

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 995

02/18/2015 Authored by Rarick, Sundin, Erickson, Schultz, Persell and others

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to local government aid for out-of-home placement costs of children
1.3 under the Indian Child Welfare Act; appropriating money; proposing coding for
1.4 new law in Minnesota Statutes, chapter 477A.

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

1.6 Section 1. **[477A.0126] REIMBURSEMENT OF COUNTY FOR CERTAIN**
1.7 **OUT-OF-HOME PLACEMENT.**

1.8 Subdivision 1. **Definition.** When used in this section, "out-of-home placement"
1.9 means the placement of a child in a child caring institution or shelter in a group home, in
1.10 family foster care or foster residence setting, or a correctional facility pursuant to a court
1.11 order under which a county social services agency or a county correctional agency has been
1.12 assigned responsibility for the placement pursuant to the Indian Child Welfare Act (ICWA).

1.13 Subd. 2. **Determination of nonfederal share of costs.** (a) By January 1, 2016, each
1.14 county shall report the following information to the commissioner of human services:
1.15 (1) the separate amounts paid out of its social service agency budget for out-of-home
1.16 placement of children under the ICWA in calendar years 2012, 2013, and 2014; and (2)
1.17 the number of case days associated with the expenditures from each budget. By March 15,
1.18 2016, the commissioner of human services shall certify to the commissioner of revenue
1.19 and to the legislative committees responsible for local government aids and out-of-home
1.20 placement funding, whether the data reported under this subdivision accurately reflects total
1.21 expenditures by counties for out-of-home placement costs of children under the ICWA.

1.22 (b) By January 1, 2018, and each January 1 thereafter, each county shall report to the
1.23 commissioner of human services the separate amounts paid out of its social service agency
1.24 budget for out-of-home placement of children under the ICWA in the calendar years two

years before the current calendar year along with the number of case days associated with the expenditures from each budget.

(c) Until the commissioner of human services develops another mechanism for collecting and verifying data on out-of-home placements of children under the ICWA, and the legislature authorizes the use of that data, the data collected under this subdivision must be used to calculate payments under subdivision 3. The commissioner of human services shall certify the information to the commissioner of revenue by July 1 of the year prior to the aid payment.

Subd. 3. **Aid payments.** For aids payable in calendar year 2017 and thereafter, the commissioner of revenue shall reimburse each county for 100 percent of the nonfederal share of the cost of out-of-home placement of children under the ICWA provided the commissioner of human services certifies to the commissioner of revenue that accurate data is available to make the aid determination under this section. The amount of reimbursement is the county's average nonfederal share of the cost for out-of-home placement of children under the ICWA for the most recent three calendar years for which data is available. The commissioner shall pay the aid under the schedule used for local government aid payments under section 477A.015.

Subd. 4. **Appropriation.** An amount sufficient to pay aid under this section is annually appropriated to the commissioner of revenue from the general fund.

EFFECTIVE DATE. This section is effective beginning with aids payable in 2017.