

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 1698

(SENATE AUTHORS: WIKLUND)

DATE	D-PG	OFFICIAL STATUS
02/25/2014	5812	Introduction and first reading Referred to Judiciary
03/06/2014	5980a	Comm report: To pass as amended
	5982	Second reading
05/09/2014	8998	General Orders: Stricken and returned to author

A bill for an act  
relating to juvenile protection; modifying timeline for juvenile treatment  
screening teams to screen juveniles; amending Minnesota Statutes 2012, section  
260C.157, subdivision 3.

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

Section 1. Minnesota Statutes 2012, section 260C.157, subdivision 3, is amended to  
read:

Subd. 3. **Juvenile treatment screening team.** (a) The responsible social services  
agency shall establish a juvenile treatment screening team to conduct screenings and  
prepare case plans under this chapter, chapter 260D, and section 245.487, subdivision 3.  
Screenings shall be conducted within 15 days of a request for a screening, provided that if  
the screening is for the purpose of placement in mental health residential treatment and the  
child is enrolled in a prepaid health program under section 256B.69, the screening must  
be conducted within ten working days of a request. The team, which may be the team  
constituted under section 245.4885 or 256B.092 or Minnesota Rules, parts 9530.6600  
to 9530.6655, shall consist of social workers, juvenile justice professionals, persons  
with expertise in the treatment of juveniles who are emotionally disabled, chemically  
dependent, or have a developmental disability, and the child's parent, guardian, or  
permanent legal custodian under Minnesota Statutes 2010, section 260C.201, subdivision  
11, or section 260C.515, subdivision 4. The team may be the same team as defined in  
section 260B.157, subdivision 3.

(b) The social services agency shall determine whether a child brought to its  
attention for the purposes described in this section is an Indian child, as defined in section  
260C.007, subdivision 21, and shall determine the identity of the Indian child's tribe, as

defined in section 260.755, subdivision 9. When a child to be evaluated is an Indian child, the team provided in paragraph (a) shall include a designated representative of the Indian child's tribe, unless the child's tribal authority declines to appoint a representative. The Indian child's tribe may delegate its authority to represent the child to any other federally recognized Indian tribe, as defined in section 260.755, subdivision 12.

(c) If the court, prior to, or as part of, a final disposition, proposes to place a child:

(1) for the primary purpose of treatment for an emotional disturbance, a developmental disability, or chemical dependency in a residential treatment facility out of state or in one which is within the state and licensed by the commissioner of human services under chapter 245A; or

(2) in any out-of-home setting potentially exceeding 30 days in duration, including a postdispositional placement in a facility licensed by the commissioner of corrections or human services, the court shall ascertain whether the child is an Indian child and shall notify the county welfare agency and, if the child is an Indian child, shall notify the Indian child's tribe. The county's juvenile treatment screening team must either: (i) screen and evaluate the child and file its recommendations with the court within 14 days of receipt of the notice; or (ii) elect not to screen a given case and notify the court of that decision within three working days.

(d) The child may not be placed for the primary purpose of treatment for an emotional disturbance, a developmental disability, or chemical dependency, in a residential treatment facility out of state nor in a residential treatment facility within the state that is licensed under chapter 245A, unless one of the following conditions applies:

(1) a treatment professional certifies that an emergency requires the placement of the child in a facility within the state;

(2) the screening team has evaluated the child and recommended that a residential placement is necessary to meet the child's treatment needs and the safety needs of the community, that it is a cost-effective means of meeting the treatment needs, and that it will be of therapeutic value to the child; or

(3) the court, having reviewed a screening team recommendation against placement, determines to the contrary that a residential placement is necessary. The court shall state the reasons for its determination in writing, on the record, and shall respond specifically to the findings and recommendation of the screening team in explaining why the recommendation was rejected. The attorney representing the child and the prosecuting attorney shall be afforded an opportunity to be heard on the matter.

(e) When the county's juvenile treatment screening team has elected to screen and evaluate a child determined to be an Indian child, the team shall provide notice to the

3.1 tribe or tribes that accept jurisdiction for the Indian child or that recognize the child as a  
3.2 member of the tribe or as a person eligible for membership in the tribe, and permit the  
3.3 tribe's representative to participate in the screening team.

3.4 (f) When the Indian child's tribe or tribal health care services provider or Indian  
3.5 Health Services provider proposes to place a child for the primary purpose of treatment  
3.6 for an emotional disturbance, a developmental disability, or co-occurring emotional  
3.7 disturbance and chemical dependency, the Indian child's tribe or the tribe delegated by  
3.8 the child's tribe shall submit necessary documentation to the county juvenile treatment  
3.9 screening team, which must invite the Indian child's tribe to designate a representative to  
3.10 the screening team.