster care pursuant to section 260C.451 and the court has jurisdiction pursuant to section 260C.193, subdivision 6, paragraph (c), the court shall at least annually conduct the review required under section 260C.203.

Sec. 12. Minnesota Statutes 2022, section 260C.209, subdivision 1, is amended to read:

Subdivision 1. **Subjects.** The responsible social services agency may have access to the criminal history and history of child and adult maltreatment on the following individuals:

(1) a noncustodial parent or nonadjudicated parent who is being assessed for purposes of providing day-to-day care of a child temporarily or permanently under section 260C.219 and any member of the parent's household who is over the age of 13 when there is a reasonable cause to believe that the parent or household member over age 13 has a criminal history or a history of maltreatment of a child or vulnerable adult ~~which~~ that would endanger the child's health, safety, or welfare;

(2) an individual ~~whose suitability for relative placement under section 260C.221 is being determined~~ and any member of the ~~relative's~~ individual's household who is over the age of 13 when:

~~(i) the relative must be licensed for foster care; or~~

(i) the individual is being considered for relative placement under section 260C.221;

(ii) the background study is required under section 259.53, subdivision 2; or

~~(iii) the agency or the commissioner has reasonable cause to believe the relative or household member over the age of 13 has a criminal history which would not make a petition to transfer of permanent legal and physical custody to the relative under~~ has been filed according to section 260C.515, subdivision 4, in the child's best interest paragraph (d), and the relative is not pursuing Northstar kinship assistance eligibility for the child under chapter 256N; and

(3) a parent, following an out-of-home placement, when the responsible social services agency has reasonable cause to believe that the parent has been convicted of a crime directly related to the parent's capacity to maintain the child's health, safety, or welfare or the parent

18.1 is the subject of an open investigation of, or has been the subject of a substantiated allegation  
18.2 of, child or vulnerable-adult maltreatment within the past ten years.

18.3 "Reasonable cause" means that the agency has received information or a report from the  
18.4 subject or a third person that creates an articulable suspicion that the individual has a history  
18.5 that may pose a risk to the health, safety, or welfare of the child. The information or report  
18.6 must be specific to the potential subject of the background check and ~~shall~~ must not be  
18.7 based on the race, religion, ethnic background, age, class, or lifestyle of the potential subject.

18.8 Sec. 13. Minnesota Statutes 2022, section 260C.212, subdivision 2, is amended to read:

18.9 Subd. 2. **Placement decisions based on best interests of the child.** (a) The policy of  
18.10 the state of Minnesota is to ensure that the child's best interests are met by requiring an  
18.11 individualized determination of the needs of the child in consideration of paragraphs (a) to  
18.12 (f), and of how the selected placement will serve the current and future needs of the child  
18.13 being placed. The authorized child-placing agency shall place a child, released by court  
18.14 order or by voluntary release by the parent or parents, in a family foster home selected by  
18.15 considering placement with relatives in the following order:

18.16 (1) with an individual who is related to the child by blood, marriage, or adoption,  
18.17 including the legal parent, guardian, or custodian of the child's sibling; or

18.18 (2) with an individual who is an important friend of the child or of the child's parent or  
18.19 custodian, including an individual with whom the child has resided or had significant contact  
18.20 or who has a significant relationship to the child or the child's parent or custodian.

18.21 For an Indian child, the agency shall follow the order of placement preferences in the Indian  
18.22 Child Welfare Act of 1978, United States Code, title 25, section 1915.

18.23 (b) Among the factors the agency shall consider in determining the current and future  
18.24 needs of the child are the following:

18.25 (1) the child's current functioning and behaviors;

18.26 (2) the medical needs of the child;

18.27 (3) the educational needs of the child;

18.28 (4) the developmental needs of the child;

18.29 (5) the child's history and past experience;

18.30 (6) the child's religious and cultural needs;

18.31 (7) the child's connection with a community, school, and faith community;

19.1 (8) the child's interests and talents;

19.2 (9) the child's current and long-term needs regarding relationships with parents, siblings,  
19.3 relatives, and other caretakers;

19.4 (10) the reasonable preference of the child, if the court, or the child-placing agency in  
19.5 the case of a voluntary placement, deems the child to be of sufficient age to express  
19.6 preferences; and

19.7 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,  
19.8 subdivision 2a.

19.9 When placing a child in foster care or in a permanent placement based on an individualized  
19.10 determination of the child's needs, the agency must not use one factor in this paragraph to  
19.11 the exclusion of all others, and the agency shall consider that the factors in paragraph (b)  
19.12 may be interrelated.

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

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

19.22 (e) ~~Except for emergency placement as provided for in section 245A.035, The following~~  
19.23 ~~requirements must be satisfied before the approval of a foster or adoptive placement in a~~  
19.24 ~~related or unrelated home: (1) a completed background study under section 245C.08; and~~  
19.25 ~~(2) a completed review of the written home study required under section 260C.215,~~  
19.26 ~~subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective foster or~~  
19.27 ~~adoptive parent to ensure the placement will meet the needs of the individual child. For~~  
19.28 ~~adoptive placements in a related or unrelated home, the home must meet the requirements~~  
19.29 of section 260C.611.

19.30 (f) The agency must determine whether colocation with a parent who is receiving services  
19.31 in a licensed residential family-based substance use disorder treatment program is in the  
19.32 child's best interests according to paragraph (b) and include that determination in the child's  
19.33 case plan under subdivision 1. The agency may consider additional factors not identified

20.1 in paragraph (b). The agency's determination must be documented in the child's case plan  
20.2 before the child is colocated with a parent.

20.3 (g) The agency must establish a juvenile treatment screening team under section 260C.157  
20.4 to determine whether it is necessary and appropriate to recommend placing a child in a  
20.5 qualified residential treatment program, as defined in section 260C.007, subdivision 26d.

20.6 (h) A child in foster care must not be placed in an unlicensed emergency relative  
20.7 placement under section 245A.035 or licensed family foster home when the responsible  
20.8 social service agency is aware that a prospective foster parent, license applicant, license  
20.9 holder, or adult household member has a permanent disqualification under section 245C.15,  
20.10 subdivision 4a, paragraphs (a) and (b).

20.11 Sec. 14. Minnesota Statutes 2022, section 260C.301, subdivision 1, is amended to read:

20.12 Subdivision 1. **Voluntary and involuntary.** The juvenile court may upon petition,  
20.13 terminate all rights of a parent to a child:

20.14 (a) with the written consent of a parent who for good cause desires to terminate parental  
20.15 rights; or

20.16 (b) if it finds that one or more of the following conditions exist:

20.17 (1) that the parent has abandoned the child;

20.18 (2) that the parent has substantially, continuously, or repeatedly refused or neglected to  
20.19 comply with the duties imposed upon that parent by the parent and child relationship,  
20.20 including but not limited to providing the child with necessary food, clothing, shelter,  
20.21 education, and other care and control necessary for the child's physical, mental, or emotional  
20.22 health and development, if the parent is physically and financially able, and either reasonable  
20.23 efforts by the social services agency have failed to correct the conditions that formed the  
20.24 basis of the petition or reasonable efforts would be futile and therefore unreasonable;

20.25 ~~(3) that a parent has been ordered to contribute to the support of the child or financially~~  
20.26 ~~aid in the child's birth and has continuously failed to do so without good cause. This clause~~  
20.27 ~~shall not be construed to state a grounds for termination of parental rights of a noncustodial~~  
20.28 ~~parent if that parent has not been ordered to or cannot financially contribute to the support~~  
20.29 ~~of the child or aid in the child's birth;~~

20.30 ~~(4)~~ (3) that a parent is palpably unfit to be a party to the parent and child relationship  
20.31 because of a consistent pattern of specific conduct before the child or of specific conditions  
20.32 directly relating to the parent and child relationship either of which are determined by the

court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that the parent's parental rights to one or more other children were involuntarily terminated or that the parent's custodial rights to another child have been involuntarily transferred to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction;

~~(5)~~ (4) that following the child's placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the child's placement. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child has resided out of the parental home under court order for a cumulative period of 12 months within the preceding 22 months. In the case of a child under age eight at the time the petition was filed alleging the child to be in need of protection or services, the presumption arises when the child has resided out of the parental home under court order for six months unless the parent has maintained regular contact with the child and the parent is complying with the out-of-home placement plan;

(ii) the court has approved the out-of-home placement plan required under section 260C.212 and filed with the court under section 260C.178;

(iii) conditions leading to the out-of-home placement have not been corrected. It is presumed that conditions leading to a child's out-of-home placement have not been corrected upon a showing that the parent or parents have not substantially complied with the court's orders and a reasonable case plan; and

(iv) reasonable efforts have been made by the social services agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year, or in the case of a child under age eight, prior to six months after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(A) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

22.1 (B) the parent has been required by a case plan to participate in a chemical dependency  
22.2 treatment program;

22.3 (C) the treatment programs offered to the parent were culturally, linguistically, and  
22.4 clinically appropriate;

22.5 (D) the parent has either failed two or more times to successfully complete a treatment  
22.6 program or has refused at two or more separate meetings with a caseworker to participate  
22.7 in a treatment program; and

22.8 (E) the parent continues to abuse chemicals.

22.9 ~~(6)~~ (5) that a child has experienced egregious harm in the parent's care ~~which~~ that is of  
22.10 a nature, duration, or chronicity that indicates a lack of regard for the child's well-being,  
22.11 such that a reasonable person would believe it contrary to the best interest of the child or  
22.12 of any child to be in the parent's care;

22.13 ~~(7)~~ (6) that in the case of a child born to a mother who was not married to the child's  
22.14 father when the child was conceived nor when the child was born the person is not entitled  
22.15 to notice of an adoption hearing under section 259.49 and the person has not registered with  
22.16 the fathers' adoption registry under section 259.52;

22.17 ~~(8)~~ (7) that the child is neglected and in foster care; or

22.18 ~~(9)~~ (8) that the parent has been convicted of a crime listed in section 260.012, paragraph  
22.19 (g), clauses (1) to (5).

22.20 In an action involving an American Indian child, sections 260.751 to 260.835 and the  
22.21 Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to  
22.22 the extent that the provisions of this section are inconsistent with those laws.

22.23 Sec. 15. Minnesota Statutes 2022, section 260C.515, subdivision 4, is amended to read:

22.24 Subd. 4. **Transfer of permanent legal and physical custody to relative.** (a) The court  
22.25 may order a transfer of permanent legal and physical custody to:

22.26 (1) a parent. The court must find that the parent understands a transfer of permanent  
22.27 legal and physical custody includes permanent, ongoing responsibility for the protection,  
22.28 education, care, and control of the child and decision making on behalf of the child until  
22.29 adulthood; or

22.30 (2) a fit and willing relative in the best interests of the child according to the following  
22.31 requirements: in paragraph (b).

23.1 ~~(1)~~ (b) An order for transfer of permanent legal and physical custody to a relative ~~shall~~  
23.2 must only be made after the court has reviewed the suitability of the prospective legal and  
23.3 physical custodian, including a summary of information obtained from required background  
23.4 studies under section 245C.33 or 260C.209, if the court finds the permanency disposition  
23.5 to be in the child's best interests.

23.6 ~~(2)~~ In transferring permanent legal and physical custody to a relative, the juvenile court  
23.7 shall follow the standards applicable under this chapter and chapter 260, and the procedures  
23.8 in the Minnesota Rules of Juvenile Protection Procedure. The court must issue written  
23.9 findings that include the following:

23.10 (1) the prospective legal and physical custodian understands that:

23.11 ~~(3)~~ (i) a transfer of permanent legal and physical custody includes permanent, ongoing  
23.12 responsibility for the protection, education, care, and control of the child and decision  
23.13 making on behalf of the child until adulthood; and

23.14 ~~(4)~~ (ii) a permanent legal and physical custodian ~~may~~ shall not return a child to the  
23.15 permanent care of a parent from whom the court removed custody without the court's  
23.16 approval and without notice to the responsible social services agency;

23.17 (2) transfer of permanent legal and physical custody and receipt of Northstar kinship  
23.18 assistance under chapter 256N, when requested and the child is eligible, are in the child's  
23.19 best interests;

23.20 (3) when the agency files the petition under paragraph (c) or supports the petition filed  
23.21 under paragraph (d), adoption is not in the child's best interests based on the determinations  
23.22 in the kinship placement agreement required under section 256N.22, subdivision 2;

23.23 (4) the agency made efforts to discuss adoption with the child's parent or parents, or the  
23.24 agency did not make efforts to discuss adoption and the reasons why efforts were not made;  
23.25 and

23.26 (5) there are reasons to separate siblings during placement, if applicable.

23.27 ~~(5)~~ (c) The responsible social services agency may file a petition naming a fit and willing  
23.28 relative as a proposed permanent legal and physical custodian. A petition for transfer of  
23.29 permanent legal and physical custody to a relative ~~who is not a parent~~ shall include facts  
23.30 upon which the court can determine suitability of the proposed custodian, including a  
23.31 summary of results from required background studies completed under section 245C.33.  
23.32 The petition must be accompanied by a kinship placement agreement under section 256N.22,  
23.33 subdivision 2, between the agency and proposed permanent legal and physical custodian;

24.1 ~~(6)~~ (d) Another party to the permanency proceeding regarding the child may file a petition  
24.2 to transfer permanent legal and physical custody to a relative. The petition must include  
24.3 facts upon which the court can make the ~~determination~~ determinations required under ~~elause~~  
24.4 ~~(7) and~~ paragraph (b), including suitability of the proposed custodian and, if completed, a  
24.5 summary of results from required background studies completed under section 245C.33 or  
24.6 260C.209. If background studies have not been completed at the time of filing the petition,  
24.7 they must be completed and a summary of results provided to the court prior to the court  
24.8 granting the petition or finalizing the order according to paragraph (e). The petition must  
24.9 be filed not no later than the date for the required admit-deny hearing under section 260C.507;  
24.10 or if the agency's petition is filed under section 260C.503, subdivision 2, the petition must  
24.11 be filed not later than 30 days prior to the trial required under section 260C.509;

24.12 ~~(7) where a petition is for transfer of permanent legal and physical custody to a relative~~  
24.13 ~~who is not a parent, the court must find that:~~

24.14 ~~(i) transfer of permanent legal and physical custody and receipt of Northstar kinship~~  
24.15 ~~assistance under chapter 256N, when requested and the child is eligible, are in the child's~~  
24.16 ~~best interests;~~

24.17 ~~(ii) adoption is not in the child's best interests based on the determinations in the kinship~~  
24.18 ~~placement agreement required under section 256N.22, subdivision 2;~~

24.19 ~~(iii) the agency made efforts to discuss adoption with the child's parent or parents, or~~  
24.20 ~~the agency did not make efforts to discuss adoption and the reasons why efforts were not~~  
24.21 ~~made; and~~

24.22 ~~(iv) there are reasons to separate siblings during placement, if applicable;~~

24.23 ~~(8)~~ (e) The court may:

24.24 (1) defer finalization of an order transferring permanent legal and physical custody to a  
24.25 relative when deferring finalization is necessary to determine eligibility for Northstar kinship  
24.26 assistance under chapter 256N;

24.27 ~~(9) the court may~~ (2) finalize a permanent transfer of permanent legal and physical and  
24.28 legal custody to a relative regardless of eligibility for Northstar kinship assistance under  
24.29 chapter 256N, provided that the court has reviewed the suitability of the proposed custodian,  
24.30 including the summary of background study results, consistent with paragraph (b); and

24.31 ~~(10) the juvenile court may~~ (3) following a transfer of permanent legal and physical  
24.32 custody to a relative, maintain jurisdiction over the responsible social services agency, the  
24.33 parents or guardian of the child, the child, and the permanent legal and physical custodian



25.1 for purposes of ensuring appropriate services are delivered to the child and permanent legal  
25.2 custodian for the purpose of ensuring conditions ordered by the court related to the care and  
25.3 custody of the child are met.

25.4 Sec. 16. Minnesota Statutes 2022, section 260C.607, subdivision 1, is amended to read:

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

25.10 (b) The review of progress toward adoption shall continue notwithstanding that an appeal  
25.11 is made of the order for guardianship or termination of parental rights.

25.12 (c) The agency's reasonable efforts to finalize the adoption must continue during the  
25.13 pendency of the appeal under paragraph (b) or subdivision 6, paragraph (h), and all progress  
25.14 toward adoption shall continue except that the court may not finalize an adoption while the  
25.15 appeal is pending.

25.16 Sec. 17. Minnesota Statutes 2022, section 260C.607, subdivision 6, is amended to read:

25.17 Subd. 6. **Motion and hearing to order adoptive placement.** (a) At any time after the  
25.18 district court orders the child under the guardianship of the commissioner of human services,  
25.19 but not later than 30 days after receiving notice required under section 260C.613, subdivision  
25.20 1, paragraph (c), that the agency has made an adoptive placement, a relative or the child's  
25.21 foster parent may file a motion for an order for adoptive placement of a child who is under  
25.22 the guardianship of the commissioner if the relative or the child's foster parent:

25.23 (1) has an adoption home study under section 259.41 or 260C.611 approving the relative  
25.24 or foster parent for adoption. If the relative or foster parent does not have an adoption home  
25.25 study, an affidavit attesting to efforts to complete an adoption home study may be filed with  
25.26 the motion instead. The affidavit must be signed by the relative or foster parent and the  
25.27 responsible social services agency or licensed child-placing agency completing the adoption  
25.28 home study. The relative or foster parent must also have been a resident of Minnesota for  
25.29 at least six months before filing the motion; the court may waive the residency requirement  
25.30 for the moving party if there is a reasonable basis to do so; or

25.31 (2) is not a resident of Minnesota, but has an approved adoption home study by an agency  
25.32 licensed or approved to complete an adoption home study in the state of the individual's

residence and the study is filed with the motion for adoptive placement. If the relative or foster parent does not have an adoption home study in the relative or foster parent's state of residence, an affidavit attesting to efforts to complete an adoption home study may be filed with the motion instead. The affidavit must be signed by the relative or foster parent and the agency completing the adoption home study.

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

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

(d) At the evidentiary hearing, the responsible social services agency shall proceed first with evidence about the reason for not making the adoptive placement proposed by the moving party. When the agency presents evidence regarding the child's current relationship with the identified adoptive placement resource, the court must consider the agency's efforts to support the child's relationship with the moving party consistent with section 260C.221. The moving party then has the burden of proving by a preponderance of the evidence that the agency has been unreasonable in failing to make the adoptive placement.

(e) The court shall review and enter findings regarding whether the agency, in making an adoptive placement decision for the child:

(1) considered relatives for adoptive placement in the order specified under section 260C.212, subdivision 2, paragraph (a); and

(2) assessed how the identified adoptive placement resource and the moving party are each able to meet the child's current and future needs, based on an individualized determination of the child's needs, as required under sections 260C.212, subdivision 2, and 260C.613, subdivision 1, paragraph (b).

(f) At the conclusion of the evidentiary hearing, if the court finds that the agency has been unreasonable in failing to make the adoptive placement and that the moving party is the most suitable adoptive home to meet the child's needs using the factors in section 260C.212, subdivision 2, paragraph (b), the court may:

27.1 (1) order the responsible social services agency to make an adoptive placement in the  
27.2 home of the moving party if the moving party has an approved adoption home study; or

27.3 (2) order the responsible social services agency to place the child in the home of the  
27.4 moving party upon approval of an adoption home study. The agency must promote and  
27.5 support the child's ongoing visitation and contact with the moving party until the child is  
27.6 placed in the moving party's home. The agency must provide an update to the court after  
27.7 90 days, including progress and any barriers encountered. If the moving party does not have  
27.8 an approved adoption home study within 180 days, the moving party and the agency must  
27.9 inform the court of any barriers to obtaining the approved adoption home study during a  
27.10 review hearing under this section. If the court finds that the moving party is unable to obtain  
27.11 an approved adoption home study, the court must dismiss the order for adoptive placement  
27.12 under this subdivision and order the agency to continue making reasonable efforts to finalize  
27.13 the adoption of the child as required under section 260C.605.

27.14 (g) If, in order to ensure that a timely adoption may occur, the court orders the responsible  
27.15 social services agency to make an adoptive placement under this subdivision, the agency  
27.16 shall:

27.17 (1) make reasonable efforts to obtain a fully executed adoption placement agreement,  
27.18 including assisting the moving party with the adoption home study process;

27.19 (2) work with the moving party regarding eligibility for adoption assistance as required  
27.20 under chapter 256N; and

27.21 (3) if the moving party is not a resident of Minnesota, timely refer the matter for approval  
27.22 of the adoptive placement through the Interstate Compact on the Placement of Children.

27.23 (h) Denial or granting of a motion for an order for adoptive placement after an evidentiary  
27.24 hearing is an order ~~which~~ that may be appealed by the responsible social services agency,  
27.25 the moving party, the child, when age ten or over, the child's guardian ad litem, and any  
27.26 individual who had a fully executed adoption placement agreement regarding the child at  
27.27 the time the motion was filed if the court's order has the effect of terminating the adoption  
27.28 placement agreement. An appeal ~~shall~~ must be conducted according to the requirements of  
27.29 the Rules of Juvenile Protection Procedure. Pursuant to subdivision 1, paragraph (c), the  
27.30 court shall not finalize an adoption while an appeal is pending.

28.1 Sec. 18. Minnesota Statutes 2022, section 260C.611, is amended to read:

28.2 **260C.611 ADOPTION STUDY REQUIRED.**

28.3 (a) An adoption study under section 259.41 approving placement of the child in the  
28.4 home of the prospective adoptive parent ~~shall~~ must be completed before placing any child  
28.5 under the guardianship of the commissioner in a home for adoption. If a prospective adoptive  
28.6 parent has a current child foster care license under chapter 245A and is seeking to adopt a  
28.7 foster child who is placed in the prospective adoptive parent's home and is under the  
28.8 guardianship of the commissioner according to section 260C.325, subdivision 1, the child  
28.9 foster care home study meets the requirements of this section for an approved adoption  
28.10 home study if:

28.11 (1) the written home study on which the foster care license was based is completed in  
28.12 the commissioner's designated format, consistent with the requirements in sections 259.41,  
28.13 subdivision 2; and 260C.215, subdivision 4, clause (5); and Minnesota Rules, part 2960.3060,  
28.14 subpart 4;

28.15 (2) the background studies on each prospective adoptive parent and all required household  
28.16 members were completed according to section 245C.33;

28.17 (3) the commissioner has not issued, ~~within the last three years,~~ a sanction on the license  
28.18 under section 245A.07 or an order of a conditional license under section 245A.06 within  
28.19 the last three years, or the commissioner has determined it to be in the child's best interests  
28.20 to allow the child foster care home study to meet requirements of an approved adoption  
28.21 home study upon review of the legally responsible agency's adoptive placement decision;  
28.22 and

28.23 (4) the legally responsible agency determines that the individual needs of the child are  
28.24 being met by the prospective adoptive parent through an assessment under section 256N.24,  
28.25 subdivision 2, or a documented placement decision consistent with section 260C.212,  
28.26 subdivision 2.

28.27 (b) If a prospective adoptive parent has previously held a foster care license or adoptive  
28.28 home study, any update necessary to the foster care license, or updated or new adoptive  
28.29 home study, if not completed by the licensing authority responsible for the previous license  
28.30 or home study, shall include collateral information from the previous licensing or approving  
28.31 agency, if available.

29.1 Sec. 19. Minnesota Statutes 2022, section 260C.613, subdivision 1, is amended to read:

29.2 Subdivision 1. **Adoptive placement decisions.** (a) The responsible social services agency  
29.3 has exclusive authority to make an adoptive placement ~~of decision for~~ for a child under the  
29.4 guardianship of the commissioner. The child ~~shall be considered~~ is legally placed for adoption  
29.5 when the adopting parent, the agency, and the commissioner have fully executed an adoption  
29.6 placement agreement on the form prescribed by the commissioner.

29.7 (b) The responsible social services agency shall use an individualized determination of  
29.8 the child's current and future needs, pursuant to section 260C.212, subdivision 2, paragraph  
29.9 (b), to determine the most suitable adopting parent for the child in the child's best interests.  
29.10 The responsible social services agency must consider adoptive placement of the child with  
29.11 relatives in the order specified in section 260C.212, subdivision 2, paragraph (a).

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

29.15 (d) Pursuant to section 260C.615, subdivision 1, paragraph (b), clause (4), the responsible  
29.16 social services agency shall immediately notify the commissioner if the agency learns of  
29.17 any new or previously undisclosed criminal or maltreatment information involving an  
29.18 adoptive placement of a child under guardianship of the commissioner.

29.19 ~~(d)~~ (e) In the event a party to an adoption placement agreement terminates the agreement,  
29.20 the responsible social services agency shall notify the court, the parties entitled to notice  
29.21 under section 260C.607, subdivision 2, and the commissioner that the agreement and the  
29.22 adoptive placement have terminated.

29.23 Sec. 20. Minnesota Statutes 2022, section 260C.615, subdivision 1, is amended to read:

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

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

29.29 (2) the child donating a part of the child's body to another person while the child is living;  
29.30 the decision to donate a body part under this clause shall take into consideration the child's  
29.31 wishes and the child's culture.

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

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

30.5 (2) process any complete and accurate application for adoption assistance forwarded by  
30.6 the responsible social services agency according to chapter 256N;

30.7 (3) review and process an adoption placement agreement forwarded to the commissioner  
30.8 by the responsible social services agency and return it to the agency in a timely fashion;  
30.9 and

30.10 (4) review new or previously undisclosed information received from the agency or other  
30.11 individuals or entities that may impact the health, safety, or well-being of a child who is  
30.12 the subject of a fully executed adoption placement agreement; and

30.13 ~~(4)~~ (5) maintain records as required in chapter 259.

30.14 Sec. 21. Minnesota Statutes 2022, section 260E.03, subdivision 23, is amended to read:

30.15 Subd. 23. **Threatened injury.** (a) "Threatened injury" means a statement, overt act,  
30.16 condition, or status that represents a substantial risk of physical or sexual abuse or mental  
30.17 injury.

30.18 (b) Threatened injury includes, but is not limited to, exposing a child to a person  
30.19 responsible for the child's care, as defined in subdivision 17, who has:

30.20 (1) subjected a child to, or failed to protect a child from, an overt act or condition that  
30.21 constitutes egregious harm under subdivision 5 or a similar law of another jurisdiction;

30.22 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph  
30.23 (b), clause (4), or a similar law of another jurisdiction;

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

30.26 (4) committed an act that resulted in the involuntary transfer of permanent legal and  
30.27 physical custody of a child to a relative or parent under Minnesota Statutes 2010, section  
30.28 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a  
30.29 similar law of another jurisdiction.

(c) A child is the subject of a report of threatened injury when the local welfare agency receives birth match data under section 260E.14, subdivision 4, from the Department of Human Services.

### ARTICLE 3 ECONOMIC ASSISTANCE

Section 1. Minnesota Statutes 2023 Supplement, section 119B.011, subdivision 15, is amended to read:

Subd. 15. **Income.** "Income" means earned income as defined under section 256P.01, subdivision 3; unearned income as defined under section 256P.01, subdivision 8; income under Minnesota Rules, part 3400.0170; and public assistance cash benefits, including the Minnesota family investment program, work benefit, Minnesota supplemental aid, general assistance, refugee cash assistance, at-home infant child care subsidy payments, and child support and maintenance distributed to the family under section 256.741, subdivision 2a.

The following are deducted from income: funds used to pay for health insurance premiums for family members, and child or spousal support paid to or on behalf of a person or persons who live outside of the household. Income sources not included in this subdivision ~~and~~ section 256P.06, subdivision 3; and Minnesota Rules, part 3400.0170, are not counted as income.

Sec. 2. Minnesota Statutes 2022, section 256J.08, subdivision 34a, is amended to read:

Subd. 34a. **Family violence.** (a) "Family violence" means the following, if committed against a family or household member by a family or household member:

(1) physical harm, bodily injury, or assault;

(2) the infliction of fear of ~~imminent~~ physical harm, bodily injury, or assault; or

(3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.

(b) For the purposes of family violence, "family or household member" means:

(1) spouses and former spouses;

(2) parents and children;

(3) persons related by blood;

32.1 (4) persons who are residing together or who have resided together in the past;

32.2 (5) persons who have a child in common regardless of whether they have been married  
32.3 or have lived together at any time;

32.4 (6) a man and woman if the woman is pregnant and the man is alleged to be the father,  
32.5 regardless of whether they have been married or have lived together at anytime; and

32.6 (7) persons involved in a current or past significant romantic or sexual relationship.

32.7 Sec. 3. Minnesota Statutes 2022, section 256J.28, subdivision 1, is amended to read:

32.8 Subdivision 1. **Expedited issuance of the Supplemental Nutrition Assistance Program**  
32.9 **(SNAP) benefits.** ~~The following households are entitled to expedited issuance of SNAP~~  
32.10 ~~benefits assistance:~~

32.11 ~~(1) households with less than \$150 in monthly gross income provided their liquid assets~~  
32.12 ~~do not exceed \$100;~~

32.13 ~~(2) migrant or seasonal farm worker households who are destitute as defined in Code~~  
32.14 ~~of Federal Regulations, title 7, subtitle B, chapter 2, subchapter C, part 273, section 273.10,~~  
32.15 ~~paragraph (e)(3), provided their liquid assets do not exceed \$100; and~~

32.16 ~~(3) eligible households whose combined monthly gross income and liquid resources are~~  
32.17 ~~less than the household's monthly rent or mortgage and utilities.~~

32.18 For any month an individual receives expedited SNAP benefits, the individual is not  
32.19 eligible for the MFIP food portion of assistance.

32.20 Sec. 4. Minnesota Statutes 2022, section 256P.05, is amended by adding a subdivision to  
32.21 read:

32.22 Subd. 4. **Rental income.** Rental income is subject to the requirements of this section.

32.23 Sec. 5. Minnesota Statutes 2023 Supplement, section 256P.06, subdivision 3, is amended  
32.24 to read:

32.25 Subd. 3. **Income inclusions.** The following must be included in determining the income  
32.26 of an assistance unit:

32.27 (1) earned income; and

32.28 (2) unearned income, which includes:

32.29 (i) interest and dividends from investments and savings;



- 33.1 (ii) capital gains as defined by the Internal Revenue Service from any sale of real property;
- 33.2 (iii) ~~proceeds from rent and~~ contract for deed payments in excess of the principal and
- 33.3 interest portion owed on property;
- 33.4 (iv) income from trusts, excluding special needs and supplemental needs trusts;
- 33.5 (v) interest income from loans made by the participant or household;
- 33.6 (vi) cash prizes and winnings;
- 33.7 (vii) unemployment insurance income that is received by an adult member of the
- 33.8 assistance unit unless the individual receiving unemployment insurance income is:
- 33.9 (A) 18 years of age and enrolled in a secondary school; or
- 33.10 (B) 18 or 19 years of age, a caregiver, and is enrolled in school at least half-time;
- 33.11 (viii) for the purposes of programs under chapters 256D and 256I, retirement, survivors,
- 33.12 and disability insurance payments;
- 33.13 (ix) retirement benefits;
- 33.14 (x) cash assistance benefits, as defined by each program in chapters 119B, 256D, 256I,
- 33.15 and 256J;
- 33.16 (xi) income from members of the United States armed forces unless excluded from
- 33.17 income taxes according to federal or state law;
- 33.18 (xii) for the purposes of programs under chapters 119B, 256D, and 256I, all child support
- 33.19 payments;
- 33.20 (xiii) for the purposes of programs under chapter 256J, the amount of child support
- 33.21 received that exceeds \$100 for assistance units with one child and \$200 for assistance units
- 33.22 with two or more children;
- 33.23 (xiv) spousal support;
- 33.24 (xv) workers' compensation; and
- 33.25 (xvi) for the purposes of programs under chapters 119B and 256J, the amount of
- 33.26 retirement, survivors, and disability insurance payments that exceeds the applicable monthly
- 33.27 federal maximum Supplemental Security Income payments.

33.28 Sec. 6. Minnesota Statutes 2022, section 393.07, subdivision 10a, is amended to read:

33.29 Subd. 10a. **Expedited issuance of SNAP benefits.** The commissioner of human services  
 33.30 shall continually monitor the expedited issuance of SNAP benefits to ensure that each county

complies with federal regulations and that households eligible for expedited issuance of SNAP benefits are identified, processed, and certified within the time frames prescribed in federal regulations.

~~County SNAP benefits offices shall screen applicants on the day of application. Applicants who meet the federal criteria for expedited issuance and have an immediate need for food assistance shall receive within five working days the issuance of SNAP benefits.~~

~~The local SNAP agency shall conspicuously post in each SNAP office a notice of the availability of and the procedure for applying for expedited issuance and verbally advise each applicant of the availability of the expedited process.~~

#### ARTICLE 4

#### ADOPTION RECORDS

Section 1. Minnesota Statutes 2023 Supplement, section 144.2252, subdivision 2, is amended to read:

**Subd. 2. Release of original birth record.** (a) The state registrar must provide to an adopted person who is 18 years of age or older or a person related to the adopted person a copy of the adopted person's original birth record and any evidence of the adoption previously filed with the state registrar. To receive a copy of an original birth record under this subdivision, the adopted person or person related to the adopted person must make the request to the state registrar in writing. The copy of the original birth record must clearly indicate that it may not be used for identification purposes. All procedures, fees, and waiting periods applicable to a nonadopted person's request for a copy of a birth record apply in the same manner as requests made under this section.

(b) If a contact preference form is attached to the original birth record as authorized under section 144.2253, the state registrar must provide a copy of the contact preference form along with the copy of the adopted person's original birth record.

(c) The state registrar shall provide a transcript of an adopted person's original birth record to an authorized representative of a federally recognized American Indian Tribe for the sole purpose of determining the adopted person's eligibility for enrollment or membership. Information contained in the birth record may not be used to provide the adopted person information about the person's birth parents, except as provided in this section or section 259.83.

(d) For a replacement birth record issued under section 144.218, the adopted person or a person related to the adopted person may obtain from the state registrar copies of the order

35.1 or decree of adoption, certificate of adoption, or decree issued under section 259.60, as filed  
35.2 with the state registrar.

35.3 (e) The state registrar may request assistance from the commissioner of human services  
35.4 if needed to discharge duties under this section, as authorized under section 259.79.

35.5 **EFFECTIVE DATE.** This section is effective July 1, 2024.

35.6 Sec. 2. Minnesota Statutes 2023 Supplement, section 144.2253, is amended to read:

35.7 **144.2253 BIRTH PARENT CONTACT PREFERENCE FORM.**

35.8 (a) The commissioner must make available to the public a contact preference form as  
35.9 described in paragraph (b).

35.10 (b) The contact preference form must provide the following information to be completed  
35.11 at the option of a birth parent:

35.12 (1) "I would like to be contacted."

35.13 (2) "I would prefer to be contacted only through an intermediary."

35.14 (3) "I prefer not to be contacted at this time. If I decide later that I would like to be  
35.15 contacted, I will submit an updated contact preference form to the Minnesota Department  
35.16 of Health."

35.17 (c) A contact preference form must include space where the birth parent may include  
35.18 information that the birth parent feels is important for the adopted person to know.

35.19 (d) If a birth parent of an adopted person submits a completed contact preference form  
35.20 to the commissioner, the commissioner must:

35.21 (1) match the contact preference form to the adopted person's original birth record. The  
35.22 commissioner may request assistance from the commissioner of human services if needed  
35.23 to discharge duties under this clause, as authorized under section 259.79; and

35.24 (2) attach the contact preference form to the original birth record as required under  
35.25 section 144.2252.

35.26 (e) A contact preference form submitted to the commissioner under this section is private  
35.27 data on an individual as defined in section 13.02, subdivision 12, except that the contact  
35.28 preference form may be released as provided under section 144.2252, subdivision 2.

35.29 **EFFECTIVE DATE.** This section is effective August 1, 2023.

Sec. 3. Minnesota Statutes 2022, section 259.37, subdivision 2, is amended to read:

**Subd. 2. Disclosure to birth parents and adoptive parents.** An agency shall provide a disclosure statement written in clear, plain language to be signed by the prospective adoptive parents and birth parents, except that in intercountry adoptions, the signatures of birth parents are not required. The disclosure statement must contain the following information:

(1) fees charged to the adoptive parent, including any policy on sliding scale fees or fee waivers and an itemization of the amount that will be charged for the adoption study, counseling, postplacement services, family of origin searches, birth parent expenses authorized under section 259.55, or any other services;

(2) timeline for the adoptive parent to make fee payments;

(3) likelihood, given the circumstances of the prospective adoptive parent and any specific program to which the prospective adoptive parent is applying, that an adoptive placement may be made and the estimated length of time for making an adoptive placement. These estimates must be based on adoptive placements made with prospective parents in similar circumstances applying to a similar program with the agency during the immediately preceding three to five years. If an agency has not been in operation for at least three years, it must provide summary data based on whatever adoptive placements it has made and may include a statement about the kind of efforts it will make to achieve an adoptive placement, including a timetable it will follow in seeking a child. The estimates must include a statement that the agency cannot guarantee placement of a child or a time by which a child will be placed;

(4) a statement of the services the agency will provide the birth and adoptive parents;

(5) a statement prepared by the commissioner under section 259.39 that explains the child placement and adoption process and the respective legal rights and responsibilities of the birth parent and prospective adoptive parent during the process including a statement that the prospective adoptive parent is responsible for filing an adoption petition not later than 12 months after the child is placed in the prospective adoptive home;

(6) a statement regarding any information the agency may have about attorney referral services, or about obtaining assistance with completing legal requirements for an adoption; ~~and~~

(7) a statement regarding the right of an adopted person to request and obtain a copy of the adopted person's original birth record at the age and circumstances specified in section

37.1 144.2253 and the right of the birth parent named on the adopted person's original birth  
37.2 record to file a contact preference form with the state registrar pursuant to section 144.2253;  
37.3 and

37.4 ~~(7)~~ (8) an acknowledgment to be signed by the birth parent and prospective adoptive  
37.5 parent that they have received, read, and had the opportunity to ask questions of the agency  
37.6 about the contents of the disclosure statement.

37.7 **EFFECTIVE DATE.** This section is effective July 1, 2024.

37.8 Sec. 4. Minnesota Statutes 2022, section 259.79, subdivision 1, is amended to read:

37.9 Subdivision 1. **Content.** (a) The adoption records of the commissioner's agents and  
37.10 licensed child-placing agencies shall contain copies of all relevant legal documents,  
37.11 responsibly collected genetic, medical and social history of the child and the child's birth  
37.12 parents, the child's placement record, copies of all pertinent agreements, contracts, and  
37.13 correspondence relevant to the adoption, and copies of all reports and recommendations  
37.14 made to the court.

37.15 (b) The commissioner of human services shall maintain a permanent record of all  
37.16 adoptions granted in district court in Minnesota regarding children who are:

37.17 (1) under guardianship of the commissioner or a licensed child-placing agency according  
37.18 to section 260C.317 or 260C.515, subdivision 3;

37.19 (2) placed by the commissioner, commissioner's agent, or licensed child-placing agency  
37.20 after a consent to adopt according to section 259.24 or under an agreement conferring  
37.21 authority to place for adoption according to section 259.25; or

37.22 (3) adopted after a direct adoptive placement approved by the district court under section  
37.23 259.47.

37.24 Each record shall contain identifying information about the child, the birth or legal  
37.25 parents, and adoptive parents, including race where such data is available. The record must  
37.26 also contain: (1) the date the child was legally freed for adoption; (2) the date of the adoptive  
37.27 placement; (3) the name of the placing agency; (4) the county where the adoptive placement  
37.28 occurred; (5) the date that the petition to adopt was filed; (6) the county where the petition  
37.29 to adopt was filed; and (7) the date and county where the adoption decree was granted.

37.30 (c) Identifying information contained in the adoption record ~~shall~~ must be confidential  
37.31 and ~~shall~~ must be disclosed only pursuant to section 259.61 or, for adoption records

38.1 maintained by the commissioner of human services, upon request from the commissioner  
38.2 of health or state registrar pursuant to sections 144.2252 and 144.2253.

38.3 Sec. 5. Minnesota Statutes 2023 Supplement, section 259.83, subdivision 1, is amended  
38.4 to read:

38.5 Subdivision 1. **Services provided.** (a) Agencies shall provide assistance and counseling  
38.6 services upon receiving a request for current information from adoptive parents, birth parents,  
38.7 ~~or adopted persons aged 18 years of age and older, or adult siblings of adopted persons.~~  
38.8 The agency shall contact the other adult persons or the adoptive parents of a minor child in  
38.9 a personal and confidential manner to determine whether there is a desire to receive or share  
38.10 information or to have contact. If there is such a desire, the agency shall provide the services  
38.11 requested. The agency shall ~~provide services to adult genetic siblings if there is no known~~  
38.12 ~~violation of the confidentiality of a birth parent or if the birth parent gives written consent~~  
38.13 complete the search request within six months of the request being made. If the agency is  
38.14 unable to complete the search request within the specified time frame, the agency shall  
38.15 inform the requester of the status of the request and include a reasonable estimate of when  
38.16 the request can be completed.

38.17 (b) Upon a request for assistance or services from an adoptive parent of a minor child,  
38.18 birth parent, or an adopted person 18 years of age or older, the agency must inform the  
38.19 person:

38.20 (1) about the right of an adopted person to request and obtain a copy of the adopted  
38.21 person's original birth record at the age and circumstances specified in section 144.2253;  
38.22 and

38.23 (2) about the right of the birth parent named on the adopted person's original birth record  
38.24 to file a contact preference form with the state registrar pursuant to section 144.2253.

38.25 ~~In~~ When making or supervising an adoptive placements placement, the agency must provide  
38.26 in writing to the birth parents listed on the original birth record the information required  
38.27 under this ~~section~~ paragraph and section 259.37, subdivision 2, clause (7).

38.28 Sec. 6. Minnesota Statutes 2023 Supplement, section 259.83, subdivision 1b, is amended  
38.29 to read:

38.30 Subd. 1b. **Genetic Siblings.** (a) A person who is at least 18 years of age who was adopted  
38.31 ~~or, because of a termination of parental rights, who~~ was committed to the guardianship of  
38.32 the commissioner of human services, whether adopted or and not, adopted must upon request

be advised of other siblings who were adopted or who were committed to the guardianship of the commissioner of human services and not adopted.

(b) The agency must provide assistance ~~must be provided by the county or placing agency~~ of to the person requesting information to the extent that information is available in the ~~existing~~ records ~~at the Department of Human Services~~ required to be kept under section 259.79. If the sibling received services from another agency, the agencies must share necessary information in order to locate the other siblings and to offer services, as requested. ~~Upon the determination that parental rights with respect to another sibling were terminated, identifying information and contact must be provided only upon mutual consent.~~ A reasonable fee may be imposed by the ~~county or placing~~ agency.

Sec. 7. Minnesota Statutes 2023 Supplement, section 259.83, subdivision 3a, is amended to read:

Subd. 3a. **Birth parent identifying information.** (a) This subdivision applies to adoptive placements where an adopted person does not have a record of live birth registered in this state. Upon written request by an adopted person 18 years of age or older, the agency responsible for or supervising the placement must provide to the requester the following identifying information related to the birth parents listed on that adopted person's original birth record, to the extent the information is available:

(1) each of the birth parent's names; and

(2) each of the birth parent's birthdate and birthplace.

(b) The agency may charge a reasonable fee to the requester for providing the required information under paragraph (a).

(c) The agency, acting in good faith and in a lawful manner in disclosing the identifying information under this subdivision, is not civilly liable for such disclosure.

Sec. 8. Minnesota Statutes 2022, section 259.83, subdivision 4, is amended to read:

Subd. 4. **Confidentiality.** Agencies shall provide adoptive parents, birth parents and adult siblings, and adopted persons aged ~~19~~ 18 years and over reasonable assistance in a manner consistent with state and federal laws, rules, and regulations regarding the confidentiality and privacy of child welfare and adoption records.

40.1 **ARTICLE 5**

40.2 **MISCELLANEOUS PROVISIONS**

40.3 Section 1. Minnesota Statutes 2023 Supplement, section 13.46, subdivision 4, is amended  
40.4 to read:

40.5 Subd. 4. **Licensing data.** (a) As used in this subdivision:

40.6 (1) "licensing data" are all data collected, maintained, used, or disseminated by the  
40.7 welfare system pertaining to persons licensed or registered or who apply for licensure or  
40.8 registration or who formerly were licensed or registered under the authority of the  
40.9 commissioner of human services;

40.10 (2) "client" means a person who is receiving services from a licensee or from an applicant  
40.11 for licensure; and

40.12 (3) "personal and personal financial data" are Social Security numbers, identity of and  
40.13 letters of reference, insurance information, reports from the Bureau of Criminal  
40.14 Apprehension, health examination reports, and social/home studies.

40.15 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants,  
40.16 certification holders, license holders, and former licensees are public: name, address,  
40.17 telephone number of licensees, email addresses except for family child foster care, date of  
40.18 receipt of a completed application, dates of licensure, licensed capacity, type of client  
40.19 preferred, variances granted, record of training and education in child care and child  
40.20 development, type of dwelling, name and relationship of other family members, previous  
40.21 license history, class of license, the existence and status of complaints, and the number of  
40.22 serious injuries to or deaths of individuals in the licensed program as reported to the  
40.23 commissioner of human services, the local social services agency, or any other county  
40.24 welfare agency. For purposes of this clause, a serious injury is one that is treated by a  
40.25 physician.

40.26 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,  
40.27 an order of license suspension, an order of temporary immediate suspension, an order of  
40.28 license revocation, an order of license denial, or an order of conditional license has been  
40.29 issued, or a complaint is resolved, the following data on current and former licensees and  
40.30 applicants are public: the general nature of the complaint or allegations leading to the  
40.31 temporary immediate suspension; the substance and investigative findings of the licensing  
40.32 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence  
40.33 of settlement negotiations; the record of informal resolution of a licensing violation; orders  
40.34 of hearing; findings of fact; conclusions of law; specifications of the final correction order,



41.1 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license  
41.2 contained in the record of licensing action; whether a fine has been paid; and the status of  
41.3 any appeal of these actions.

41.4 (iii) When a license denial under section 245A.05 or a sanction under section 245A.07  
41.5 is based on a determination that a license holder, applicant, or controlling individual is  
41.6 responsible for maltreatment under section 626.557 or chapter 260E, the identity of the  
41.7 applicant, license holder, or controlling individual as the individual responsible for  
41.8 maltreatment is public data at the time of the issuance of the license denial or sanction.

41.9 (iv) When a license denial under section 245A.05 or a sanction under section 245A.07  
41.10 is based on a determination that a license holder, applicant, or controlling individual is  
41.11 disqualified under chapter 245C, the identity of the license holder, applicant, or controlling  
41.12 individual as the disqualified individual is public data at the time of the issuance of the  
41.13 licensing sanction or denial. If the applicant, license holder, or controlling individual requests  
41.14 reconsideration of the disqualification and the disqualification is affirmed, the reason for  
41.15 the disqualification and the reason to not set aside the disqualification are private data.

41.16 (v) A correction order or fine issued to a child care provider for a licensing violation is  
41.17 private data on individuals under section 13.02, subdivision 12, or nonpublic data under  
41.18 section 13.02, subdivision 9, if the correction order or fine is seven years old or older.

41.19 (2) For applicants who withdraw their application prior to licensure or denial of a license,  
41.20 the following data are public: the name of the applicant, the city and county in which the  
41.21 applicant was seeking licensure, the dates of the commissioner's receipt of the initial  
41.22 application and completed application, the type of license sought, and the date of withdrawal  
41.23 of the application.

41.24 (3) For applicants who are denied a license, the following data are public: the name and  
41.25 address of the applicant, the city and county in which the applicant was seeking licensure,  
41.26 the dates of the commissioner's receipt of the initial application and completed application,  
41.27 the type of license sought, the date of denial of the application, the nature of the basis for  
41.28 the denial, the existence of settlement negotiations, the record of informal resolution of a  
41.29 denial, orders of hearings, findings of fact, conclusions of law, specifications of the final  
41.30 order of denial, and the status of any appeal of the denial.

41.31 (4) When maltreatment is substantiated under section 626.557 or chapter 260E and the  
41.32 victim and the substantiated perpetrator are affiliated with a program licensed under chapter  
41.33 245A, the commissioner of human services, local social services agency, or county welfare

42.1 agency may inform the license holder where the maltreatment occurred of the identity of  
42.2 the substantiated perpetrator and the victim.

42.3 (5) Notwithstanding clause (1), for child foster care, only the name of the license holder  
42.4 and the status of the license are public if the county attorney has requested that data otherwise  
42.5 classified as public data under clause (1) be considered private data based on the best interests  
42.6 of a child in placement in a licensed program.

42.7 (c) The following are private data on individuals under section 13.02, subdivision 12,  
42.8 or nonpublic data under section 13.02, subdivision 9: personal and personal financial data  
42.9 on family day care program and family foster care program applicants and licensees and  
42.10 their family members who provide services under the license.

42.11 (d) The following are private data on individuals: the identity of persons who have made  
42.12 reports concerning licensees or applicants that appear in inactive investigative data, and the  
42.13 records of clients or employees of the licensee or applicant for licensure whose records are  
42.14 received by the licensing agency for purposes of review or in anticipation of a contested  
42.15 matter. The names of reporters of complaints or alleged violations of licensing standards  
42.16 under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged maltreatment  
42.17 under section 626.557 and chapter 260E, are confidential data and may be disclosed only  
42.18 as provided in section 260E.21, subdivision 4; 260E.35; or 626.557, subdivision 12b.

42.19 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under this  
42.20 subdivision become public data if submitted to a court or administrative law judge as part  
42.21 of a disciplinary proceeding in which there is a public hearing concerning a license which  
42.22 has been suspended, immediately suspended, revoked, or denied.

42.23 (f) Data generated in the course of licensing investigations that relate to an alleged  
42.24 violation of law are investigative data under subdivision 3.

42.25 (g) Data that are not public data collected, maintained, used, or disseminated under this  
42.26 subdivision that relate to or are derived from a report as defined in section 260E.03, or  
42.27 626.5572, subdivision 18, are subject to the destruction provisions of sections 260E.35,  
42.28 subdivision 6, and 626.557, subdivision 12b.

42.29 (h) Upon request, not public data collected, maintained, used, or disseminated under  
42.30 this subdivision that relate to or are derived from a report of substantiated maltreatment as  
42.31 defined in section 626.557 or chapter 260E may be exchanged with the Department of  
42.32 Health for purposes of completing background studies pursuant to section 144.057 and with  
42.33 the Department of Corrections for purposes of completing background studies pursuant to  
42.34 section 241.021.

(i) Data on individuals collected according to licensing activities under chapters 245A and 245C, data on individuals collected by the commissioner of human services according to investigations under section 626.557 and chapters 245A, 245B, 245C, 245D, and 260E may be shared with the Department of Human Rights, the Department of Health, the Department of Corrections, the ombudsman for mental health and developmental disabilities, and the individual's professional regulatory board when there is reason to believe that laws or standards under the jurisdiction of those agencies may have been violated or the information may otherwise be relevant to the board's regulatory jurisdiction. Background study data on an individual who is the subject of a background study under chapter 245C for a licensed service for which the commissioner of human services is the license holder may be shared with the commissioner and the commissioner's delegate by the licensing division. Unless otherwise specified in this chapter, the identity of a reporter of alleged maltreatment or licensing violations may not be disclosed.

(j) In addition to the notice of determinations required under sections 260E.24, subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b), (c), (d), (e), and (f), if the commissioner or the local social services agency has determined that an individual is a substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in section 260E.03, and the commissioner or local social services agency knows that the individual is a person responsible for a child's care in another facility, the commissioner or local social services agency shall notify the head of that facility of this determination. The notification must include an explanation of the individual's available appeal rights and the status of any appeal. If a notice is given under this paragraph, the government entity making the notification shall provide a copy of the notice to the individual who is the subject of the notice.

(k) All not public data collected, maintained, used, or disseminated under this subdivision and subdivision 3 may be exchanged between the Department of Human Services, Licensing Division, and the Department of Corrections for purposes of regulating services for which the Department of Human Services and the Department of Corrections have regulatory authority.

**EFFECTIVE DATE.** This section is effective January 1, 2025.

Sec. 2. Minnesota Statutes 2023 Supplement, section 245C.02, subdivision 6a, is amended to read:

Subd. 6a. **Child care background study subject.** (a) "Child care background study subject" means an individual who is affiliated with a licensed child care center, certified

license-exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B, and who is:

(1) employed by a child care provider for compensation;

(2) assisting in the care of a child for a child care provider;

(3) a person applying for licensure, certification, or enrollment;

(4) a controlling individual as defined in section 245A.02, subdivision 5a;

(5) an individual 13 years of age or older who lives in the household where the licensed program will be provided and who is not receiving licensed services from the program;

(6) an individual ten to 12 years of age who lives in the household where the licensed services will be provided when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;

(7) an individual who, without providing direct contact services at a licensed program, certified program, or program authorized under chapter 119B, may have unsupervised access to a child receiving services from a program when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15; ~~or~~

(8) a volunteer, contractor providing services for hire in the program, prospective employee, or other individual who has unsupervised physical access to a child served by a program and who is not under supervision by an individual listed in clause (1) or (5), regardless of whether the individual provides program services; or

(9) an authorized agent in a license-exempt certified child care center as defined in section 245H.01, subdivision 2a.

(b) Notwithstanding paragraph (a), an individual who is providing services that are not part of the child care program is not required to have a background study if:

(1) the child receiving services is signed out of the child care program for the duration that the services are provided;

(2) the licensed child care center, certified license-exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B has obtained advanced written permission from the parent authorizing the child to receive the services, which is maintained in the child's record;

(3) the licensed child care center, certified license-exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter

45.1 119B maintains documentation on site that identifies the individual service provider and  
45.2 the services being provided; and

45.3 (4) the licensed child care center, certified license-exempt child care center, licensed  
45.4 family child care program, or legal nonlicensed child care provider authorized under chapter  
45.5 119B ensures that the service provider does not have unsupervised access to a child not  
45.6 receiving the provider's services.

45.7 **EFFECTIVE DATE.** This section is effective October 1, 2024.

45.8 Sec. 3. Minnesota Statutes 2022, section 245E.08, is amended to read:

45.9 **245E.08 REPORTING OF SUSPECTED FRAUDULENT ACTIVITY.**

45.10 (a) A person who, in good faith, makes a report of or testifies in any action or proceeding  
45.11 in which financial misconduct is alleged, and who is not involved in, has not participated  
45.12 in, or has not aided and abetted, conspired, or colluded in the financial misconduct, shall  
45.13 have immunity from any liability, civil or criminal, that results by reason of the person's  
45.14 report or testimony. For the purpose of any proceeding, the good faith of any person reporting  
45.15 or testifying under this provision shall be presumed.

45.16 (b) If a person that is or has been involved in, participated in, aided and abetted, conspired,  
45.17 or colluded in the financial misconduct reports the financial misconduct, the department  
45.18 may consider that person's report and assistance in investigating the misconduct as a  
45.19 mitigating factor in the department's pursuit of civil, criminal, or administrative remedies.

45.20 (c) After an investigation is complete, the reporter's name must be kept confidential.  
45.21 The subject of the report may compel disclosure of the reporter's name only with the consent  
45.22 of the reporter or upon a written finding by a district court that the report was false and there  
45.23 is evidence that the report was made in bad faith. This paragraph does not alter disclosure  
45.24 responsibilities or obligations under the Rules of Criminal Procedure, except that when the  
45.25 identity of the reporter is relevant to a criminal prosecution the district court shall conduct  
45.26 an in-camera review before determining whether to order disclosure of the reporter's identity.