

(3) Where an action commenced within the time limited by subsection (1) is so terminated as to leave available a remedy by another action for the same breach such other action may be commenced after the expiration of the time limited and within six months after the termination of the first action unless the termination resulted from voluntary discontinuance or from dismissal for failure or neglect to prosecute.

(4) This section does not alter the law on tolling of the statute of limitations, nor does it apply to causes of action which have accrued before this chapter becomes effective.

The limitations in this section does do not apply to actions for the breach of any contract for sale of a grain storage structure or other goods that is are incorporated into an improvement to real property, except equipment and machinery. These actions are subject only to the statute of limitations set forth in section 541.051.

This section does not apply to claims against sellers of goods for damages to property caused by the goods where the property that is damaged is not the goods and the sale is not a sale between parties who are each merchants in goods of the kind.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day after final enactment and applies to all claims commenced on or after that date. For causes of action arising before the effective date of section 1 that would have been permitted under Minnesota Statutes 1992, section 336.2-725, but barred by the limitation in Minnesota Statutes, section 541.051, the limitation under section 1 does not bar the claim if it is commenced before January 1, 1994.

Presented to the governor May 17, 1993

Signed by the governor May 19, 1993, 4:37 p.m.

CHAPTER 306—S.F.No. 981

An act relating to human services; clarifying and changing license evaluation requirements and certain restrictions on businesses providing certain adult foster care services; changing the billing cycle and collection retention for certain human services programs; modifying conditions for the Minnesota family investment plan; changing the name of the hearing impaired services act and the council for the hearing impaired; changing requirements for child protection training and clarifying maltreatment reporting; amending Minnesota Statutes 1992, sections 245A.04, subdivision 6; 256.019; 256.025, subdivision 3; 256.033, subdivision 1; 256.034, subdivision 1; 256.0361, subdivision 1; 256C.21; 256C.22; 256C.23, subdivisions 2, 3, and by adding a subdivision; 256C.24; 256C.25, subdivision 1; 256C.26;

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256C.27; 256C.28; 268.871, subdivision 1; 626.556, subdivisions 10 and 11; 626.559, subdivisions 1 and 1a; and 626.5591.

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

Section 1. Minnesota Statutes 1992, section 245A.04, subdivision 6, is amended to read:

Subd. 6. **COMMISSIONER'S EVALUATION.** Before granting, suspending, revoking, or making probationary a license, the commissioner shall evaluate information gathered under this section. The commissioner's evaluation shall consider facts, conditions, or circumstances concerning the program's operation, the well-being of persons served by the program, available consumer evaluations of the program, and information about the ~~character and~~ qualifications of the personnel employed by the applicant or license holder.

The commissioner shall evaluate the results of the study required in subdivision 3 and determine whether a risk of harm to the persons served by the program exists. In conducting this evaluation, the commissioner shall apply the disqualification standards set forth in rules adopted under this chapter. ~~If any rule currently does not include these disqualification standards, the commissioner shall apply the standards in section 364.03, subdivision 3, until the rule is revised to include disqualification standards. The commissioner shall revise all rules authorized by this chapter to include disqualification standards.~~ Prior to the adoption of rules establishing disqualification standards, the commissioner shall forward the proposed rules to the commissioner of human rights for review and recommendation concerning the protection of individual rights. The recommendation of the commissioner of human rights is not binding on the commissioner of human services. ~~The provisions of chapter 364 do not apply to applicants or license holders governed by sections 245A.01 to 245A.16 except as provided in this subdivision.~~

Sec. 2. Minnesota Statutes 1992, section 256.019, is amended to read:

256.019 **RECOVERY OF MONEY; APPORTIONMENT.**

When an amount is recovered from any source for assistance given under the provisions governing public assistance programs including aid to families with dependent children, emergency assistance, general assistance, work readiness, and Minnesota supplemental aid, there shall be paid to the United States the amount due under the terms of the Social Security Act and the balance must be paid into the treasury of the state or county in accordance with current rates of financial participation; except if the recovery is directly attributable to county effort made by a county agency using any method other than recoupment, the county may keep one-half of the nonfederal share of the recovery. This does not apply to recoveries from medical providers or to recoveries begun by the department of human services' surveillance and utilization review division, state hospital collections unit, and the benefit recoveries division or, by the attorney general's office, or child support collections.

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Sec. 3. Minnesota Statutes 1992, section 256.025, subdivision 3, is amended to read:

Subd. 3. **PAYMENT METHODS.** (a) Beginning July 1, 1991, the state will reimburse counties for the county share of county agency expenditures for benefits and services distributed under subdivision 2 and funded by the human services account established under section 273.1392.

(b) Payments under subdivision 4 are only for client benefits and services distributed under subdivision 2 and do not include reimbursement for county administrative expenses.

(c) The state and the county agencies shall pay for assistance programs as follows:

(1) Where the state issues payments for the programs, the county shall monthly ~~advance~~ or quarterly pay to the state, as required by the department of human services, the portion of program costs not met by federal and state funds. The ~~advance~~ payment shall be an estimate that is based on actual expenditures from the prior period and that is sufficient to compensate for the county share of disbursements as well as state and federal shares of recoveries;

(2) Where the county agencies issue payments for the programs, the state shall monthly ~~advance~~ or quarterly pay to counties all federal funds available for those programs together with an amount of state funds equal to the state share of expenditures; and

(3) Payments made under this paragraph are subject to section 256.017. Adjustment of any overestimate or underestimate in ~~advances~~ payments shall be made by the state agency in any succeeding month.

Sec. 4. Minnesota Statutes 1992, section 256.033, subdivision 1, is amended to read:

Subdivision 1. **ELIGIBILITY CONDITIONS.** (a) A family is entitled to assistance under the Minnesota family investment plan if the family is assigned to a test group in the evaluation as provided in section 256.031, subdivision 3, paragraph (d), and:

(1) the family meets the definition of assistance unit under section 256.032, subdivision 1a;

(2) the family's resources not excluded under subdivision 3 do not exceed \$2,000;

(3) the family can verify citizenship or lawful resident alien status; and

(4) the family provides or applies for a social security number for each member of the family receiving assistance under the family investment plan; ~~and~~

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(5) the family assigns child support collection to the county agency.

(b) A family is eligible for the family investment plan if the net income is less than the transitional standard as defined in section 256.032, subdivision 13, for that size and composition of family. In determining available net income, the provisions in subdivision 2 shall apply.

(c) Upon application, a family is initially eligible for the family investment plan if the family's gross income does not exceed the applicable transitional standard of assistance for that family as defined under section 256.032, subdivision 13, after deducting:

(1) 18 percent to cover taxes;

(2) actual dependent care costs up to the maximum disregarded under United States Code, title 42, section 602(a)(8)(A)(iii); and

(3) \$50 of child support collected in that month.

(d) A family can remain eligible for the program if:

(1) it meets the conditions in subdivision 1a; and

(2) its income is below the transitional standard in section 256.032, subdivision 13, allowing for income exclusions in subdivision 2 and after applying the family investment plan treatment of earnings under subdivision 1a.

Sec. 5. Minnesota Statutes 1992, section 256.034, subdivision 1, is amended to read:

Subdivision 1. **CONSOLIDATION OF TYPES OF ASSISTANCE.** Under the Minnesota family investment plan, assistance previously provided to families through the AFDC, food stamp, and general assistance programs must be combined into a single cash assistance program. As authorized by Congress, families receiving assistance through the Minnesota family investment plan are automatically eligible for and entitled to medical assistance under chapter 256B. Federal, state, and local funds that would otherwise be allocated for assistance to families under the AFDC, food stamp, and general assistance programs must be transferred to the Minnesota family investment plan. The provisions of the Minnesota family investment plan prevail over any provisions of sections 245.771, 256.72 to 256.87 or, 256D.01 to 256D.21, or 393.07, subdivisions 10 and 10a and any rules implementing those sections with which they are irreconcilable. The food stamp, general assistance, and work readiness programs for single persons and couples who are not responsible for the care of children are not replaced by the Minnesota family investment plan. Unless stated otherwise in statutes or rules governing the Minnesota family investment plan, participants in the Minnesota family investment plan shall be considered to be recipients of aid under aid to families with dependent children, family general assistance, and food stamps for the purposes of statutes and rules affecting such recipients or allocations of funding based on the assistance status of the recipients.

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Sec. 6. Minnesota Statutes 1992, section 256.0361, subdivision 1, is amended to read:

Subdivision 1. **LOCAL PLAN.** A county that is selected to serve as a field trial or control site shall carry out the activities necessary to perform the evaluation for the duration of the field trials.

Field trial counties and Indian tribes providing Minnesota family investment plan case management services must submit service delivery plans to the commissioner annually during the field trial period. The service delivery plan must describe the case management services in the county in a manner prescribed by the commissioner.

In counties in which a federally recognized Indian tribe is operating Minnesota family investment plan case management services under an agreement with the commissioner of human services, the service delivery plans of the tribe and the county must provide that the parties will coordinate to provide tribal case management services, including developing a system for referrals, sanctions, and the provision of supporting services such as access to child care funds and transportation. Written agreement on these provisions will be provided in the service delivery plans of the tribe and county. If the county and Indian tribe cannot agree on these provisions, the county or tribe shall notify the commissioners of human services and jobs and training who shall resolve the dispute.

Sec. 7. Minnesota Statutes 1992, section 256C.21, is amended to read:

256C.21 **HEARING IMPAIRED DEAF AND HARD OF HEARING SERVICES ACT; CITATION.**

Sections 256C.21 to 256C.27 may be cited as the "hearing impaired deaf and hard of hearing services act."

Sec. 8. Minnesota Statutes 1992, section 256C.22, is amended to read:

256C.22 **PURPOSE.**

It is the purpose of the "hearing impaired deaf and hard of hearing services act" to establish a statewide network of coordinated services to alleviate the developmental, social, educational and occupational deprivation of hearing impaired deaf and hard of hearing persons by establishing regional service centers and strengthening services delivered by state, local and regional agencies.

Sec. 9. Minnesota Statutes 1992, section 256C.23, subdivision 2, is amended to read:

Subd. 2. "Hearing impaired person Deaf" means a person who has a loss of hearing in both ears and has difficulty hearing and understanding speech in the ear with better hearing loss of such severity that the individual must depend primarily on visual communication such as writing, lip reading, manual communication, and gestures.

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Sec. 10. Minnesota Statutes 1992, section 256C.23, is amended by adding a subdivision to read:

Subd. 2a. "Hard of hearing" means a hearing loss resulting in a functional loss of hearing, but not to the extent that the individual must depend primarily upon visual communication.

Sec. 11. Minnesota Statutes 1992, section 256C.23, subdivision 3, is amended to read:

Subd. 3. "Regional service center" means a facility designed to provide an entry point for hearing impaired deaf and hard of hearing persons of that region in need of human services.

Sec. 12. Minnesota Statutes 1992, section 256C.24, is amended to read:

256C.24 REGIONAL SERVICE CENTERS.

Subdivision 1. **LOCATION.** The commissioner of human services shall establish up to eight regional service centers for hearing impaired deaf and hard of hearing persons. The centers shall be distributed regionally to provide access for hearing impaired deaf and hard of hearing persons in all parts of the state. The center shall maintain a current registry of those persons having or suspected of having a hearing impairment loss who live in that region. A special task of the registry is to assure that referrals and follow-up services are completed with respect to persons in the register.

Subd. 2. **RESPONSIBILITIES.** The regional service center shall:

(a) serve as the central entry point for hearing impaired deaf and hard of hearing persons in need of human services and make referrals to the services needed;

(b) employ staff trained to work with hearing impaired deaf and hard of hearing persons;

(c) provide to all hearing impaired deaf and hard of hearing persons access to interpreter services which are necessary to help them obtain human services;

(d) implement a plan to provide loan equipment and resource materials to hearing impaired deaf and hard of hearing persons; and

(e) cooperate with responsible departments and administrative authorities to provide access for hearing impaired deaf and hard of hearing persons to services provided by state, county, and regional agencies.

Subd. 3. **ADVISORY COMMITTEE.** The commissioner of human services shall appoint an advisory committee of eight persons for each regional service center. Members shall include persons who are hearing impaired deaf and hard of hearing, parents of hearing impaired children who are deaf and hard of

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hearing, and representatives of county and regional human services, including representatives of private service providers. At least 50 percent of the members must be hearing impaired deaf or hard of hearing. Committee members shall serve for a three-year term and shall serve no more than two consecutive terms. The commissioner of human services shall designate one member as chair. The commissioner of human services shall assign staff to serve as ex officio members of the committee. The compensation, removal of members, and filling of vacancies on the committee shall be as provided in section 15.0575.

Sec. 13. Minnesota Statutes 1992, section 256C.25, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** The commissioner of human services shall maintain and coordinate statewide interpreter referral services for use by any public or private agency or individual in the state. Within the seven-county metro area, the commissioner shall contract for these services; outside the metro area, the commissioner shall directly coordinate these services but may contract with an appropriate agency to provide this service. The commissioner may collect a \$3 fee per referral for interpreter referral services and the actual costs of interpreter services provided by department staff. Fees and payments collected shall be deposited in the general fund. The \$3 referral fee shall not be collected from state agencies or local units of government or hearing-impaired deaf or hard of hearing consumers or interpreters.

Sec. 14. Minnesota Statutes 1992, section 256C.26, is amended to read:

256C.26 EMPLOYMENT SERVICES.

The commissioner of jobs and training shall develop a plan to deal with the underemployment of hearing impaired deaf and hard of hearing persons. The plan shall provide for training regarding the nature of hearing handicaps for department staff who consult with prospective employers or who provide job placement services.

Sec. 15. Minnesota Statutes 1992, section 256C.27, is amended to read:

256C.27 DUTIES OF THE COMMISSIONER OF HUMAN SERVICES.

In order to ensure that hearing impaired deaf and hard of hearing persons have full access to all local, county and regional human service programs, the commissioner of human services shall:

(a) Provide training to the social service or income maintenance staff employed by counties or by organizations with whom counties contract for services to ensure that communication barriers which prevent hearing impaired deaf and hard of hearing persons from using services are removed;

(b) Assess the ongoing need and supply of services for hearing impaired deaf and hard of hearing persons in all parts of the state and cooperate with public and private service providers to develop these services;

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(c) Provide training to state and regional human service agencies regarding program access for hearing impaired deaf and hard of hearing persons;

(d) Assist the regional service centers in the development of technical assistance and outreach programs; and

(e) Develop, where possible, innovative approaches to providing services to hearing impaired deaf and hard of hearing persons. The commissioner of health shall establish standards for screening for hearing ~~impairments~~ loss with special emphasis on screening of persons from birth through school age and persons over age 65.

Sec. 16. Minnesota Statutes 1992, section 256C.28, is amended to read:

256C.28 COUNCIL FOR THE HEARING IMPAIRED COMMISSION SERVING DEAF AND HARD OF HEARING PEOPLE.

Subdivision 1. **MEMBERSHIP.** The Minnesota ~~council for the hearing impaired commission serving deaf and hard of hearing people~~ consists of seven members appointed at large and one member from each advisory committee established under section 256C.24, subdivision 3. At least 50 percent of the members must be hearing impaired deaf or hard of hearing. Members shall include persons who are hearing impaired deaf and hard of hearing, parents of hearing impaired children who are deaf and hard of hearing, and representatives of county and regional human services, including representatives of private service providers. ~~Council~~ Commission members are appointed by the commissioner of human services for a ~~two-year~~ three-year term and shall serve no more than two consecutive terms. The commissioner of human services shall appoint one member as chair.

Subd. 2. **REMOVAL; VACANCIES.** The compensation, removal of members, and filling of vacancies on the ~~council~~ commission are as provided in section 15.0575.

Subd. 3. **DUTIES.** The ~~council~~ commission shall:

(1) advise the governor, the legislature, and the commissioners of the departments of human services, education, jobs and training, and health on the nature of the issues and disabilities confronting hearing impaired deaf and hard of hearing persons in Minnesota;

(2) advise the governor, the legislature, and the commissioners of the departments of human services, education, jobs and training, and health on the development of policies, programs, and services affecting hearing impaired deaf and hard of hearing persons, and on the use of appropriate federal and state money;

(3) create a public awareness of the special needs and potential of hearing impaired deaf and hard of hearing persons;

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(4) provide the governor, the legislature, and the commissioners of the departments of human services, education, jobs and training, and health with a review of ongoing services, programs, and proposed legislation affecting hearing impaired deaf and hard of hearing persons;

(5) advise the governor, the legislature, and the commissioners of the departments of human services, education, jobs and training, and health on statutes or rules necessary to ensure that hearing impaired deaf and hard of hearing persons have access to benefits and services provided to individuals in Minnesota;

(6) recommend to the governor, the legislature, and the commissioners of the departments of human services, education, jobs and training, and health legislation designed to improve the economic and social conditions of hearing impaired deaf and hard of hearing persons in Minnesota;

(7) propose solutions to problems of hearing impaired deaf and hard of hearing persons in the areas of education, employment, human rights, human services, health, housing, and other related programs;

(8) recommend to the governor and the legislature any needed revisions in the state's affirmative action program and any other steps necessary to eliminate the underemployment or unemployment of hearing impaired deaf and hard of hearing persons in the state's work force;

(9) work with other state and federal agencies and organizations to promote economic development for hearing impaired deaf and hard of hearing Minnesotans; and

(10) coordinate its efforts with other state and local agencies serving hearing impaired deaf and hard of hearing persons.

Subd. 4. **STAFF.** The ~~council~~ commission may appoint, subject to the approval of the governor, an executive director who must be experienced in administrative activities and familiar with the problems and needs of hearing impaired deaf and hard of hearing persons. The ~~council~~ commission may delegate to the executive director any powers and duties under this section that do not require ~~council~~ commission approval. The executive director serves in the unclassified service and may be removed at any time by a majority vote of the ~~council~~ commission. The executive director shall coordinate the provision of necessary support services to the ~~council~~ commission with the state department of human services.

Subd. 5. **POWERS.** The ~~council~~ commission may contract in its own name. Contracts must be approved by a majority of the members of the ~~council~~ commission and executed by the chair and the executive director. The ~~council~~ commission may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in this section.

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Subd. 6. **REPORT.** The ~~council~~ commission shall prepare and distribute a report to the commissioner, the governor, and the legislature by December 31 of each even-numbered year. The report must summarize the activities of the ~~council~~ commission since its prior report, list receipts and expenditures, identify the major problems and issues confronting hearing impaired deaf and hard of hearing persons, make recommendations regarding needed policy and program development on behalf of hearing impaired deaf and hard of hearing individuals in Minnesota, and list the specific objectives the ~~council~~ commission seeks to attain during the next biennium.

Sec. 17. Minnesota Statutes 1992, section 268.871, subdivision 1, is amended to read:

Subdivision 1. **RESPONSIBILITY AND CERTIFICATION.** (a) Unless prohibited by federal law or otherwise determined by state law, a local service unit is responsible for the delivery of employment and training services. After February 1, 1988, employment and training services must be delivered by certified employment and training service providers.

(b) The local service unit's employment and training service provider must meet the certification standards in this subdivision in order to be certified to deliver any of the following employment and training services and programs: wage subsidies; work readiness; work readiness and general assistance grant diversion; food stamp employment and training programs; community work experience programs; AFDC job search; AFDC grant diversion; AFDC on-the-job training; and AFDC case management.

(c) The commissioner shall certify a local service unit's service provider to provide these employment and training services and programs if the commissioner determines that the provider has:

(1) past experience in direct delivery of the programs specified in paragraph (b);

(2) staff capabilities and qualifications, including adequate staff to provide timely and effective services to clients, and proven staff experience in providing specific services such as assessments, career planning, job development, job placement, support services, and knowledge of community services and educational resources;

(3) demonstrated effectiveness in providing services to public assistance recipients and other economically disadvantaged clients; and

(4) demonstrated administrative capabilities, including adequate fiscal and accounting procedures, financial management systems, participant data systems, and record retention procedures.

(d) When the only service provider that meets the criterion in paragraph (c), clause (1), has been decertified, pursuant to subdivision 1a, in that local service

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unit, the following criteria shall be substituted: past experience in direct delivery of multiple, coordinated, nonduplicative services, including outreach, assessments, identification of client barriers, employability development plans, and provision or referral to support services.

(e) The commissioner shall certify providers of the Minnesota family investment plan case management services as defined in section 256.032, subdivision 3. Providers must meet the standards defined in paragraph (c), except that past experience under paragraph (c), clause (1), must be in services and programs similar to those specified in section 256.032, subdivision 3.

Employment and training service providers shall be certified by the commissioner for two fiscal years beginning July 1, 1991, and every second year thereafter.

Sec. 18. Minnesota Statutes 1992, section 626.556, subdivision 10, is amended to read:

Subd. 10. **DUTIES OF LOCAL WELFARE AGENCY AND LOCAL LAW ENFORCEMENT AGENCY UPON RECEIPT OF A REPORT.** (a) If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately conduct an assessment and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. If the report alleges a violation of a criminal statute involving sexual abuse ~~or~~, physical abuse, or neglect or endangerment, under section 609.378, the local law enforcement agency and local welfare agency shall coordinate the planning and execution of their respective investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a separate report of the results of its investigation. When necessary the local welfare agency shall seek authority to remove the child from the custody of a parent, guardian, or adult with whom the child is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) When a local agency receives a report or otherwise has information indicating that a child who is a client, as defined in section 245.91, has been the subject of physical abuse, sexual abuse, or neglect at an agency, facility, or program as defined in section 245.91, it shall, in addition to its other duties under this section, immediately inform the ombudsman established under sections 245.91 to 245.97.

(c) Authority of the local welfare agency responsible for assessing the child abuse or neglect report and of the local law enforcement agency for investigating the alleged abuse or neglect includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or at any facility or other place where the

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alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school official. Except as provided in this paragraph, the parent, legal custodian, or guardian shall be notified by the responsible local welfare or law enforcement agency no later than the conclusion of the investigation or assessment that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota rules of procedure for juvenile courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, the agency withhold notification of this interview from the parent, legal custodian, or guardian. If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under this paragraph, and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.

(d) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chair of the county welfare board or the chair's designee. The notification shall be private data on individuals subject to the provisions of this paragraph. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded. Until that time, the local welfare or law enforcement agency shall be solely responsible for any disclosures regarding the nature of the assessment or investigation.

Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Where the school fails to comply with the provisions of this paragraph, the juvenile court may order the school to comply. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(e) Where the perpetrator or a person responsible for the care of the alleged

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victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency or the local law enforcement agency outside the presence of the perpetrator or any person responsible for the child's care at reasonable places and times as specified by court order.

(f) Before making an order under paragraph (d), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If appointed, the guardian ad litem shall be present at the hearing on the order to show cause.

(g) The commissioner, the ombudsman for mental health and mental retardation, the local welfare agencies responsible for investigating reports, and the local law enforcement agencies have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records, including medical records, as part of the investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings.

Sec. 19. Minnesota Statutes 1992, section 626.556, subdivision 11, is amended to read:

Subd. 11. **RECORDS.** Except as provided in subdivisions 10b, 10d, 10g, and 11b, all records concerning individuals maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Reports maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. Section 13.82, subdivisions 5, 5a, and 5b, apply to law enforcement data other than the reports. The welfare board shall make available to the investigating, petitioning, or prosecuting authority, including county medical examiners or county coroners or their professional delegates any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. In conducting investigations and assessments pursuant to this section, the notice required by section 13.04, subdivision 2, need not be provided to a minor under the age of ten who is the alleged victim of abuse or neglect. An individual subject of a record shall have access to the

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record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation except as otherwise permitted by this subdivision. Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor. After the assessment or investigation is completed, the name of the reporter shall be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the rules of criminal procedure.

Sec. 20. Minnesota Statutes 1992, section 626.559, subdivision 1, is amended to read:

Subdivision 1. JOB CLASSIFICATION; CONTINUING EDUCATION. The commissioner of human services, for employees subject to the Minnesota merit system, and directors of county personnel systems, for counties not subject to the Minnesota merit system, shall establish a job classification consisting exclusively of persons with the specialized knowledge, skills, and experience required to satisfactorily perform child protection duties pursuant to section 626.556, subdivisions 10, 10a, and 10b.

All child protection workers or social services staff having responsibility for child protective duties under section 626.556, ~~subdivisions 10, 10a, and 10b,~~ shall receive 15 hours of continuing education or in-service training each year relevant to providing child protective services. The local social service agency shall ~~submit an annual plan for the provision of these hours of education and training to the commissioner of human services for approval~~ maintain a record of training completed by each employee having responsibility for performing child protective duties.

Sec. 21. Minnesota Statutes 1992, section 626.559, subdivision 1a, is amended to read:

Subd. 1a. CHILD PROTECTION WORKER PRESERVICE FOUNDATION EDUCATION. Any individual who seeks employment as a child protection worker after the commissioner of human services has implemented the ~~preservice foundation~~ preservice foundation training program developed under section 626.5591, subdivision 2, must complete ~~preservice competency-based foundation~~ preservice competency-based foundation training ~~in order to be eligible for employment~~ during their first six months of employment as a child protection worker.

Sec. 22. Minnesota Statutes 1992, section 626.5591, is amended to read:

626.5591 CHILD PROTECTION WORKERS; TRAINING; ADVISORY COMMITTEE.

Subdivision 1. DEFINITIONS. As used in this section, the following terms have the meaning given unless the specific context indicates otherwise:

New language is indicated by underline, deletions by ~~strikeout~~.

(a) "Child protection agency" means an agency authorized to receive reports, conduct assessments and investigations, and make determinations pursuant to section 626.556, subdivision 10.

(b) "Child protection services" means the receipt and assessment of reports of child maltreatment and the provision of services to families and children when maltreatment has occurred or when there is risk of maltreatment. These services include: (1) the assessment of risk to a child alleged to have been abused or neglected; (2) interviews of any person alleged to have abused or neglected a child and the child or children involved in the report, and interviews with persons having facts or knowledge necessary to assess the level of risk to a child and the need for protective intervention; (3) the gathering of written or evidentiary materials; (4) the recording of case findings and determinations; and (5) other actions required by section 626.556, administrative rule, or agency policy; ~~but excluding administrative practices necessary solely for the collection of data.~~

(c) "Competency-based training" means a course of instruction that provides both information and skills practice, which is based upon clearly stated and measurable instructional objectives, and which requires demonstration of the achievement of a particular standard of skills and knowledge for satisfactory completion.

(d) ~~"Preservice training" means training provided to local child protection workers before they perform official job duties in a local child protection agency.~~

(e) "Probationary "Foundation" training" means training provided to a local child protection worker after the person has begun to perform child protection duties, but before the expiration of six months of employment as a child protection worker. This ~~probationary foundation~~ training must occur during the performance of job duties and must include an evaluation of the employee's application of skills and knowledge.

(~~f~~) (e) "In-service "Advanced" training" means training provided to a local child protection worker after the person has performed an initial six months of employment as a child protection worker.

Subd. 2. **TRAINING PROGRAM; DEVELOPMENT.** The commissioner of human services shall develop a program of competency-based ~~preservice and probationary foundation and advanced~~ training for child protection workers if funds are appropriated to the commissioner for this purpose.

Presented to the governor May 17, 1993

Signed by the governor May 20, 1993, 2:12 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.