

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH SESSION**

**S.F. No. 2240**

(SENATE AUTHORS: HOFFMAN)

DATE	D-PG	OFFICIAL STATUS
03/03/2014	5936	Introduction and first reading Referred to Health, Human Services and Housing
03/12/2014	6095a	Comm report: To pass as amended and re-refer to Judiciary
03/24/2014	6643	Comm report: To pass and re-referred to Finance

A bill for an act

1.1 relating to human services; modifying provisions relating to children and family  
1.2 services; changing requirements for the Northstar Care for Children program,  
1.3 background studies, and adoption; making technical changes; amending  
1.4 Minnesota Statutes 2012, sections 245C.05, subdivision 5; 245C.33, subdivisions  
1.5 1, 4; 256I.04, subdivision 2a; 257.85, subdivision 11; 260C.212, subdivision  
1.6 1; 260C.515, subdivision 4; 260C.611; Minnesota Statutes 2013 Supplement,  
1.7 sections 245C.08, subdivision 1; 256B.055, subdivision 1; 256D.44, subdivision  
1.8 5; 256N.02, by adding a subdivision; 256N.21, subdivision 2, by adding a  
1.9 subdivision; 256N.22, subdivisions 1, 2, 4, 6; 256N.23, subdivisions 1, 4;  
1.10 256N.24, subdivisions 9, 10; 256N.25, subdivisions 2, 3; 256N.26, subdivision  
1.11 1; 256N.27, subdivision 4; repealing Minnesota Statutes 2013 Supplement,  
1.12 section 256N.26, subdivision 7.  
1.13

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

**ARTICLE 1**

**NORTHSTAR CARE FOR CHILDREN**

1.17 Section 1. Minnesota Statutes 2012, section 245C.05, subdivision 5, is amended to read:

1.18 Subd. 5. **Fingerprints.** (a) Except as provided in paragraph (c), for any background  
1.19 study completed under this chapter, when the commissioner has reasonable cause to  
1.20 believe that further pertinent information may exist on the subject of the background  
1.21 study, the subject shall provide the commissioner with a set of classifiable fingerprints  
1.22 obtained from an authorized agency.

1.23 (b) For purposes of requiring fingerprints, the commissioner has reasonable cause  
1.24 when, but not limited to, the:

1.25 (1) information from the Bureau of Criminal Apprehension indicates that the subject  
1.26 is a multistate offender;

2.1 (2) information from the Bureau of Criminal Apprehension indicates that multistate  
2.2 offender status is undetermined; or

2.3 (3) commissioner has received a report from the subject or a third party indicating  
2.4 that the subject has a criminal history in a jurisdiction other than Minnesota.

2.5 (c) Except as specified under section 245C.04, subdivision 1, paragraph (d), for  
2.6 background studies conducted by the commissioner for child foster care ~~or~~, adoptions, or a  
2.7 transfer of permanent legal and physical custody of a child, the subject of the background  
2.8 study, who is 18 years of age or older, shall provide the commissioner with a set of  
2.9 classifiable fingerprints obtained from an authorized agency.

2.10 Sec. 2. Minnesota Statutes 2013 Supplement, section 245C.08, subdivision 1, is  
2.11 amended to read:

2.12 Subdivision 1. **Background studies conducted by Department of Human**  
2.13 **Services.** (a) For a background study conducted by the Department of Human Services,  
2.14 the commissioner shall review:

2.15 (1) information related to names of substantiated perpetrators of maltreatment of  
2.16 vulnerable adults that has been received by the commissioner as required under section  
2.17 626.557, subdivision 9c, paragraph (j);

2.18 (2) the commissioner's records relating to the maltreatment of minors in licensed  
2.19 programs, and from findings of maltreatment of minors as indicated through the social  
2.20 service information system;

2.21 (3) information from juvenile courts as required in subdivision 4 for individuals  
2.22 listed in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

2.23 (4) information from the Bureau of Criminal Apprehension, including information  
2.24 regarding a background study subject's registration in Minnesota as a predatory offender  
2.25 under section 243.166;

2.26 (5) except as provided in clause (6), information from the national crime information  
2.27 system when the commissioner has reasonable cause as defined under section 245C.05,  
2.28 subdivision 5; and

2.29 (6) for a background study related to a child foster care application for licensure, a  
2.30 transfer of permanent legal and physical custody of a child under sections 260C.503 to  
2.31 260C.515, or adoptions, the commissioner shall also review:

2.32 (i) information from the child abuse and neglect registry for any state in which the  
2.33 background study subject has resided for the past five years; and

2.34 (ii) information from national crime information databases, when the background  
2.35 study subject is 18 years of age or older.

3.1 (b) Notwithstanding expungement by a court, the commissioner may consider  
3.2 information obtained under paragraph (a), clauses (3) and (4), unless the commissioner  
3.3 received notice of the petition for expungement and the court order for expungement is  
3.4 directed specifically to the commissioner.

3.5 (c) The commissioner shall also review criminal case information received according  
3.6 to section 245C.04, subdivision 4a, from the Minnesota court information system that  
3.7 relates to individuals who have already been studied under this chapter and who remain  
3.8 affiliated with the agency that initiated the background study.

3.9 Sec. 3. Minnesota Statutes 2012, section 245C.33, subdivision 1, is amended to read:

3.10 Subdivision 1. **Background studies conducted by commissioner.** (a) Before  
3.11 placement of a child for purposes of adoption, the commissioner shall conduct a  
3.12 background study on individuals listed in ~~section~~ sections 259.41, subdivision 3, and  
3.13 260C.611, for county agencies and private agencies licensed to place children for adoption.  
3.14 When a prospective adoptive parent is seeking to adopt a child who is currently placed in  
3.15 the prospective adoptive parent's home and is under the guardianship of the commissioner  
3.16 according to section 260C.325, subdivision 1, paragraph (b), and the prospective adoptive  
3.17 parent holds a child foster care license, a new background study is not required when:

3.18 (1) a background study was completed on persons required to be studied under section  
3.19 245C.03 in connection with the application for child foster care licensure after July 1, 2007;

3.20 (2) the background study included a review of the information in section 245C.08,  
3.21 subdivisions 1, 3, and 4; and

3.22 (3) as a result of the background study, the individual was either not disqualified  
3.23 or, if disqualified, the disqualification was set aside under section 245C.22, or a variance  
3.24 was issued under section 245C.30.

3.25 (b) Before placement of a child for purposes of transferring permanent legal and  
3.26 physical custody to a relative under sections 260C.503 to 260C.515, the commissioner  
3.27 shall conduct a background study on each person age 13 or older living in the home.

3.28 When a prospective relative custodian has a child foster care license, a new background  
3.29 study is not required when:

3.30 (1) a background study was completed on persons required to be studied under section  
3.31 245C.03 in connection with the application for child foster care licensure after July 1, 2007;

3.32 (2) the background study included a review of the information in section 245C.08,  
3.33 subdivisions 1, 3, and 4; and

4.1 (3) as a result of the background study, the individual was either not disqualified  
4.2 or, if disqualified, the disqualification was set aside under section 245C.22, or a variance  
4.3 was issued under section 245C.30.

4.4 Sec. 4. Minnesota Statutes 2012, section 245C.33, subdivision 4, is amended to read:

4.5 Subd. 4. **Information commissioner reviews.** (a) The commissioner shall review  
4.6 the following information regarding the background study subject:

4.7 (1) the information under section 245C.08, subdivisions 1, 3, and 4;

4.8 (2) information from the child abuse and neglect registry for any state in which the  
4.9 subject has resided for the past five years; and

4.10 (3) information from national crime information databases, when required under  
4.11 section 245C.08.

4.12 (b) The commissioner shall provide any information collected under this subdivision  
4.13 to the county or private agency that initiated the background study. The commissioner  
4.14 shall also provide the agency:

4.15 (1) notice whether the information collected shows that the subject of the background  
4.16 study has a conviction listed in United States Code, title 42, section 671(a)(20)(A); and

4.17 (2) for background studies conducted under subdivision 1, paragraph (a), the date of  
4.18 all adoption-related background studies completed on the subject by the commissioner  
4.19 after June 30, 2007, and the name of the county or private agency that initiated the  
4.20 adoption-related background study.

4.21 Sec. 5. Minnesota Statutes 2013 Supplement, section 256B.055, subdivision 1, is  
4.22 amended to read:

4.23 Subdivision 1. **Children eligible for subsidized adoption assistance.** Medical  
4.24 assistance may be paid for a child eligible for or receiving adoption assistance payments  
4.25 under title IV-E of the Social Security Act, United States Code, title 42, sections 670 to  
4.26 676, and to any child who is not title IV-E eligible but who was determined eligible for  
4.27 adoption assistance under chapter 256N or section 259A.10, subdivision 2, and has a  
4.28 special need for medical or rehabilitative care.

4.29 Sec. 6. Minnesota Statutes 2013 Supplement, section 256N.02, is amended by adding a  
4.30 subdivision to read:

4.31 Subd. 14a. **Licensed child foster parent.** "Licensed child foster parent" means a  
4.32 person who is licensed for child foster care under Minnesota Rules, parts 2960.3000 to  
4.33 2960.3340, or licensed by a Minnesota tribe in accordance with tribal standards.

5.1 Sec. 7. Minnesota Statutes 2013 Supplement, section 256N.21, subdivision 2, is  
5.2 amended to read:

5.3 Subd. 2. **Placement in foster care.** To be eligible for foster care benefits under this  
5.4 section, the child must be in placement away from the child's legal parent ~~or~~, guardian, or  
5.5 Indian custodian as defined in section 260.755, subdivision 10, and all of the following  
5.6 ~~criteria must be met~~ must meet one of the criteria in clause (1) and either clause (2) or (3):

5.7 ~~(1) the legally responsible agency must have placement authority and care~~  
5.8 ~~responsibility, including for a child 18 years old or older and under age 21, who maintains~~  
5.9 ~~eligibility for foster care consistent with section 260C.451;~~

5.10 ~~(2) (1) the legally responsible agency must have placement authority to place the~~  
5.11 ~~child with: (i) a voluntary placement agreement or a court order, consistent with sections~~  
5.12 ~~260B.198, 260C.001, and 260D.01, or continued eligibility consistent with section~~  
5.13 ~~260C.451 for a child 18 years old or older and under age 21 who maintains eligibility for~~  
5.14 ~~foster care; or (ii) a voluntary placement agreement or court order by a Minnesota tribe~~  
5.15 ~~that is consistent with United States Code, title 42, section 672(a)(2); and~~

5.16 ~~(3) (2) the child must be is placed in an emergency relative placement under section~~  
5.17 ~~245A.035, with a licensed foster family setting, foster residence setting, or treatment~~  
5.18 ~~foster care setting licensed under Minnesota Rules, parts 2960.3000 to 2960.3340, a~~  
5.19 ~~family foster home licensed or approved by a tribal agency or, for a child 18 years old or~~  
5.20 ~~older and under age 21, child foster parent; or~~

5.21 ~~(3) the child is placed in one of the following unlicensed child foster care settings:~~

5.22 ~~(i) an emergency relative placement under tribal licensing regulations or section~~  
5.23 ~~245A.035, with the legally responsible agency ensuring the relative completes the required~~  
5.24 ~~child foster care application process;~~

5.25 ~~(ii) a licensed adult foster home with an approved age variance under section~~  
5.26 ~~245A.16 for no more than six months;~~

5.27 ~~(iii) for a child 18 years old or older and under age 21 who is eligible for extended~~  
5.28 ~~foster care under section 260C.451, an unlicensed supervised independent living setting~~  
5.29 ~~approved by the agency responsible for the youth's child's care; or~~

5.30 ~~(iv) a preadoptive placement in a home specified in section 245A.03, subdivision~~  
5.31 ~~2, paragraph (a), clause (9), with an approved adoption home study and signed adoption~~  
5.32 ~~placement agreement.~~

5.33 Sec. 8. Minnesota Statutes 2013 Supplement, section 256N.21, is amended by adding a  
5.34 subdivision to read:

6.1 Subd. 7. **Background study.** (a) A county or private agency conducting a  
6.2 background study for purposes of child foster care licensing or approval must conduct  
6.3 the study in accordance with chapter 245C and must meet the requirements in United  
6.4 States Code, title 42, section 671(a)(20).

6.5 (b) A Minnesota tribe conducting a background study for purposes of child foster  
6.6 care licensing or approval must conduct the study in accordance with the requirements in  
6.7 United States Code, title 42, section 671(a)(20), when applicable.

6.8 Sec. 9. Minnesota Statutes 2013 Supplement, section 256N.22, subdivision 1, is  
6.9 amended to read:

6.10 Subdivision 1. **General eligibility requirements.** (a) To be eligible for guardianship  
6.11 assistance under this section, there must be a judicial determination under section  
6.12 260C.515, subdivision 4, that a transfer of permanent legal and physical custody to a  
6.13 relative is in the child's best interest. For a child under jurisdiction of a tribal court, a  
6.14 judicial determination under a similar provision in tribal code indicating that a relative  
6.15 will assume the duty and authority to provide care, control, and protection of a child who  
6.16 is residing in foster care, and to make decisions regarding the child's education, health  
6.17 care, and general welfare until adulthood, and that this is in the child's best interest is  
6.18 considered equivalent. Additionally, a child must:

6.19 (1) have been removed from the child's home pursuant to a voluntary placement  
6.20 agreement or court order;

6.21 (2)(i) have resided ~~in~~ with the prospective relative custodian who has been a  
6.22 licensed child foster care parent for at least six consecutive months in the home of the  
6.23 prospective relative custodian; or

6.24 (ii) have received from the commissioner an exemption from the requirement in item  
6.25 (i) ~~from the court~~ that the prospective relative custodian has been a licensed child foster  
6.26 parent for at least six consecutive months, based on a determination that:

6.27 (A) an expedited move to permanency is in the child's best interest;

6.28 (B) expedited permanency cannot be completed without provision of guardianship  
6.29 assistance; ~~and~~

6.30 (C) the prospective relative custodian is uniquely qualified to meet the child's needs,<sub>2</sub>  
6.31 as defined in section 260C.212, subdivision 2, on a permanent basis;

6.32 (D) the child and prospective relative custodian meet the eligibility requirements  
6.33 of this section; and

7.1 (E) efforts were made by the legally responsible agency to place the child with the  
7.2 prospective relative custodian as a licensed child foster parent for six consecutive months  
7.3 before permanency, or an explanation why these efforts were not in the child's best interests;

7.4 (3) meet the agency determinations regarding permanency requirements in  
7.5 subdivision 2;

7.6 (4) meet the applicable citizenship and immigration requirements in subdivision 3;

7.7 (5) have been consulted regarding the proposed transfer of permanent legal and  
7.8 physical custody to a relative, if the child is at least 14 years of age or is expected to attain  
7.9 14 years of age prior to the transfer of permanent legal and physical custody; and

7.10 (6) have a written, binding agreement under section 256N.25 among the caregiver or  
7.11 caregivers, the financially responsible agency, and the commissioner established prior to  
7.12 transfer of permanent legal and physical custody.

7.13 (b) In addition to the requirements in paragraph (a), the child's prospective relative  
7.14 custodian or custodians must meet the applicable background study requirements in  
7.15 subdivision 4.

7.16 (c) To be eligible for title IV-E guardianship assistance, a child must also meet any  
7.17 additional criteria in section 473(d) of the Social Security Act. The sibling of a child  
7.18 who meets the criteria for title IV-E guardianship assistance in section 473(d) of the  
7.19 Social Security Act is eligible for title IV-E guardianship assistance if the child and  
7.20 sibling are placed with the same prospective relative custodian or custodians, and the  
7.21 legally responsible agency, relatives, and commissioner agree on the appropriateness of  
7.22 the arrangement for the sibling. A child who meets all eligibility criteria except those  
7.23 specific to title IV-E guardianship assistance is entitled to guardianship assistance paid  
7.24 through funds other than title IV-E.

7.25 Sec. 10. Minnesota Statutes 2013 Supplement, section 256N.22, subdivision 2, is  
7.26 amended to read:

7.27 Subd. 2. **Agency determinations regarding permanency.** (a) To be eligible for  
7.28 guardianship assistance, the legally responsible agency must complete the following  
7.29 determinations regarding permanency for the child prior to the transfer of permanent  
7.30 legal and physical custody:

7.31 (1) a determination that reunification and adoption are not appropriate permanency  
7.32 options for the child; and

7.33 (2) a determination that the child demonstrates a strong attachment to the prospective  
7.34 relative custodian and the prospective relative custodian has a strong commitment to  
7.35 caring permanently for the child.

8.1 (b) The legally responsible agency shall document the determinations in paragraph  
8.2 (a) and ~~the~~ eligibility requirements in this section that comply with United States Code,  
8.3 title 42, sections 673(d) and 675(1)(F). These determinations must be documented in a  
8.4 kinship placement agreement, which must be in the format prescribed by the commissioner  
8.5 and must be signed by the prospective relative custodian and the legally responsible  
8.6 agency. In the case of a Minnesota tribe, the determinations and eligibility requirements  
8.7 in this section may be provided in an alternative format approved by the commissioner.  
8.8 Supporting information for completing each determination must be documented in the  
8.9 legally responsible agency's case file and ~~make them~~ available for review as requested  
8.10 by the financially responsible agency and the commissioner during the guardianship  
8.11 assistance eligibility determination process.

8.12 Sec. 11. Minnesota Statutes 2013 Supplement, section 256N.22, subdivision 4, is  
8.13 amended to read:

8.14 Subd. 4. **Background study.** (a) A background study ~~under section 245C.33~~ must be  
8.15 completed on each prospective relative custodian and any other adult residing in the home  
8.16 of the prospective relative custodian. The background study must meet the requirements of  
8.17 United States Code, title 42, section 671(a)(20). A study completed under section 245C.33  
8.18 meets this requirement. A background study on the prospective relative custodian or adult  
8.19 residing in the household previously completed under ~~section 245C.04~~ chapter 245C for the  
8.20 purposes of child foster care licensure ~~may~~ under chapter 245A or licensure by a Minnesota  
8.21 tribe, shall be used for the purposes of this section, provided that the background study is  
8.22 ~~current~~ meets the requirements of this subdivision and the prospective relative custodian is  
8.23 a licensed child foster parent at the time of the application for guardianship assistance.

8.24 (b) If the background study reveals:

8.25 (1) a felony conviction at any time for:

8.26 (i) child abuse or neglect;

8.27 (ii) spousal abuse;

8.28 (iii) a crime against a child, including child pornography; or

8.29 (iv) a crime involving violence, including rape, sexual assault, or homicide, but not  
8.30 including other physical assault or battery; or

8.31 (2) a felony conviction within the past five years for:

8.32 (i) physical assault;

8.33 (ii) battery; or

8.34 (iii) a drug-related offense;

9.1 the prospective relative custodian is prohibited from receiving guardianship assistance  
 9.2 on behalf of an otherwise eligible child.

9.3 Sec. 12. Minnesota Statutes 2013 Supplement, section 256N.22, subdivision 6, is  
 9.4 amended to read:

9.5 Subd. 6. **Exclusions.** (a) A child with a guardianship assistance agreement under  
 9.6 Northstar Care for Children is not eligible for the Minnesota family investment program  
 9.7 child-only grant under chapter 256J.

9.8 (b) The commissioner shall not enter into a guardianship assistance agreement with:

9.9 (1) a child's biological parent or stepparent;

9.10 (2) an individual assuming permanent legal and physical custody of a child or the  
 9.11 equivalent under tribal code without involvement of the child welfare system; or

9.12 (3) an individual assuming permanent legal and physical custody of a child who was  
 9.13 placed in Minnesota by another state or a tribe outside of Minnesota.

9.14 Sec. 13. Minnesota Statutes 2013 Supplement, section 256N.23, subdivision 1, is  
 9.15 amended to read:

9.16 Subdivision 1. **General eligibility requirements.** (a) To be eligible for Northstar  
 9.17 adoption assistance under this section, a child must:

9.18 (1) be determined to be a child with special needs under subdivision 2;

9.19 (2) meet the applicable citizenship and immigration requirements in subdivision 3;

9.20 (3)(i) meet the criteria in section 473 of the Social Security Act; or

9.21 (ii) have had foster care payments paid on the child's behalf while in out-of-home

9.22 placement through the county social service agency ~~or tribe and be either under the~~

9.23 tribal social service agency prior to the issuance of a court order transferring the child's

9.24 guardianship of ~~to~~ the commissioner or ~~under the jurisdiction of a Minnesota tribe and~~

9.25 ~~adoption, according to tribal law, is in the child's documented permanency plan~~ making

9.26 the child a ward of the tribe; and

9.27 (4) have a written, binding agreement under section 256N.25 among the adoptive

9.28 parent, the financially responsible agency, or, if there is no financially responsible agency,

9.29 the agency designated by the commissioner, and the commissioner established prior to

9.30 finalization of the adoption.

9.31 (b) In addition to the requirements in paragraph (a), an eligible child's adoptive parent

9.32 or parents must meet the applicable background study requirements in subdivision 4.

9.33 (c) A child who meets all eligibility criteria except those specific to title IV-E adoption

9.34 assistance shall receive adoption assistance paid through funds other than title IV-E.

10.1 (d) A child receiving Northstar kinship assistance payments under section 256N.22  
 10.2 is eligible for Northstar adoption assistance when the criteria in paragraph (a) are met and  
 10.3 the child's legal custodian is adopting the child.

10.4 Sec. 14. Minnesota Statutes 2013 Supplement, section 256N.23, subdivision 4, is  
 10.5 amended to read:

10.6 Subd. 4. **Background study.** (a) A background study under section 259.41 must be  
 10.7 completed on each prospective adoptive parent; and all other adults residing in the home.  
 10.8 A background study must meet the requirements of United States Code, title 42, section  
 10.9 671(a)(20). A study completed under section 245C.33 meets this requirement. If the  
 10.10 prospective adoptive parent is a licensed child foster parent licensed under chapter 245A  
 10.11 or by a Minnesota tribe, the background study previously completed for the purposes of  
 10.12 child foster care licensure shall be used for the purpose of this section, provided that the  
 10.13 background study meets all other requirements of this subdivision and the prospective  
 10.14 adoptive parent is a licensed child foster parent at the time of the application for adoption  
 10.15 assistance.

10.16 (b) If the background study reveals:

10.17 (1) a felony conviction at any time for:

10.18 (i) child abuse or neglect;

10.19 (ii) spousal abuse;

10.20 (iii) a crime against a child, including child pornography; or

10.21 (iv) a crime involving violence, including rape, sexual assault, or homicide, but not  
 10.22 including other physical assault or battery; or

10.23 (2) a felony conviction within the past five years for:

10.24 (i) physical assault;

10.25 (ii) battery; or

10.26 (iii) a drug-related offense;

10.27 the adoptive parent is prohibited from receiving adoption assistance on behalf of an  
 10.28 otherwise eligible child.

10.29 Sec. 15. Minnesota Statutes 2013 Supplement, section 256N.24, subdivision 9, is  
 10.30 amended to read:

10.31 Subd. 9. **Timing of and requests for reassessments.** Reassessments for an eligible  
 10.32 child must be completed within 30 days of any of the following events:

10.33 (1) for a child in continuous foster care, when six months have elapsed since  
 10.34 completion of the last assessment the initial assessment, and annually thereafter;

- 11.1 (2) for a child in continuous foster care, change of placement location;  
 11.2 (3) for a child in foster care, at the request of the financially responsible agency or  
 11.3 legally responsible agency;  
 11.4 (4) at the request of the commissioner; or  
 11.5 (5) at the request of the caregiver under subdivision ~~9~~ 10.

11.6 Sec. 16. Minnesota Statutes 2013 Supplement, section 256N.24, subdivision 10,  
 11.7 is amended to read:

11.8 Subd. 10. **Caregiver requests for reassessments.** (a) A caregiver may initiate  
 11.9 a reassessment request for an eligible child in writing to the financially responsible  
 11.10 agency or, if there is no financially responsible agency, the agency designated by the  
 11.11 commissioner. The written request must include the reason for the request and the  
 11.12 name, address, and contact information of the caregivers. ~~For an eligible child with a~~  
 11.13 ~~guardianship assistance or adoption assistance agreement,~~ The caregiver may request a  
 11.14 reassessment if at least six months have elapsed since any ~~previously requested review~~  
 11.15 previous assessment or reassessment. ~~For an eligible foster child, a foster parent may~~  
 11.16 ~~request reassessment in less than six months with written documentation that there have~~  
 11.17 ~~been significant changes in the child's needs that necessitate an earlier reassessment.~~

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

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

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

11.32 Sec. 17. Minnesota Statutes 2013 Supplement, section 256N.25, subdivision 2, is  
 11.33 amended to read:

12.1 Subd. 2. **Negotiation of agreement.** (a) When a child is determined to be eligible  
12.2 for guardianship assistance or adoption assistance, the financially responsible agency, or,  
12.3 if there is no financially responsible agency, the agency designated by the commissioner,  
12.4 must negotiate with the caregiver to develop an agreement under subdivision 1. If and when  
12.5 the caregiver and agency reach concurrence as to the terms of the agreement, both parties  
12.6 shall sign the agreement. The agency must submit the agreement, along with the eligibility  
12.7 determination outlined in sections 256N.22, subdivision 7, and 256N.23, subdivision 7, to  
12.8 the commissioner for final review, approval, and signature according to subdivision 1.

12.9 (b) A monthly payment is provided as part of the adoption assistance or guardianship  
12.10 assistance agreement to support the care of children unless the child is eligible for adoption  
12.11 assistance and determined to be an at-risk child, in which case ~~the special at-risk monthly~~  
12.12 ~~payment under section 256N.26, subdivision 7, must no payment will be made unless and~~  
12.13 until the caregiver obtains written documentation from a qualified expert that the potential  
12.14 disability upon which eligibility for the agreement was based has manifested itself.

12.15 (1) The amount of the payment made on behalf of a child eligible for guardianship  
12.16 assistance or adoption assistance is determined through agreement between the prospective  
12.17 relative custodian or the adoptive parent and the financially responsible agency, or, if there  
12.18 is no financially responsible agency, the agency designated by the commissioner, using  
12.19 the assessment tool established by the commissioner in section 256N.24, subdivision 2,  
12.20 and the associated benefit and payments outlined in section 256N.26. Except as provided  
12.21 under section 256N.24, subdivision 1, paragraph (c), the assessment tool establishes  
12.22 the monthly benefit level for a child under foster care. The monthly payment under a  
12.23 guardianship assistance agreement or adoption assistance agreement may be negotiated up  
12.24 to the monthly benefit level under foster care. In no case may the amount of the payment  
12.25 under a guardianship assistance agreement or adoption assistance agreement exceed the  
12.26 foster care maintenance payment which would have been paid during the month if the  
12.27 child with respect to whom the guardianship assistance or adoption assistance payment is  
12.28 made had been in a foster family home in the state.

12.29 (2) The rate schedule for the agreement is determined based on the age of the  
12.30 child on the date that the prospective adoptive parent or parents or relative custodian or  
12.31 custodians sign the agreement.

12.32 (3) The income of the relative custodian or custodians or adoptive parent or parents  
12.33 must not be taken into consideration when determining eligibility for guardianship  
12.34 assistance or adoption assistance or the amount of the payments under section 256N.26.

12.35 (4) With the concurrence of the relative custodian or adoptive parent, the amount of  
12.36 the payment may be adjusted periodically using the assessment tool established by the

13.1 commissioner in section 256N.24, subdivision 2, and the agreement renegotiated under  
13.2 subdivision 3 when there is a change in the child's needs or the family's circumstances.

13.3 ~~(5) The guardianship assistance or adoption assistance agreement of a child who is~~  
13.4 ~~identified as at-risk receives the special at-risk monthly payment under section 256N.26,~~  
13.5 ~~subdivision 7, unless and until the potential disability manifests itself, as documented by~~  
13.6 ~~an appropriate professional, and the commissioner authorizes commencement of payment~~  
13.7 ~~by modifying the agreement accordingly. A relative custodian or An adoptive parent~~  
13.8 ~~of an at-risk child with a guardianship assistance or an adoption assistance agreement~~  
13.9 ~~may request a reassessment of the child under section 256N.24, subdivision 9 10, and~~  
13.10 ~~renegotiation of the guardianship assistance or adoption assistance agreement under~~  
13.11 ~~subdivision 3 to include a monthly payment, if the caregiver has written documentation~~  
13.12 ~~from a qualified expert that the potential disability upon which eligibility for the agreement~~  
13.13 ~~was based has manifested itself. Documentation of the disability must be limited to~~  
13.14 ~~evidence deemed appropriate by the commissioner.~~

13.15 (c) For guardianship assistance agreements:

13.16 (1) the initial amount of the monthly guardianship assistance payment must be  
13.17 equivalent to the foster care rate in effect at the time that the agreement is signed less any  
13.18 offsets under section 256N.26, subdivision 11, or a lesser negotiated amount if agreed to  
13.19 by the prospective relative custodian and specified in that agreement, unless ~~the child is~~  
13.20 ~~identified as at-risk or~~ the guardianship assistance agreement is entered into when a child  
13.21 is under the age of six; and

13.22 ~~(2) an at-risk child must be assigned level A as outlined in section 256N.26 and~~  
13.23 ~~receive the special at-risk monthly payment under section 256N.26, subdivision 7, unless~~  
13.24 ~~and until the potential disability manifests itself, as documented by a qualified expert, and~~  
13.25 ~~the commissioner authorizes commencement of payment by modifying the agreement~~  
13.26 ~~accordingly; and~~

13.27 ~~(3) (2)~~ the amount of the monthly payment for a guardianship assistance agreement  
13.28 for a child, ~~other than an at-risk child,~~ who is under the age of six must be as specified in  
13.29 section 256N.26, subdivision 5.

13.30 (d) For adoption assistance agreements:

13.31 (1) for a child in foster care with the prospective adoptive parent immediately prior  
13.32 to adoptive placement, the initial amount of the monthly adoption assistance payment  
13.33 must be equivalent to the foster care rate in effect at the time that the agreement is signed  
13.34 less any offsets in section 256N.26, subdivision 11, or a lesser negotiated amount if agreed  
13.35 to by the prospective adoptive parents and specified in that agreement, unless the child is

14.1 identified as at-risk or the adoption assistance agreement is entered into when a child is  
14.2 under the age of six;

14.3 (2) for an at-risk child who must be assigned level A as outlined in section  
14.4 256N.26 and receive the special at-risk monthly payment under section 256N.26,  
14.5 subdivision 7, no payment will be made unless and until the potential disability manifests  
14.6 itself, as documented by an appropriate professional, and the commissioner authorizes  
14.7 commencement of payment by modifying the agreement accordingly;

14.8 (3) the amount of the monthly payment for an adoption assistance agreement for  
14.9 a child under the age of six, other than an at-risk child, must be as specified in section  
14.10 256N.26, subdivision 5;

14.11 (4) for a child who is in the guardianship assistance program immediately prior  
14.12 to adoptive placement, the initial amount of the adoption assistance payment must be  
14.13 equivalent to the guardianship assistance payment in effect at the time that the adoption  
14.14 assistance agreement is signed or a lesser amount if agreed to by the prospective adoptive  
14.15 parent and specified in that agreement, unless the child is identified as an at-risk child; and

14.16 (5) for a child who is not in foster care placement or the guardianship assistance  
14.17 program immediately prior to adoptive placement or negotiation of the adoption assistance  
14.18 agreement, the initial amount of the adoption assistance agreement must be determined  
14.19 using the assessment tool and process in this section and the corresponding payment  
14.20 amount outlined in section 256N.26.

14.21 Sec. 18. Minnesota Statutes 2013 Supplement, section 256N.25, subdivision 3, is  
14.22 amended to read:

14.23 Subd. 3. **Renegotiation of agreement.** (a) A relative custodian or adoptive  
14.24 parent of a child with a guardianship assistance or adoption assistance agreement may  
14.25 request renegotiation of the agreement when there is a change in the needs of the child  
14.26 or in the family's circumstances. When a relative custodian or adoptive parent requests  
14.27 renegotiation of the agreement, a reassessment of the child must be completed consistent  
14.28 with section 256N.24, subdivisions 9 and 10. If the reassessment indicates that the  
14.29 child's level has changed, the financially responsible agency or, if there is no financially  
14.30 responsible agency, the agency designated by the commissioner or the commissioner's  
14.31 designee, and the caregiver must renegotiate the agreement to include a payment with  
14.32 the level determined through the reassessment process. The agreement must not be  
14.33 renegotiated unless the commissioner, the financially responsible agency, and the caregiver  
14.34 mutually agree to the changes. The effective date of any renegotiated agreement must be  
14.35 determined by the commissioner.

15.1           (b) ~~A relative custodian or~~ An adoptive parent of an at-risk child with a ~~guardianship~~  
 15.2 ~~assistance or an~~ adoption assistance agreement may request renegotiation of the agreement  
 15.3 to include a monthly payment ~~higher than the special at-risk monthly payment~~ under  
 15.4 section 256N.26, ~~subdivision 7~~, if the caregiver has written documentation from a  
 15.5 qualified expert that the potential disability upon which eligibility for the agreement  
 15.6 was based has manifested itself. Documentation of the disability must be limited to  
 15.7 evidence deemed appropriate by the commissioner. Prior to renegotiating the agreement, a  
 15.8 reassessment of the child must be conducted as outlined in section 256N.24, subdivision  
 15.9 9. The reassessment must be used to renegotiate the agreement to include an appropriate  
 15.10 monthly payment. The agreement must not be renegotiated unless the commissioner, the  
 15.11 financially responsible agency, and the caregiver mutually agree to the changes. The  
 15.12 effective date of any renegotiated agreement must be determined by the commissioner.

15.13           (c) Renegotiation of a guardianship assistance or adoption assistance agreement is  
 15.14 required when one of the circumstances outlined in section 256N.26, subdivision 13,  
 15.15 occurs.

15.16           Sec. 19. Minnesota Statutes 2013 Supplement, section 256N.26, subdivision 1, is  
 15.17 amended to read:

15.18           Subdivision 1. **Benefits.** (a) There are three benefits under Northstar Care for  
 15.19 Children: medical assistance, basic payment, and supplemental difficulty of care payment.

15.20           (b) A child is eligible for medical assistance under subdivision 2.

15.21           (c) A child is eligible for the basic payment under subdivision 3, except for a child  
 15.22 assigned level A under section 256N.24, subdivision 1, because the child is determined to  
 15.23 be an at-risk child receiving ~~guardianship assistance or~~ adoption assistance.

15.24           (d) A child, including a foster child age 18 to 21, is eligible for an additional  
 15.25 supplemental difficulty of care payment under subdivision 4, as determined by the  
 15.26 assessment under section 256N.24.

15.27           (e) An eligible child entering guardianship assistance or adoption assistance under  
 15.28 the age of six receives a basic payment and supplemental difficulty of care payment as  
 15.29 specified in subdivision 5.

15.30           (f) A child transitioning in from a pre-Northstar Care for Children program under  
 15.31 section 256N.28, subdivision 7, shall receive basic and difficulty of care supplemental  
 15.32 payments according to those provisions.

15.33           Sec. 20. Minnesota Statutes 2013 Supplement, section 256N.27, subdivision 4, is  
 15.34 amended to read:

16.1 Subd. 4. **Nonfederal share.** (a) The commissioner shall establish a percentage share  
16.2 of the maintenance payments, reduced by federal reimbursements under title IV-E of the  
16.3 Social Security Act, to be paid by the state and to be paid by the financially responsible  
16.4 agency.

16.5 (b) These state and local shares must initially be calculated based on the ratio of the  
16.6 average appropriate expenditures made by the state and all financially responsible agencies  
16.7 during calendar years 2011, 2012, 2013, and 2014. For purposes of this calculation,  
16.8 appropriate expenditures for the financially responsible agencies must include basic and  
16.9 difficulty of care payments for foster care reduced by federal reimbursements, but not  
16.10 including any initial clothing allowance, administrative payments to child care agencies  
16.11 specified in section 317A.907, child care, or other support or ancillary expenditures. For  
16.12 purposes of this calculation, appropriate expenditures for the state shall include adoption  
16.13 assistance and relative custody assistance, reduced by federal reimbursements.

16.14 (c) For each of the periods January 1, 2015, to June 30, 2016, and fiscal years 2017,  
16.15 2018, and 2019, the commissioner shall adjust this initial percentage of state and local  
16.16 shares to reflect the relative expenditure trends during calendar years 2011, 2012, 2013, and  
16.17 2014, taking into account appropriations for Northstar Care for Children and the turnover  
16.18 rates of the components. In making these adjustments, the commissioner's goal shall be to  
16.19 make these state and local expenditures other than the appropriations for Northstar Care  
16.20 for Children to be the same as they would have been had Northstar Care for Children not  
16.21 been implemented, or if that is not possible, proportionally higher or lower, as appropriate.  
16.22 Except for adjustments so that the costs of the phase-in are borne by the state, the state and  
16.23 local share percentages for fiscal year 2019 must be used for all subsequent years.

16.24 Sec. 21. Minnesota Statutes 2012, section 257.85, subdivision 11, is amended to read:

16.25 Subd. 11. **Financial considerations.** (a) Payment of relative custody assistance  
16.26 under a relative custody assistance agreement is subject to the availability of state funds  
16.27 and payments may be reduced or suspended on order of the commissioner if insufficient  
16.28 funds are available.

16.29 (b) ~~Upon receipt from a local agency of a claim for reimbursement, the commissioner~~  
16.30 ~~shall reimburse the local agency in an amount equal to 100 percent of the relative custody~~  
16.31 ~~assistance payments provided to relative custodians. The A local agency may not seek and~~  
16.32 ~~the commissioner shall not provide reimbursement for the administrative costs associated~~  
16.33 ~~with performing the duties described in subdivision 4.~~

17.1 (c) For the purposes of determining eligibility or payment amounts under MFIP,  
17.2 relative custody assistance payments shall be excluded in determining the family's  
17.3 available income.

17.4 (d) For expenditures made on or before December 31, 2014, upon receipt from a  
17.5 local agency of a claim for reimbursement, the commissioner shall reimburse the local  
17.6 agency in an amount equal to 100 percent of the relative custody assistance payments  
17.7 provided to relative custodians.

17.8 (e) For expenditures made on or after January 1, 2015, upon receipt from a local  
17.9 agency of a claim for reimbursement, the commissioner shall reimburse the local agency as  
17.10 part of the Northstar Care for Children fiscal reconciliation process under section 256N.27.

17.11 Sec. 22. Minnesota Statutes 2012, section 260C.212, subdivision 1, is amended to read:

17.12 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan  
17.13 shall be prepared within 30 days after any child is placed in foster care by court order or a  
17.14 voluntary placement agreement between the responsible social services agency and the  
17.15 child's parent pursuant to section 260C.227 or chapter 260D.

17.16 (b) An out-of-home placement plan means a written document which is prepared  
17.17 by the responsible social services agency jointly with the parent or parents or guardian  
17.18 of the child and in consultation with the child's guardian ad litem, the child's tribe, if the  
17.19 child is an Indian child, the child's foster parent or representative of the foster care facility,  
17.20 and, where appropriate, the child. For a child in voluntary foster care for treatment under  
17.21 chapter 260D, preparation of the out-of-home placement plan shall additionally include  
17.22 the child's mental health treatment provider. As appropriate, the plan shall be:

17.23 (1) submitted to the court for approval under section 260C.178, subdivision 7;

17.24 (2) ordered by the court, either as presented or modified after hearing, under section  
17.25 260C.178, subdivision 7, or 260C.201, subdivision 6; and

17.26 (3) signed by the parent or parents or guardian of the child, the child's guardian ad  
17.27 litem, a representative of the child's tribe, the responsible social services agency, and, if  
17.28 possible, the child.

17.29 (c) The out-of-home placement plan shall be explained to all persons involved in its  
17.30 implementation, including the child who has signed the plan, and shall set forth:

17.31 (1) a description of the foster care home or facility selected, including how the  
17.32 out-of-home placement plan is designed to achieve a safe placement for the child in the  
17.33 least restrictive, most family-like, setting available which is in close proximity to the home  
17.34 of the parent or parents or guardian of the child when the case plan goal is reunification,

18.1 and how the placement is consistent with the best interests and special needs of the child  
18.2 according to the factors under subdivision 2, paragraph (b);

18.3 (2) the specific reasons for the placement of the child in foster care, and when  
18.4 reunification is the plan, a description of the problems or conditions in the home of the  
18.5 parent or parents which necessitated removal of the child from home and the changes the  
18.6 parent or parents must make in order for the child to safely return home;

18.7 (3) a description of the services offered and provided to prevent removal of the child  
18.8 from the home and to reunify the family including:

18.9 (i) the specific actions to be taken by the parent or parents of the child to eliminate  
18.10 or correct the problems or conditions identified in clause (2), and the time period during  
18.11 which the actions are to be taken; and

18.12 (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made  
18.13 to achieve a safe and stable home for the child including social and other supportive  
18.14 services to be provided or offered to the parent or parents or guardian of the child, the  
18.15 child, and the residential facility during the period the child is in the residential facility;

18.16 (4) a description of any services or resources that were requested by the child or the  
18.17 child's parent, guardian, foster parent, or custodian since the date of the child's placement  
18.18 in the residential facility, and whether those services or resources were provided and if  
18.19 not, the basis for the denial of the services or resources;

18.20 (5) the visitation plan for the parent or parents or guardian, other relatives as defined  
18.21 in section 260C.007, subdivision 27, and siblings of the child if the siblings are not placed  
18.22 together in foster care, and whether visitation is consistent with the best interest of the  
18.23 child, during the period the child is in foster care;

18.24 (6) when a child cannot return to or be in the care of either parent, documentation of  
18.25 steps to finalize the permanency plan for the child, including:

18.26 (i) reasonable efforts to place the child for adoption or legal guardianship of the child  
18.27 if the court has issued an order terminating the rights of both parents of the child or of the  
18.28 only known, living parent of the child. At a minimum, the documentation must include  
18.29 consideration of whether adoption is in the best interests of the child, child-specific  
18.30 recruitment efforts such as relative search and the use of state, regional, and national  
18.31 adoption exchanges to facilitate orderly and timely placements in and outside of the state.  
18.32 A copy of this documentation shall be provided to the court in the review required under  
18.33 section 260C.317, subdivision 3, paragraph (b); and

18.34 (ii) documentation necessary to support the requirements of the kinship placement  
18.35 agreement under section 256N.22 when adoption is determined not to be in the child's  
18.36 best interest;

- 19.1 (7) efforts to ensure the child's educational stability while in foster care, including:
- 19.2 (i) efforts to ensure that the child remains in the same school in which the child was
- 19.3 enrolled prior to placement or upon the child's move from one placement to another,
- 19.4 including efforts to work with the local education authorities to ensure the child's
- 19.5 educational stability; or
- 19.6 (ii) if it is not in the child's best interest to remain in the same school that the child
- 19.7 was enrolled in prior to placement or move from one placement to another, efforts to
- 19.8 ensure immediate and appropriate enrollment for the child in a new school;
- 19.9 (8) the educational records of the child including the most recent information
- 19.10 available regarding:
- 19.11 (i) the names and addresses of the child's educational providers;
- 19.12 (ii) the child's grade level performance;
- 19.13 (iii) the child's school record;
- 19.14 (iv) a statement about how the child's placement in foster care takes into account
- 19.15 proximity to the school in which the child is enrolled at the time of placement; and
- 19.16 (v) any other relevant educational information;
- 19.17 (9) the efforts by the local agency to ensure the oversight and continuity of health
- 19.18 care services for the foster child, including:
- 19.19 (i) the plan to schedule the child's initial health screens;
- 19.20 (ii) how the child's known medical problems and identified needs from the screens,
- 19.21 including any known communicable diseases, as defined in section 144.4172, subdivision
- 19.22 2, will be monitored and treated while the child is in foster care;
- 19.23 (iii) how the child's medical information will be updated and shared, including
- 19.24 the child's immunizations;
- 19.25 (iv) who is responsible to coordinate and respond to the child's health care needs,
- 19.26 including the role of the parent, the agency, and the foster parent;
- 19.27 (v) who is responsible for oversight of the child's prescription medications;
- 19.28 (vi) how physicians or other appropriate medical and nonmedical professionals
- 19.29 will be consulted and involved in assessing the health and well-being of the child and
- 19.30 determine the appropriate medical treatment for the child; and
- 19.31 (vii) the responsibility to ensure that the child has access to medical care through
- 19.32 either medical insurance or medical assistance;
- 19.33 (10) the health records of the child including information available regarding:
- 19.34 (i) the names and addresses of the child's health care and dental care providers;
- 19.35 (ii) a record of the child's immunizations;

20.1 (iii) the child's known medical problems, including any known communicable  
20.2 diseases as defined in section 144.4172, subdivision 2;

20.3 (iv) the child's medications; and

20.4 (v) any other relevant health care information such as the child's eligibility for  
20.5 medical insurance or medical assistance;

20.6 (11) an independent living plan for a child age 16 or older. The plan should include,  
20.7 but not be limited to, the following objectives:

20.8 (i) educational, vocational, or employment planning;

20.9 (ii) health care planning and medical coverage;

20.10 (iii) transportation including, where appropriate, assisting the child in obtaining a  
20.11 driver's license;

20.12 (iv) money management, including the responsibility of the agency to ensure that  
20.13 the youth annually receives, at no cost to the youth, a consumer report as defined under  
20.14 section 13C.001 and assistance in interpreting and resolving any inaccuracies in the report;

20.15 (v) planning for housing;

20.16 (vi) social and recreational skills; and

20.17 (vii) establishing and maintaining connections with the child's family and  
20.18 community; and

20.19 (12) for a child in voluntary foster care for treatment under chapter 260D, diagnostic  
20.20 and assessment information, specific services relating to meeting the mental health care  
20.21 needs of the child, and treatment outcomes.

20.22 (d) The parent or parents or guardian and the child each shall have the right to legal  
20.23 counsel in the preparation of the case plan and shall be informed of the right at the time  
20.24 of placement of the child. The child shall also have the right to a guardian ad litem.  
20.25 If unable to employ counsel from their own resources, the court shall appoint counsel  
20.26 upon the request of the parent or parents or the child or the child's legal guardian. The  
20.27 parent or parents may also receive assistance from any person or social services agency  
20.28 in preparation of the case plan.

20.29 After the plan has been agreed upon by the parties involved or approved or ordered  
20.30 by the court, the foster parents shall be fully informed of the provisions of the case plan  
20.31 and shall be provided a copy of the plan.

20.32 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and  
20.33 physical custodian, as appropriate, and the child, if appropriate, must be provided with  
20.34 a current copy of the child's health and education record.

20.35 Sec. 23. Minnesota Statutes 2012, section 260C.515, subdivision 4, is amended to read:

21.1 Subd. 4. **Custody to relative.** The court may order permanent legal and physical  
21.2 custody to a fit and willing relative in the best interests of the child according to the  
21.3 following ~~conditions~~ requirements:

21.4 (1) an order for transfer of permanent legal and physical custody to a relative shall  
21.5 only be made after the court has reviewed the suitability of the prospective legal and  
21.6 physical custodian, including a review of the background study required under sections  
21.7 245C.33 and 256N.22, subdivision 4;

21.8 (2) in transferring permanent legal and physical custody to a relative, the juvenile  
21.9 court shall follow the standards applicable under this chapter and chapter 260, and the  
21.10 procedures in the Minnesota Rules of Juvenile Protection Procedure;

21.11 (3) a transfer of legal and physical custody includes responsibility for the protection,  
21.12 education, care, and control of the child and decision making on behalf of the child;

21.13 (4) a permanent legal and physical custodian may not return a child to the permanent  
21.14 care of a parent from whom the court removed custody without the court's approval and  
21.15 without notice to the responsible social services agency;

21.16 (5) the social services agency may file a petition naming a fit and willing relative as  
21.17 a proposed permanent legal and physical custodian. A petition for transfer of permanent  
21.18 legal and physical custody to a relative who is not a parent shall be accompanied by a  
21.19 kinship placement agreement under section 256N.22, subdivision 2, between the agency  
21.20 and proposed permanent legal and physical custodian;

21.21 (6) another party to the permanency proceeding regarding the child may file a  
21.22 petition to transfer permanent legal and physical custody to a relative, ~~but the~~. The petition  
21.23 must include facts upon which the court can make the determination required under clause  
21.24 (7) and must be filed not later than the date for the required admit-deny hearing under  
21.25 section 260C.507; or if the agency's petition is filed under section 260C.503, subdivision  
21.26 2, the petition must be filed not later than 30 days prior to the trial required under section  
21.27 260C.509; and

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

21.30 (i) transfer of permanent legal and physical custody and receipt of Northstar kinship  
21.31 assistance under chapter 256N, when requested and the child is eligible, is in the child's  
21.32 best interests;

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

22.1 (iii) the agency made efforts to discuss adoption with the child's parent or parents,  
 22.2 or the agency did not make efforts to discuss adoption and the reasons why efforts were  
 22.3 not made; and

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

22.5 (8) the court may defer finalization of an order transferring permanent legal and  
 22.6 physical custody to a relative when deferring finalization is necessary to determine  
 22.7 eligibility for Northstar kinship assistance under chapter 256N; and

22.8 ~~(7)~~ (9) the juvenile court may maintain jurisdiction over the responsible social  
 22.9 services agency, the parents or guardian of the child, the child, and the permanent legal  
 22.10 and physical custodian for purposes of ensuring appropriate services are delivered to the  
 22.11 child and permanent legal custodian for the purpose of ensuring conditions ordered by the  
 22.12 court related to the care and custody of the child are met.

22.13 Sec. 24. Minnesota Statutes 2012, section 260C.611, is amended to read:

22.14 **260C.611 ADOPTION STUDY REQUIRED.**

22.15 (a) An adoption study under section 259.41 approving placement of the child in the  
 22.16 home of the prospective adoptive parent shall be completed before placing any child under  
 22.17 the guardianship of the commissioner in a home for adoption. If a prospective adoptive  
 22.18 parent has a current child foster care license under chapter 245A and is seeking to adopt  
 22.19 a foster child who is placed in the prospective adoptive parent's home and is under the  
 22.20 guardianship of the commissioner according to section 260C.325, subdivision 1, the child  
 22.21 foster care home study meets the requirements of this section for an approved adoption  
 22.22 home study if:

22.23 (1) the written home study on which the foster care license was based is completed  
 22.24 in the commissioner's designated format, consistent with the requirements in sections  
 22.25 260C.215, subdivision 4, clause (5); and 259.41, subdivision 2; and Minnesota Rules,  
 22.26 part 2960.3060, subpart 4;

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

22.29 (3) the commissioner has not issued, within the last three years, a sanction on the  
 22.30 license under section 245A.07 or an order of a conditional license under section 245A.06;  
 22.31 and

22.32 (4) the legally responsible agency determines that the individual needs of the child  
 22.33 are being met by the prospective adoptive parent through an assessment under section  
 22.34 256N.24, subdivision 2, or a documented placement decision consistent with section  
 22.35 260C.212, subdivision 2.

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

23.6 Sec. 25. **REVISOR'S INSTRUCTION.**

23.7 The revisor of statutes shall change the term "guardianship assistance" to "Northstar  
 23.8 kinship assistance" wherever it appears in Minnesota Statutes and Minnesota Rules to  
 23.9 refer to the program components related to Northstar Care for Children under Minnesota  
 23.10 Statutes, chapter 256N.

23.11 Sec. 26. **REPEALER.**

23.12 Minnesota Statutes 2013 Supplement, section 256N.26, subdivision 7, is repealed.

## 23.13 **ARTICLE 2**

### 23.14 **OTHER CHILDREN AND FAMILY SERVICES PROVISIONS**

23.15 Section 1. Minnesota Statutes 2013 Supplement, section 256D.44, subdivision 5,  
 23.16 is amended to read:

23.17 Subd. 5. **Special needs.** In addition to the state standards of assistance established in  
 23.18 subdivisions 1 to 4, payments are allowed for the following special needs of recipients of  
 23.19 Minnesota supplemental aid who are not residents of a nursing home, a regional treatment  
 23.20 center, or a group residential housing facility.

23.21 (a) The county agency shall pay a monthly allowance for medically prescribed  
 23.22 diets if the cost of those additional dietary needs cannot be met through some other  
 23.23 maintenance benefit. The need for special diets or dietary items must be prescribed by  
 23.24 a licensed physician. Costs for special diets shall be determined as percentages of the  
 23.25 allotment for a one-person household under the thrifty food plan as defined by the United  
 23.26 States Department of Agriculture. The types of diets and the percentages of the thrifty  
 23.27 food plan that are covered are as follows:

23.28 (1) high protein diet, at least 80 grams daily, 25 percent of thrifty food plan;

23.29 (2) controlled protein diet, 40 to 60 grams and requires special products, 100 percent  
 23.30 of thrifty food plan;

23.31 (3) controlled protein diet, less than 40 grams and requires special products, 125  
 23.32 percent of thrifty food plan;

23.33 (4) low cholesterol diet, 25 percent of thrifty food plan;

24.1 (5) high residue diet, 20 percent of thrifty food plan;

24.2 (6) pregnancy and lactation diet, 35 percent of thrifty food plan;

24.3 (7) gluten-free diet, 25 percent of thrifty food plan;

24.4 (8) lactose-free diet, 25 percent of thrifty food plan;

24.5 (9) antidumping diet, 15 percent of thrifty food plan;

24.6 (10) hypoglycemic diet, 15 percent of thrifty food plan; or

24.7 (11) ketogenic diet, 25 percent of thrifty food plan.

24.8 (b) Payment for nonrecurring special needs must be allowed for necessary home  
24.9 repairs or necessary repairs or replacement of household furniture and appliances using  
24.10 the payment standard of the AFDC program in effect on July 16, 1996, for these expenses,  
24.11 as long as other funding sources are not available.

24.12 (c) A fee for guardian or conservator service is allowed at a reasonable rate  
24.13 negotiated by the county or approved by the court. This rate shall not exceed five percent  
24.14 of the assistance unit's gross monthly income up to a maximum of \$100 per month. If the  
24.15 guardian or conservator is a member of the county agency staff, no fee is allowed.

24.16 (d) The county agency shall continue to pay a monthly allowance of \$68 for  
24.17 restaurant meals for a person who was receiving a restaurant meal allowance on June 1,  
24.18 1990, and who eats two or more meals in a restaurant daily. The allowance must continue  
24.19 until the person has not received Minnesota supplemental aid for one full calendar month  
24.20 or until the person's living arrangement changes and the person no longer meets the criteria  
24.21 for the restaurant meal allowance, whichever occurs first.

24.22 (e) A fee of ten percent of the recipient's gross income or \$25, whichever is less,  
24.23 is allowed for representative payee services provided by an agency that meets the  
24.24 requirements under SSI regulations to charge a fee for representative payee services. This  
24.25 special need is available to all recipients of Minnesota supplemental aid regardless of  
24.26 their living arrangement.

24.27 (f)(1) Notwithstanding the language in this subdivision, an amount equal to the  
24.28 maximum allotment authorized by the federal Food Stamp Program for a single individual  
24.29 which is in effect on the first day of July of each year will be added to the standards of  
24.30 assistance established in subdivisions 1 to 4 for adults under the age of 65 who qualify  
24.31 as shelter needy and are: (i) relocating from an institution, or an adult mental health  
24.32 residential treatment program under section 256B.0622; (ii) eligible for the self-directed  
24.33 supports option as defined under section 256B.0657, subdivision 2; or (iii) home and  
24.34 community-based waiver recipients living in their own home or rented or leased apartment  
24.35 which is not owned, operated, or controlled by a provider of service not related by blood  
24.36 or marriage, unless allowed under paragraph (g).

25.1 (2) Notwithstanding subdivision 3, paragraph (c), an individual eligible for the  
25.2 shelter needy benefit under this paragraph is considered a household of one. An eligible  
25.3 individual who receives this benefit prior to age 65 may continue to receive the benefit  
25.4 after the age of 65.

25.5 (3) "Shelter needy" means that the assistance unit incurs monthly shelter costs that  
25.6 exceed 40 percent of the assistance unit's gross income before the application of this  
25.7 special needs standard. "Gross income" for the purposes of this section is the applicant's or  
25.8 recipient's income as defined in section 256D.35, subdivision 10, or the standard specified  
25.9 in subdivision 3, paragraph (a) or (b), whichever is greater. A recipient of a federal or  
25.10 state housing subsidy, that limits shelter costs to a percentage of gross income, shall not be  
25.11 considered shelter needy for purposes of this paragraph.

25.12 (g) Notwithstanding this subdivision, to access housing and services as provided  
25.13 in paragraph (f), the recipient may choose housing that may be owned, operated, or  
25.14 controlled by the recipient's service provider. ~~In a multifamily building of more than four  
25.15 units, the maximum number of units that may be used by recipients of this program shall  
25.16 be the greater of four units or 25 percent of the units in the building, unless required by the  
25.17 Housing Opportunities for Persons with AIDS Program. In multifamily buildings of four  
25.18 or fewer units, all of the units may be used by recipients of this program.~~ When housing is  
25.19 controlled by the service provider, the individual may choose the individual's own service  
25.20 provider as provided in section 256B.49, subdivision 23, clause (3). When the housing is  
25.21 controlled by the service provider, the service provider shall implement a plan with the  
25.22 recipient to transition the lease to the recipient's name. Within two years of signing the  
25.23 initial lease, the service provider shall transfer the lease entered into under this subdivision  
25.24 to the recipient. In the event the landlord denies this transfer, the commissioner may  
25.25 approve an exception within sufficient time to ensure the continued occupancy by the  
25.26 recipient. This paragraph expires June 30, 2016.

25.27 Sec. 2. Minnesota Statutes 2012, section 256I.04, subdivision 2a, is amended to read:

25.28 Subd. 2a. **License required.** A county agency may not enter into an agreement with  
25.29 an establishment to provide group residential housing unless:

25.30 (1) the establishment is licensed by the Department of Health as a hotel and  
25.31 restaurant; a board and lodging establishment; a residential care home; a boarding care  
25.32 home before March 1, 1985; or a supervised living facility, and the service provider  
25.33 for residents of the facility is licensed under chapter 245A. However, an establishment  
25.34 licensed by the Department of Health to provide lodging need not also be licensed to

26.1 provide board if meals are being supplied to residents under a contract with a food vendor  
26.2 who is licensed by the Department of Health;

26.3 (2) the residence is: (i) licensed by the commissioner of human services under  
26.4 Minnesota Rules, parts 9555.5050 to 9555.6265; (ii) certified by a county human services  
26.5 agency prior to July 1, 1992, using the standards under Minnesota Rules, parts 9555.5050  
26.6 to 9555.6265; ~~or~~ (iii) a residence licensed by the commissioner under Minnesota Rules,  
26.7 parts 2960.0010 to 2960.0120, with a variance under section 245A.04, subdivision 9;  
26.8 or (iv) licensed by the commissioner as a community residential setting under sections  
26.9 245D.21 to 245D.26;

26.10 (3) the establishment is registered under chapter 144D and provides three meals a  
26.11 day, or is an establishment voluntarily registered under section 144D.025 as a supportive  
26.12 housing establishment; or

26.13 (4) an establishment voluntarily registered under section 144D.025, other than  
26.14 a supportive housing establishment under clause (3), is not eligible to provide group  
26.15 residential housing.

26.16 The requirements under clauses (1) to (4) do not apply to establishments exempt  
26.17 from state licensure because they are located on Indian reservations and subject to tribal  
26.18 health and safety requirements.

APPENDIX  
Article locations in S2240-1

ARTICLE 1 NORTHSTAR CARE FOR CHILDREN ..... Page.Ln 1.15  
ARTICLE 2 OTHER CHILDREN AND FAMILY SERVICES PROVISIONS ..... Page.Ln 23.13

**256N.26 BENEFITS AND PAYMENTS.**

Subd. 7. **Special at-risk monthly payment for at-risk children in guardianship assistance and adoption assistance.** A child eligible for guardianship assistance under section 256N.22 or adoption assistance under section 256N.23 who is determined to be an at-risk child shall receive a special at-risk monthly payment of \$1 per month basic, unless and until the potential disability manifests itself and the agreement is renegotiated to include reimbursement. Such an at-risk child shall receive neither a supplemental difficulty of care monthly rate under subdivision 4 nor home and vehicle modifications under subdivision 10, but must be considered for medical assistance under subdivision 2.