

SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION

S.F. No. 3814

(SENATE AUTHORS: UTKE, Eichorn and Abeler)		
DATE	D-PG	OFFICIAL STATUS
03/26/2018	6984	Introduction and first reading
		Referred to Human Services Reform Finance and Policy
03/29/2018	7125	Author added Abeler
		See SF3656, Art. 45, Sec. 2, Sub. 10
		See SF799, Sec. 1, Sub. 10

1.1

A bill for an act

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relating to children; establishing a process for transferring certain child welfare

1.3

and child protection responsibility from Beltrami and Clearwater Counties to the

1.4

Red Lake Nation; requiring a report; appropriating money.

1.5

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

1.6

Section 1. **RED LAKE BAND OF CHIPPEWA AMERICAN INDIAN CHILD**

1.7

**WELFARE INITIATIVE.**

1.8

Subdivision 1. **Transfer of responsibility.** (a) The commissioner of human services

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shall work with the Red Lake Nation to transfer legal responsibility to the tribe for providing

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child welfare and child protection services to tribal members and families who reside on

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the Red Lake Reservation in Beltrami and Clearwater Counties.

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(b) The commissioner and the governing body of the tribe shall decide by consensus

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which programs shall be transferred from the counties to the tribe. The commissioner shall

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seek any necessary federal approvals and waivers to carry out the transfer.

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(c) The commissioner may collaborate with the tribe to develop alternative methods of

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investigating and assessing reports of maltreatment that recognize the status of the tribe,

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with consideration of the fact that the tribe is not subject to Public Law 280.

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(d) The day following the date on which the commissioner approves the transfer of

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responsibility, Beltrami and Clearwater Counties shall be relieved of responsibility for

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providing the transferred services to tribal members and families who reside within the

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boundaries of the Red Lake Reservation, and the tribe shall assume such responsibility. As

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part of the transfer of responsibility, the commissioner shall transfer funds previously

2.1 allocated to Beltrami and Clearwater Counties for provision of the transferred services to  
2.2 the tribe, including administrative and program funds.

2.3 (e) The tribe shall cooperate fully with the commissioner in collecting information on  
2.4 outcomes relating to child safety, permanency, and well-being. Information collected under  
2.5 this paragraph must be provided to the commissioner in a format that will allow both the  
2.6 tribe and the state to meet all applicable reporting requirements.

2.7 Subd. 2. **Phases.** (a) The transfer of responsibility under subdivision 1 shall take place  
2.8 in two phases as described in this subdivision.

2.9 (b) During Phase I, the commissioner shall collaborate with the tribe to develop a plan  
2.10 to transfer legal responsibility for child protection cases that arise on the Red Lake  
2.11 Reservation from Beltrami and Clearwater Counties to the tribe. The plan must lay out the  
2.12 process and timing for the transfer of cases. Money appropriated for this phase may be used  
2.13 for the following purposes:

2.14 (1) development of policy and procedures;

2.15 (2) hiring staff;

2.16 (3) securing necessary information technology;

2.17 (4) increasing physical space; and

2.18 (5) ensuring that the Red Lake tribal court system's procedures comply with child  
2.19 protection laws, including federal IV-E requirements.

2.20 (c) During Phase II, the plan created during Phase I shall be implemented. Money  
2.21 appropriated for this phase may be used for the following purposes:

2.22 (1) out-of-home placement services;

2.23 (2) staff expenses, including salaries and benefits;

2.24 (3) overhead expenses;

2.25 (4) buildings, vehicles, and equipment;

2.26 (5) supplies;

2.27 (6) staff and foster parent training;

2.28 (7) services, including vouchers, food, and clothing; and

2.29 (8) family preservation services.

3.1 Subd. 3. **Report.** No later than January 15, 2019, the commissioner shall submit a written  
3.2 report on the progress of the transfer of legal responsibility under this section to the chairs  
3.3 and ranking minority members of the legislative committees with jurisdiction over health  
3.4 and human services. If legislation is needed to complete the transfer of responsibility, the  
3.5 commissioner shall submit proposed legislation with the written report.

3.6 Sec. 2. **APPROPRIATION; CHILD WELFARE INITIATIVE.**

3.7 Subdivision 1. **Phase I appropriation.** \$4,950,000 in fiscal year 2019 is appropriated  
3.8 from the general fund to the commissioner of human services for a grant to the Red Lake  
3.9 Band of Chippewa Indians for the purposes of carrying out Phase I of the child welfare  
3.10 initiative under section 1.

3.11 Subd. 2. **Phase II appropriation.** \$11,750,000 in fiscal year 2020 is appropriated from  
3.12 the general fund to the commissioner of human services for a grant to the Red Lake Band  
3.13 of Chippewa Indians for the purposes of carrying out Phase II of the child welfare initiative  
3.14 under section 1.